

2(a) or section 2(e)(3). Section 2(a) of the Trademark Act, 15 U.S.C. 1052(a), prohibits, inter alia, the registration of deceptive matter. Section 2(e)(3) of the Trademark Act, 15 U.S.C. 1052(e)(3), prohibits the registration of primarily geographically deceptively misdescriptive marks. Each Guide reviews and discusses case law regarding: (1) The elements of the refusal; (2) evidentiary issues with respect to the refusal; and (3) procedures for issuing refusals. The Guides may be found on the Office's Web site at: <http://www.uspto.gov/web/offices/tac/notices/notices.htm>.

The purpose of these Guides is to promote consistency in examination and to provide guidance to examining attorneys regarding when deceptiveness refusals must be issued. These Guides do not constitute substantive rulemaking and hence do not have the force and effect of law. They have been developed as a matter of internal Office management and are not intended to create any right or benefit, substantive or procedural, enforceable by any party against the Office. To the extent that earlier guidance from the Office, including certain sections of the Trademark Manual of Examining Procedure (TMEP), 5th edition, is inconsistent with the guidance set forth in the Guides, Office personnel are to follow the Guides. The next revision of the TMEP will be updated accordingly.

Any member of the public may submit written comments on either or both of the Guides. The Office will consider any comments received in connection with developing future examination guidance dealing with the subjects of the Guides. Persons submitting comments should note that the USPTO does not plan to provide a response to or analysis of any comments, as these Guides are not notices of proposed rulemaking.

Dated: July 6, 2009.

**John J. Doll,**

*Acting Under Secretary of Commerce for Intellectual Property and Acting Director of the United States Patent and Trademark Office.*

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## CONSUMER PRODUCT SAFETY COMMISSION

### Proposed Extension of Approval of Information Collection; Comment Request-Safety Standard for Walk-Behind Power Lawn Mowers

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice.

**SUMMARY:** As required by the Paperwork Reduction Act (44 U.S.C. Chapter 35), the Consumer Product Safety Commission (CPSC or Commission) requests comments on a proposed request for an extension of approval of a collection of information from manufacturers and importers of walk-behind power lawn mowers. This collection of information consists of testing and recordkeeping requirements in certification regulations implementing the Safety Standard for Walk-Behind Power Lawn Mowers (16 CFR Part 1205). The Commission will consider all comments received in response to this notice before requesting an extension of approval of this collection of information from the Office of Management and Budget (OMB).

**DATES:** The Office of the Secretary must receive written comments not later than September 11, 2009.

**ADDRESSES:** Written comments should be captioned "Walk-Behind Power Lawn Mowers" and sent by e-mail to [cpsc-os@cpsc.gov](mailto:cpsc-os@cpsc.gov). Written comments may also be sent to the Office of the Secretary by facsimile at (301) 504-0127, or by mail to the Office of the Secretary, Consumer Product Safety Commission, Room 502, 4330 East-West Highway, Bethesda, MD 20814.

**FOR FURTHER INFORMATION CONTACT:** For information about the proposed collection of information call or write Linda Glatz, Division of Policy and Planning, Office of Information Technology and Technology Services, Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814; telephone: (301) 504-7671 or by e-mail to [lglatz@cpsc.gov](mailto:lglatz@cpsc.gov).

**SUPPLEMENTARY INFORMATION:** In 1979, the Commission issued the Safety Standard for Walk-Behind Power Lawn Mowers (16 CFR Part 1205) under provisions of the Consumer Product Safety Act (CPSA) (15 U.S.C. 2051 *et seq.*) to eliminate or reduce risks of amputations, avulsions, lacerations, and other serious injuries which have resulted from the accidental contact of some part of an operator's body with the rotating blade of a power lawn mower. The standard contains performance and labeling requirements for walk-behind power lawn mowers to address risks of blade-contact injuries.

#### A. Certification Requirements

Section 14(a) of the CPSA (15 U.S.C. 2063(a)) requires manufacturers, importers, and private labelers of a consumer product subject to a consumer product safety standard under the CPSA

or similar rule, ban, standard, or regulation under any other act enforced by the Commission to issue a certificate stating that the product complies with all applicable rules, bans, standards or regulations. Section 14(a) of the CPSA also requires that the certificate of compliance must be based on a test of each product or upon a reasonable testing program and specify each such rule, ban, standard or regulation applicable to the product.

Section 14(b) of the CPSA (15 U.S.C. 2063(b)) authorizes the Commission to issue regulations to prescribe a reasonable testing program to support certificates of compliance with a consumer product safety standard under the CPSA or similar rule, ban, standard, or regulation under any other act enforced by the Commission. Section 16(b) of the CPSA (15 U.S.C. 2065(b)) authorizes the Commission to issue rules to require that firms "establish and maintain" records to permit the Commission to determine compliance with rules issued under the authority of the CPSA.

The Commission has issued regulations prescribing requirements for a reasonable testing program to support certificates of compliance with the standard for walk-behind power mowers under the CPSA. These regulations also require manufacturers, importers, and private labelers of walk-behind power mowers to establish and maintain records to demonstrate compliance with the requirements for testing to support certification of compliance. 16 CFR Part 1205, Subpart B.

The Commission uses the information compiled and maintained by manufacturers and importers of walk-behind power mowers to protect consumers from risks of injuries associated with walk-behind power lawn mowers. More specifically, the Commission uses this information to determine whether the mowers produced and imported comply with the applicable standard. The Commission also uses this information to obtain corrective actions if walk-behind power mowers fail to comply with the standard in a manner which creates a substantial risk of injury to the public.

OMB approved the collection of information requirements for walk-behind mowers under control number 3041-0091. OMB's most recent extension of approval will expire on September 30, 2009. The Commission proposes to request an extension of approval for these collection of information requirements.

## B. Estimated Burden

The Commission staff estimates that about 20 firms are subject to the testing and recordkeeping requirements of the certification regulations. The Commission staff estimates further that the annual testing and recordkeeping burden imposed by the regulations on each of these firms on average is approximately 390 hours if 3 hours are expended by each firm over 130 estimated seasonal production days each year. The estimated annual burden imposed by the testing and recordkeeping requirements on all manufacturers and importers of walk-behind power mowers is 7,800 hours.

In addition, the manufacturer is required to include permanent labels attached to the lawn mowers. The Commission staff estimates an additional hour per production day to collect the information and place it on the label. Accordingly an additional 130 hours per firm is added to the total burden. For the 20 firms, the estimated additional burden related to labeling is 2,600 hours. The estimated total burden hours related to testing recordkeeping and labeling is 520 hours per firm and 10,400 hours for the industry.

Annual testing and recordkeeping costs burden is estimated to be \$428,064 based on 7,800 hours  $\times$  54.88 (the average hourly total compensation for U.S. management, professional, and related occupations in goods-producing industries, Bureau of Labor Statistics, September 2008). Annual costs burden for labeling is estimated to be \$70,564 based on 2,600 hours  $\times$  \$27.14 (the average hourly total compensation for sales and office workers in goods-producing industries, Bureau of Labor Statistics, September 2008). The total estimated burden costs related to testing, recordkeeping, and labeling to the industry is \$498,626.

The Commission staff will expend approximately one half of one staff month reviewing records required to be maintained for walk-behind power lawn mowers. The annual cost to the Federal government of the collection of information in these regulations is estimated to be \$6,920.

## C. Request for Comments

The Commission solicits written comments from all interested persons about the proposed collection of information. The Commission specifically solicits information relevant to the following topics:

—Whether the collection of information described above is necessary for the proper performance of the Commission's functions, including

whether the information would have practical utility;

- Whether the estimated burden of the proposed collection of information is accurate;
- Whether the quality, utility, and clarity of the information to be collected could be enhanced; and
- Whether the burden imposed by the collection of information could be minimized by use of automated, electronic or other technological collection techniques, or other forms of information technology.

Dated: July 7, 2009.

**Todd A. Stevenson,**  
*Secretary, Consumer Product Safety Commission.*

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Docket No. DoD-2008-HA-0168]

### Submission for OMB Review; Comment Request

**ACTION:** Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

**DATES:** Consideration will be given to all comments received by August 12, 2009.

**Title and OMB Number:** Prospective Department of Defense Studies of U.S. Military Forces: The Millennium Cohort Study—OMB Control Number 0720-0029.

**Type of Request:** Extension.

**Number of Respondents:** 36,599.

**Responses per Respondent:** 1.

**Annual Responses:** 36,599.

**Average Burden per Response:** 45 minutes.

**Annual Burden Hours:** 27,450.

**Needs and Uses:** The Millennium Cohort Study responds to recent recommendations by Congress and by the Institute of Medicine to perform investigations that systematically collect population-based demographic and health data so as to track and evaluate the health of military personnel throughout the course of their careers and after leaving military service.

**Affected Public:** Individuals or households.

**Frequency:** On occasion.

**Respondent's Obligation:** Voluntary.

**OMB Desk Officer:** Mr. John Kraemer.  
Written comments and recommendations on the proposed

information collection should be sent to Mr. Kraemer at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

You may also submit comments, identified by docket number and title, by the following method:

- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the instructions for submitting comments.

**Instructions:** All submissions received must include the agency name, docket number and title for this Federal Register document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

**DOD Clearance Officer:** Ms. Patricia Toppings.

Written requests for copies of the information collection proposal should be sent to Ms. Toppings at WHS/ESD/Information Management Division, 1777 North Kent Street, RPN, Suite 11000, Arlington, VA 22209-2133.

Dated: June 30, 2009.

**Patricia L. Toppings,**  
*OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. E9-16489 Filed 7-10-09; 8:45 am]

**BILLING CODE 5001-06-P**

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## DEPARTMENT OF EDUCATION

### Office of Special Education and Rehabilitative Services; Overview Information; Technical Assistance and Dissemination To Improve Services and Results for Children With Disabilities—Model Demonstration Projects on Tiered Approaches for Improving the Writing Proficiency of High School Students; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2009

**Catalog of Federal Domestic Assistance (CFDA) Number:** 84.326M.

**DATES:**

**Applications Available:** July 13, 2009.

**Deadline for Transmittal of Applications:** August 12, 2009.

**Deadline for Intergovernmental Review:** August 24, 2009.

### Full Text of Announcement

#### I. Funding Opportunity Description

**Purpose of Program:** The purpose of the Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities