

target eels that are the subject of Addendum III's protection.

Delaware indicated to us that they expect to have appropriate regulations protecting American eel in place by early next year. If the State of Delaware does enact such measures, and the Commission determines that the measures are compliant with the Plan, under the Act, the Commission would immediately notify the Secretary that the state of Delaware is in compliance with the Plan. If NMFS concurs, the moratorium in the state waters of Delaware will be rescinded. If Delaware is unable to put in place appropriate regulations prior to March 18, 2016, then a Federal moratorium on eel fishing in Delaware waters would be immediately implemented and continue until the Secretary concurs with a determination from the Commission that the state of Delaware has come into compliance with the Plan.

#### Moratorium Prohibitions

The positive 30-day finding triggers the moratorium prohibitions set forth in the Atlantic Coastal Act, 16 U.S.C. 5106(e). Accordingly, on March 18, 2016, NMFS will implement an American eel moratorium for in Delaware state waters. At that time, it will be unlawful to do the following:

(1) Engage in fishing for American eel within the waters of the Delaware (**Note:** Under the Atlantic Coastal Act, the definition of "fishing" includes landing and/or possessing);

(2) Land, attempt to land, or possess American eel that are caught, taken, or harvested in violation of the moratorium;

(3) Fail to return to the water immediately, with a minimum of injury, any American eel in Delaware waters that are taken incidental to fishing for species other than those to which the moratorium applies;

(4) Refuse to permit any officer authorized to enforce the provisions of this moratorium to board a fishing vessel subject to such person's control for purposes of conducting any search or inspection in connection with the enforcement of this chapter;

(5) Forcibly assault, resist, oppose, impede, intimidate, or interfere with any such authorized officer in the conduct of any search or inspection under this moratorium;

(6) Resist a lawful arrest for any act prohibited by this moratorium;

(7) Ship, transport, offer for sale, sell, purchase, import, or have custody, control, or possession of, any fish taken or retained in violation of this moratorium; or

(8) Interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, knowing that such other person has committed any act prohibited by this moratorium.

#### Classification

This declaration of a moratorium is consistent with the Atlantic Coastal Act at 16 U.S.C. 5106 insofar as Delaware has been found to have failed to carry out its responsibilities under the Commission's American Eel Plan and the measures that Delaware has failed to implement and enforce are necessary for the conservation of the American eel fishery. Further, the moratorium prohibits fishing, possessing and/or landing American eel within Delaware state waters and is being implemented within six months of the agency findings.

The declaration of a moratorium is consistent with the Administrative Procedures Act at 5 U.S.C. 555 insofar as Delaware was given prompt notice of the Commission's non-compliance referral and was given an opportunity to meet with the agency and provide comments on this matter. Further, the agency has immediately notified Delaware of the agency's determination in this matter. Additionally, NMFS provided notice to the public of this compliance action in a notice in the **Federal Register** dated (80 FR 166, August 27, 2015). NMFS received one comment in response to that notice suggesting that Delaware be found out of compliance and that a moratorium be implemented. The comment did not provide any further detail. NMFS' present action is consistent with the commenter's suggested outcome.

NMFS finds that public comment is impracticable and contrary to the public interest, not only because the rigid statutory time lines makes such impracticable and would impermissibly delay mandatory agency action, but also because the issue has been considerably vetted in public forums, such as before the Delaware General Assembly and the Commission in the months prior to the referral. Nevertheless, NMFS did notify the public of this action in its **Federal Register** Notice (80 FR 166; August 27, 2015). NMFS received one comment, which supported a moratorium and is described above.

The declaration of moratorium does not trigger the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* because the action was not the result of notice and comment rulemaking under Section 553 of the Administrative Procedures Act.

The declaration of a moratorium does not fall under review under Executive

Order 12866 insofar as the moratorium is not a regulatory action of the agency but is an action mandated by Congress upon the findings of certain conditions precedent set forth in the Atlantic Coastal Act, which also prescribes the nature and extent of the moratorium. Nevertheless, the agency has determined that this action is not significant for the purpose of E.O. 12866. The fishery is small and a moratorium is not expected to materially adversely affect the economy or have an impact of over \$100 million. The matter creates no serious inconsistency with actions by other agencies and is not expected to have material budgetary impacts.

The moratorium is not the result of a policy formulated or implemented by the agency, but instead is the result of the application of found facts to the Congressional standards set forth in the Atlantic Coastal Act and as such, the declaration does not implicate federalism in the manner contemplated by Executive Order 13132. The agency, however, has nevertheless consulted, to the extent practicable, with appropriate state and local administrative and law enforcement officials to address the principles, criteria, and requirements of E.O. 13132.

**Authority:** 16 U.S.C. 5101 *et seq.*

Dated: September 18, 2015.

**Eileen Sobeck,**

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

[FR Doc. 2015-24203 Filed 9-22-15; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Proposed Information Collection; Comment Request; Economic Expenditure Survey of Golden Crab Fishermen in the U.S. South Atlantic Region

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice.

**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.

**DATES:** Written comments must be submitted on or before November 23, 2015.

**ADDRESSES:** Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at [Jjessup@doc.gov](mailto:Jjessup@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Dr. Scott Crosson, (305) 361-4468 or [scott.crosson@noaa.gov](mailto:scott.crosson@noaa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Abstract**

This request is for a reinstatement without change. The National Marine Fisheries Service (NMFS) proposes to collect economic information from golden-crab landing commercial fishermen in the United States (U.S.) South Atlantic region. The data gathered will be used to evaluate the likely economic impacts of management proposals. In addition, the information will be used to satisfy legal mandates under Executive Order 12898, the Magnuson-Stevens Fishery Conservation and Management Act (U.S.C. 1801 *et seq.*), the Regulatory Flexibility Act, the Endangered Species Act, and the National Environmental Policy Act, and other pertinent statutes.

**II. Method of Collection**

A standardized survey will be administered via in-person, telephone and/or mail to all fishermen participating in the fishery.

**III. Data**

*OMB Number:* 0648-0631.

*Form Number:* None.

*Type of Review:* Regular submission (reinstatement without change of a previously approved information collection).

*Affected Public:* Business or other for-profit organizations.

*Estimated Number of Respondents:* 9.

*Estimated Time per Response:* 1 hour.

*Estimated Total Annual Burden Hours:* 9.

*Estimated Total Annual Cost to Public:* \$0 in recordkeeping/reporting costs.

**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 whether the information shall have practical utility; (b) the accuracy of the

agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: September 18, 2015.

**Sarah Brabson,**

*NOAA PRA Clearance Officer.*

[FR Doc. 2015-24132 Filed 9-22-15; 8:45 am]

**BILLING CODE 3510-22-P**

**DEPARTMENT OF COMMERCE**

**Patent and Trademark Office**

**Submission for OMB Review; Comment Request; "Matters Related to First Inventor to File"**

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

*Agency:* United States Patent and Trademark Office, Commerce.

*Title:* Matters Related to First Inventor to File.

*OMB Control Number:* 0651-0071.

*Form Number(s):* None.

*Type of Request:* Regular.

*Number of Respondents:* 50,150.

*Average Time per Response:* 6.79 hours (between 2 and 10 hours, depending upon the instrument used).

*Burden Hours:* 340,300.

*Cost Burden:* \$8,475.50.

*Needs and Uses:* This information collection is necessary so that patent applicants and/or patentees may: (1) Provide a statement if a nonprovisional application filed on or after March 16, 2013, claims the benefit of the filing date of a foreign, provisional, or nonprovisional application filed prior to March 16, 2013, and also contains, or contained at any time, a claim to a claimed invention that has an effective filing date on or after March 16, 2013; (2) provide a statement if a nonprovisional application filed on or after March 16, 2013, claims the benefit of the filing date of a foreign, provisional, or nonprovisional

application filed prior to March 16, 2013, does not contain a claim to a claimed invention that has an effective filing date on or after March 16, 2013, but discloses subject matter not also disclosed in the foreign, provisional, or nonprovisional application; (3) identify the inventor, and ownership on the effective filing date, of each claimed invention in an application or patent with more than one named inventor, when necessary for purposes of a USPTO proceeding; and (4) show that a disclosure was by the inventor or joint inventor, or was by a party who obtained the subject matter from the inventor or a joint inventor, or that there was a prior public disclosure by the inventor or a joint inventor, or by a party who obtained the subject matter from the inventor or a joint inventor.

The USPTO will use the statement that a nonprovisional application filed on or after March 16, 2013, that claims the benefit of the filing date of a foreign, provisional, or nonprovisional application filed prior to March 16, 2013, contains, or contained at any time, a claim to a claimed invention that has an effective filing date on or after March 16, 2013, or that such application does not contain a claim to a claimed invention that has an effective filing date on or after March 16, 2013, but discloses subject matter not also disclosed in the foreign, provisional, or nonprovisional application (or lack of such a statement) to readily determine whether the nonprovisional application is subject to the changes to 35 U.S.C. 102 and 103 in the AIA. The USPTO will use the identification of the inventor, and ownership on the effective filing date, when it is necessary to determine whether a U.S. patent or U.S. patent application publication resulting from another nonprovisional application qualifies as prior art under 35 U.S.C. 102(a)(2). The USPTO will use information concerning whether a disclosure was by the inventor or joint inventor, or was by a party who obtained the subject matter from the inventor or a joint inventor, or that there was a prior public disclosure by the inventor or a joint inventor, or by a party who obtained the subject matter from the inventor or a joint inventor, to determine whether the disclosure qualifies as prior art under 35 U.S.C. 102(a)(1) or (a)(2).

*Affected Public:* Businesses or other for-profits; not-for-profit institutions.

*Frequency:* On occasion.

*Respondent's Obligation:* Required to Obtain or Retain Benefits.

*OMB Desk Officer:* Nicholas A. Fraser, email: [Nicholas\\_A\\_Fraser@omb.eop.gov](mailto:Nicholas_A_Fraser@omb.eop.gov).