

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 20, 1996.

Nancy Foster,

*Deputy Assistant Administrator for Fisheries,  
National Marine Fisheries Service.*

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[Docket No. 960917261-6261-01; I.D.  
061396A]

RIN 0648-AI27

### **Fisheries of the Northeastern United States; Amendment 9 to the Atlantic Surf Clam and Ocean Quahog Fishery Management Plan**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notification of approval of overfishing definitions.

**SUMMARY:** NMFS announces approval of Amendment 9 to the Fishery Management Plan for the Atlantic Surf Clam and Ocean Quahog Fisheries (FMP). The amendment revises overfishing definitions for Atlantic surf clams and ocean quahogs in compliance with the NOAA Guidelines for Fishery Management Plans.

**EFFECTIVE DATE:** September 27, 1996.

**FOR FURTHER INFORMATION CONTACT:** Myles Raizin, Fishery Policy Analyst, 508-281-9104.

**ADDRESSES:** Copies of Amendment 9 and the environmental assessment are available from David Keifer, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115 Federal Building, 300 S. New Street, Dover, DE 19901-6790.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

The FMP directs the Secretary of Commerce, in consultation with the Mid-Atlantic Fishery Management Council (Council), to specify quotas for surf clams and ocean quahogs on an annual basis from a range defined by the FMP as the optimum yield for each fishery. During its discussion of the 1996 quota recommendations, the Council considered revising the overfishing definitions specified in the FMP. Overfishing is presently defined for both species in terms of actual yield levels. That is, overfishing is defined as harvests in excess of the specified quota levels. This definition does not incorporate biological considerations to protect against overfishing. NMFS has concluded that a harvesting strategy based on Council policy is no longer

acceptable, since it depends on the Council taking appropriate action, rather than adhering to a rate-based biological standard. The Council, in cooperation with NMFS, determined that overfishing definitions based on maximum spawning potential (MSP) would be appropriate for these fisheries. Following several meetings with industry and one public hearing, the Council adopted Amendment 9 at its May 1996 meeting. A notice of availability of Amendment 9 that outlined the proposed revision of the overfishing definitions and requested public comments was published in the Federal Register on June 20, 1996 (61 FR 31499). No comments were received.

##### **Overfishing Definitions**

The approved overfishing definitions contained in Amendment 9 are fishing mortality rates of  $F_{20}$  percent (20 percent of Maximum Spawning Potential (MSP)) for surf clams and  $F_{25}$  percent (25 percent of MSP) for ocean quahogs. These levels equate to annual exploitation rates of 15.3 and 4.3 percent for surf clams and ocean quahogs, respectively.

##### **Classification**

The Director, Northeast Region, NMFS, determined that Amendment 9 is necessary for the conservation and management of the Atlantic surf clam and ocean quahog fisheries and is consistent with the Magnuson Fishery Conservation and Management Act and other applicable laws.

This action is exempt from OMB review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 20, 1996.

Nancy Foster,

*Deputy Assistant Administrator for Fisheries,  
National Marine Fisheries Service.*

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#### **Patent and Trademark Office**

##### **Practitioner Records Maintenance and Disclosure Before the PTO**

**ACTION:** Proposed collection; comment request.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before November 26, 1996.

**ADDRESSES:** Direct all written comments to Linda Engelmeier, Acting Departmental Forms Clearance Officer, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW., Washington, DC 20230.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instruments(s) and instructions should be directed to Craig R. Feinberg, Patent and Trademark Office, Washington, DC 20231, (703) 308-5316, extension 10.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Abstract**

These collections are necessary to insure compliance with the Patent and Trademark Office (PTO) Code of Professional Responsibility. The code requires that attorneys and agents maintain complete records of a client in accordance with 37 CFR § 10.112(c)(3), and report violations of the Code and evidence of such violations to the PTO in accordance with 37 CFR §§ 10.23(c)(16) and 10.24. The code further mandates that attorneys and agents cooperate with the Director of the Office of Enrollment and Discipline in connection with any investigation in accordance with 37 CFR § 10.131(b).

##### **II. Method of Collection**

By mail, facsimile, and hand carry, when an individual is required to participate in the information collection.

##### **III. Data**

*OMB Number:* 0651-0017.

*Form Numbers:* N/A.

*Type of Review:* Reinstatement, with change, of a previously approved collection for which approval has expired.

*Affected Public:* Individuals.

*Estimated Number of Respondents:* 350 for recordkeeping maintenance, and 85 for violation reporting.

*Estimated Time Per Response:* 9 hours for record keeping maintenance, and 1½ hours for violation reporting.

*Estimated Total Annual Burden Hours:* 3278 hours.

*Estimated Total Annual Cost:* \$170,250.

##### **IV. Request for Comments**

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including