

(80 FR 48828). This notice is a correction to the number of vacant seats available for the Stellwagen Bank National Marine Sanctuary Advisory Council. Previously, ONMS requested applications for the following six seats on this council: Business/Industry (primary member); Mobile Gear Commercial Fishing (alternate); Recreational Fishing (alternate); Research (alternate); Whale Watch (alternate); and Youth (alternate). ONMS is requesting applications for all of the following seats: At-Large (primary member); Business/Industry (primary member); Diving (primary member); Diving (alternate); Education (two primary members); Fixed Gear Commercial Fishing (primary member); Fixed Gear Commercial Fishing (alternate); Mobile Gear Commercial Fishing (alternate); Recreational Fishing (alternate); Research (two alternates); Whale Watch (primary member); and Youth (alternate). No other advisory councils are affected by this notice.

**DATES:** Applications are due by September 30, 2015.

**ADDRESSES:** Application kits are specific to each advisory council. As such, application must be obtained from and returned to a council-specific address. For the Stellwagen Bank National Marine Sanctuary Advisory Council, contact: Nathalie Ward, Stellwagen Bank National Marine Sanctuary, 175 Edward Foster Road, Scituate, MA 02066; (781) 545-8026 extension 206; email [Nathalie.Ward@noaa.gov](mailto:Nathalie.Ward@noaa.gov); or download application from <http://stellwagen.noaa.gov>. Refer to council-specific addresses identified in the August 14, 2015, notice (identified above) for the other six advisory councils with vacant seats.

**FOR FURTHER INFORMATION CONTACT:** For further information on the Stellwagen Bank National Marine Sanctuary Advisory Council, please contact the individual identified in the Addresses section of this notice. Additional information on the other six advisory councils with vacant seats is available in the August 14, 2015, notice discussed under **SUPPLEMENTARY INFORMATION**.

**SUPPLEMENTARY INFORMATION:** As described in the August 14, 2015 notice (80 FR 48828), ONMS is seeking applications for vacant seats for seven of its 13 national marine sanctuary advisory councils (advisory councils). Vacant seats, including positions (*i.e.*, primary member and alternate), for each of the advisory councils were listed in the August 14, 2015, notice. Applicants are chosen based upon their particular expertise and experience in relation to the seat for which they are applying;

community and professional affiliations; views regarding the protection and management of marine or Great Lake resources; and possibly the length of residence in the area affected by the sanctuary. Applicants who are chosen as members or alternates should expect to serve two- or three year terms, pursuant to the charter of the specific national marine sanctuary advisory council.

The following is a list of the vacant seats, including positions (*i.e.*, primary member or alternate), for the Stellwagen Bank National Marine Sanctuary Advisory Council:

*Stellwagen Bank National Marine Sanctuary Advisory Council: At-Large (primary member); Business/Industry (primary member); Diving (primary member); Diving (alternate); Education (two primary members); Fixed Gear Commercial Fishing (primary member); Fixed Gear Commercial Fishing (alternate); Mobile Gear Commercial Fishing (alternate); Recreational Fishing (alternate); Research (two alternates); Whale Watch (primary member); and Youth (alternate).*

The list of all other vacant seats for which applications are currently being sought is included in the August 14, 2015, notice referenced above.

**Authority:** 16 U.S.C. Sections 1431, *et seq.* (Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

Dated: August 17, 2015.

**John Armor,**

*Acting Director, Office of National Marine Sanctuaries, National Ocean Service, National Oceanic and Atmospheric Administration.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XE124

#### Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits

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

**ACTION:** Notice; request for comments.

**SUMMARY:** The Assistant Regional Administrator for Sustainable Fisheries, Greater Atlantic Region, NMFS has made a preliminary determination that an exempted fishing permit application

contains all of the required information and warrants further consideration. This exempted fishing permit would allow two commercial fishing vessels to test the functional performance of a large-mesh belly panel to reduce windowpane flounder bycatch while fishing for scup within the Southern New England and Mid-Atlantic windowpane flounder stock area. The research would be conducted by the Cornell University Cooperative Extension of the Suffolk County Marine Program.

Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for a proposed exempted fishing permit.

**DATES:** Comments must be received on or before September 9, 2015.

**ADDRESSES:** You may submit written comments by any of the following methods:

- Email: [nmfs.gar.efp@noaa.gov](mailto:nmfs.gar.efp@noaa.gov). Include in the subject line "Comments on Cornell Small Mesh Windowpane Bycatch EFP."
- Mail: John K. Bullard, Regional Administrator, NMFS, Greater Atlantic Regional Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope "Comments on Cornell Small Mesh Windowpane Bycatch EFP."
- Fax: (978) 281-9135.

**FOR FURTHER INFORMATION CONTACT:** Reid Lichwell, Fishery Management Specialist, 978-281-9112, [Reid.Lichwell@noaa.gov](mailto:Reid.Lichwell@noaa.gov).

**SUPPLEMENTARY INFORMATION:** Cornell University Cooperative Extension of the Suffolk County Marine Program (CCE) submitted a complete application for an exempted fishing permit on June 18, 2015. This EFP would exempt vessels from the following regulations: 50 CFR 648.122(d), possession limits for scup. This EFP would also exempt participating vessels from possession limits and minimum size requirements specified in 50 CFR part 648, subparts B and D through O, including windowpane flounder, while samples are being weighed prior to discard. The EFP would allow these exemptions from September 1, 2015 to May 31, 2016.

This exemption would allow vessels to retain scup in excess of the Winter II possession limit. The Winter II possession limit timeframe is November 1, 2015 to December 31, 2015, and the limit will be identified in a future **Federal Register** notice. This exemption would save the participating vessels time that would otherwise be used for transiting to port to unload catch and to

return to the research area to conduct more experimental tows. The temporary exemption from the regulated size and possession limits would allow for scup, windowpane flounder, and various bycatch species to be onboard the vessel while sampling and weighing activities are taking place prior to discard.

The project will be conducted primarily during the fall months (September-November), while both scup and windowpane flounder reside predominately inshore, with the two species occurring together in high numbers south of Long Island, NY, and Nantucket, MA. However, trips may also occur in the spring if more data or additional trips are needed.

The participating vessels would conduct research fishing concurrently, orienting the vessels side-by-side, within a half mile of each other while fishing gear is deployed. The vessels would be using typical scup trawl fishing methods and the participants would be members of the small mesh scup trawl fleet, holding scup permits. To test the experimental gear, one vessel will have its scup net modified with the large-mesh belly panel installed into the first belly of the net, the other vessel will have the same scup net without the large-mesh belly panel added. The resulting catch data will identify the differences in catch between the standard net and the experimental net. The vessels will alternate the use of the standard net and the net with the experimental gear, giving each vessel the same amount of tows using each gear type. The two vessels would be of similar size and horsepower with identical doors, legs, and ground cables.

The vessels will concurrently conduct seven days of research fishing over the course of two to three trips, with a minimum of six tows per day for each vessel, with each tow lasting an hour. This will provide a minimum of 84 tows (42 with the standard net and 42 with the experimental net) for the research project. Each vessel would weigh its respective catch of both scup and windowpane flounder and measure the length of 100 random samples of each species after each tow. If fewer than 100 individuals from a sample species are caught, all individuals will be measured. The total weight of all additional species from each tow will be obtained either by weighing or by catch estimations.

The vessels would retain legal size scup and other legally permitted species to be landed and sold. Windowpane flounder and other prohibited species will not be retained. No additional mortality of fish species or interactions with protected species would occur

during this project, beyond that of typical commercial scup trawl operations.

If approved, the applicant may request minor modifications and extensions to the EFP throughout the year. EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research and have minimal impacts that do not change the scope or impact of the initially approved EFP request. Any fishing activity conducted outside the scope of the exempted fishing activity would be prohibited.

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

Dated: August 20, 2015.

**Alan D. Risenhoover,**

*Director, Office of Sustainable Fisheries,  
National Marine Fisheries Service.*

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**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### United States Patent and Trademark Office

[Docket No.: PTO-P-2015-0055]

#### Request for Comments on a Proposed Pilot Program Exploring an Alternative Approach to Institution Decisions in Post Grant Administrative Reviews

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

**ACTION:** Request for comments.

**SUMMARY:** The United States Patent and Trademark Office (USPTO) is requesting comments on a proposed pilot program pertaining to the institution and conduct of the post grant administrative trials provided for in the Leahy-Smith America Invents Act (AIA). The AIA provides for the following post grant administrative trials: *Inter Partes* Review (IPR), Post-Grant Review (PGR), and Covered Business Method Review (CBM). The USPTO currently has a panel of three APJs decide whether to institute a trial, and then normally has the same three-APJ panel conduct the trial, if instituted. The USPTO is considering a pilot program under which the determination of whether to institute an IPR will be made by a single APJ, with two additional APJs being assigned to the IPR if a trial is instituted. Under this pilot program, any IPR trial will be conducted by a panel of three APJs, two of whom were not involved in the determination to institute the IPR.

**DATES:** *Comment Deadline Date:* To be ensured of consideration, written

comments must be received on or before October 26, 2015.

**ADDRESSES:** Comments must be sent by electronic mail message over the Internet addressed to: *PTABTrialPilot@uspto.gov*. Electronic comments submitted in plain text are preferred, but also may be submitted in ADOBE® portable document format or MICROSOFT WORD® format. The comments will be available for viewing via the USPTO's Internet Web site (<http://www.uspto.gov>). Because comments will be made available for public inspection, information that the submitter does not desire to make public, such as an address or phone number, should not be included in the comments.

#### FOR FURTHER INFORMATION CONTACT:

Scott R. Boalick, Vice Chief Administrative Patent Judge, Patent Trial and Appeal Board, by telephone at (571) 272-9797.

#### SUPPLEMENTARY INFORMATION:

*Introduction:* The first petitions for AIA post grant administrative trials were filed on September 16, 2012. Since then, over 3,600 petitions have been filed, and over 1,500 trials have been instituted. The USPTO has thus far been able to meet the demands placed on its resources created by the unexpectedly heavy workload. The Patent Trial and Appeal Board (PTAB) has issued over 2,200 decisions on institution and over 450 final written decisions. In three-plus years, the PTAB has not missed one statutory or regulatory deadline. At the same time, the PTAB has reduced the backlog of ex parte appeals.

Notwithstanding the success-to-date, the USPTO is pro-actively looking for ways to enhance its operations for the benefit of its stakeholders and therefore is interested in exploring alternative approaches that might improve its efficiency in handling AIA post grant proceedings while being fair to both sides and continuing to provide high quality decisions. Based upon comments received from the public through public fora and formal requests, the agency is considering a pilot program to test changing how the institution phase of a post grant proceeding is handled.

Once trial is instituted, the AIA mandates that the resulting trial be conducted before a three-member panel of the PTAB. Generally, under current practice, the same panel of three administrative patent judges (APJs) decides whether to institute and, if instituted, handles the remainder of the proceeding, much like how federal district court judges handle cases through motions to dismiss, summary