Indian tribal governments; or (3) preempt tribal law. Therefore, a tribal summary impact statement is not required under Executive Order 13175 (Nov. 6, 2000).

H. Executive Order 13211 (Energy Effects): This rulemaking is not a significant energy action under Executive Order 13211 because this rulemaking is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, a Statement of Energy Effects is not required under Executive Order 13211 (May 18, 2001).

I. Executive Order 12988 (Civil Justice Reform): This rulemaking meets applicable standards to minimize litigation, eliminate ambiguity, and reduce burden as set forth in sections 3(a) and 3(b)(2) of Executive Order 12988 (Feb. 5, 1996).

J. Executive Order 13045 (Protection of Children): This rulemaking does not concern an environmental risk to health or safety that may disproportionately affect children under Executive Order 13045 (Apr. 21, 1997).

K. Executive Order 12630 (Taking of Private Property): This rulemaking will not effect a taking of private property or otherwise have taking implications under Executive Order 12630 (Mar. 15, 1988).

L. Congressional Review Act: Under the Congressional Review Act provisions of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 801, *et seq.*), the USPTO will submit a report containing the final rule and other required information to the United States Senate, the United States House of Representatives, and the Comptroller General of the Government Accountability Office. The changes in this rulemaking are not expected to result in an annual effect on the economy of $100 million or more, a major increase in costs or prices, or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets. Therefore, this rulemaking is not expected to result in a ''major rule'' as defined in 5 U.S.C. 804(2).

M. Unfunded Mandates Reform Act of 1995: The changes set forth in this rulemaking do not involve a Federal intergovernmental mandate that will result in the expenditure by State, local, and tribal governments, in the aggregate, of $100 million (as adjusted) or more in any one year, or a Federal private sector mandate that will result in the expenditure by the private sector of $100 million (as adjusted) or more in any one year, and will not significantly or uniquely affect small governments. Therefore, no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995. *See* 2 U.S.C. 1501 *et seq.*

N. National Environmental Policy Act: This rulemaking will not have any effect on the quality of the environment and is thus categorically excluded from review under the National Environmental Policy Act of 1969. *See* 42 U.S.C. 4321 *et seq.*

O. National Technology Transfer and Advancement Act: The requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) are not applicable because this rulemaking does not contain provisions which involve the use of technical standards.

P. Paperwork Reduction Act of 1995: The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA) requires that the USPTO consider the impact of paperwork and other information collection burdens imposed on the public. The rules of practice pertaining to requests for *ex parte* reexamination have been reviewed and approved by the OMB under the PRA under OMB control number 0651–0064 (Patent Reexaminations, Supplemental Examinations, and Post Patent Submissions). This OMB control number will be updated if necessary to reflect this action.

Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the PRA unless that collection of information displays a currently valid OMB control number.

Q. E-Government Act Compliance: The USPTO is committed to compliance with the E-Government Act to promote the use of the internet and other information technologies, to provide increased opportunities for citizen access to Government information and services, and for other purposes.

List of Subjects in 37 CFR Part 1

Administrative practice and procedure, Biologics, Courts, Freedom of information, Inventions and patents, Reporting and recordkeeping requirements, Small businesses.

For the reasons stated in the preamble, the USPTO proposes to amend 37 CFR part 1 as follows:

PART 1—RULES OF PRACTICE IN PATENT CASES

■ 1. The authority citation for part 1 continues to read as follows:

Authority: 35 U.S.C. 2(b)(2), unless otherwise noted.

■ 2. Section 1.501 is amended by revising paragraph (d) to read as follows:

§ 1.501 Citation of prior art and written statements in patent files.

* * * * *

(d) *Identity:* If the person making the submission under this section wishes his or her identity to be excluded from the patent file and kept confidential, the submission papers must be submitted anonymously without any identification of the person making the submission.

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■ 3. Section 1.510 is amended by adding new paragraph (b)(7) to read as follows:

§ 1.510 Request for ex parte reexamination.

* * * * *

(b) * * *

(7) A separate statement by the third party requester identifying all real parties in interest to the *ex parte* reexamination request. The statement must be submitted according to the parameters established by the Office. Upon the written request of the third party requester, the statement will be excluded from the patent and reexamination files and kept confidential.

* * * * *

John A. Squires,

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

[FR Doc. 2026–14793 Filed 7–21–26; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 260716–0172]

RIN 0648–BN89

Coastal Migratory Pelagic Resources in the Gulf of America and Atlantic Region; Framework Amendment 14

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to implement management measures described in Framework Amendment 14 under the Fishery Management Plan (FMP) for the

Coastal Migratory Pelagic (CMP) Resources in the Gulf and Atlantic Region, as prepared by the Gulf and South Atlantic Fishery Management Councils (Councils). If implemented, this proposed rule would modify the annual catch limit (ACL) for the Gulf migratory group of Spanish mackerel (Spanish mackerel) in the Gulf of America (Gulf) based on the results of the most recent stock assessment. Additionally, this proposed rule would modify the current accountability measure (AM) for Gulf Spanish mackerel from an in-season closure AM to a post-season AM. The purpose of these regulatory changes is to ensure the stock ACL and AM are based on the best scientific information available and to achieve optimum yield (OY).

DATES: Written comments must be received on or before August 21, 2026.

ADDRESSES: A plain language summary of this proposed rule is available at *https://www.regulations.gov/docket* [*NOAA–NMFS–2026–0794*]. You may submit comments on this document, identified by [NOAA–NMFS–2026–0794], by either of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Visit *https://www.regulations.gov* and type [NOAA–NMFS–2026–0794], in the Search box. Click the ''Comment'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Kelli O'Donnell, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *https://www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

Electronic copies of the Framework Amendment 14, which includes an environmental assessment, a Regulatory Flexibility Act (RFA) analysis, and a regulatory impact review, may be obtained from the Southeast Regional Office website at *https://www.fisheries.noaa.gov/action/framework-14-modifications-spanish-mackerel-catch-limits-gulf-america.*

FOR FURTHER INFORMATION CONTACT: Kelli O'Donnell, 727–824–5305, *kelli.odonnell@noaa.gov.*

SUPPLEMENTARY INFORMATION: NMFS, in collaboration with the Councils, manages the Gulf CMP fishery, which includes Spanish mackerel, in Federal waters under the CMP FMP. The CMP FMP was prepared by NMFS and the Councils and is implemented by NMFS through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

The Magnuson-Stevens Act requires that NMFS and regional fishery management councils prevent overfishing and continually achieve the OY from federally managed fish stocks. These mandates are intended to ensure that fishery resources are managed for the greatest overall benefit to the Nation, particularly with respect to providing food production and recreational opportunities and protecting marine ecosystems.

This action is proposed under the statutory authority of section 303(a)(15) of the Magnuson-Steven Act as necessary and appropriate for the conservation and management of the fishery by requiring ACLs and measures to ensure accountability to prevent overfishing the Spanish mackerel stock consistent with National Standard 1. Additionally, using Marine Recreational Information Program (MRIP) Fishing Effort Survey (FES) for setting the Gulf Spanish mackerel stock ACL is consistent with National Standard 2 as it is considered the best scientific information available.

All weights in this proposed rule are in round and eviscerated pounds (lb) combined. The metric conversion for the imperial weight measurements used in this document are 1 lb equals approximately 0.45 kilograms (kg).

Background

Gulf Spanish mackerel is managed as a single stock under the CMP FMP, with a single stock ACL applied to the commercial and recreational sectors combined. NMFS manages the Spanish mackerel stock ACL by monitoring the commercial and recreational landings and applying an AM as warranted to ensure sustainable harvest of the stock. In 2012, NMFS implemented Amendment 18 to the CMP FMP through a final rule that established the current AM provision (76 FR 82058, December 29, 2011). The current in-season AM requires NMFS to prohibit harvest for the commercial and recreational sectors for the remainder of the fishing year if NMFS estimates that Spanish mackerel landings have reached or are projected to reach the stock ACL before the end of the current fishing year. The fishing year for Gulf Spanish mackerel is April through March (50 CFR 622.7(b)(2)). In 2014, NMFS implemented Framework Amendment 1 to the CMP FMP through a final rule that among other measures set the current Gulf Spanish mackerel overfishing limit (OFL), acceptable biological catch (ABC), and stock ACL (79 FR 69058, November 20, 2014). The current Spanish mackerel stock ACL is 11.3 million lb (5.13 million kg). Since the current stock ACL was set, the commercial and recreational sectors have never landed in excess of 38 percent of the stock ACL, and therefore the in-season AM has not been triggered as a result of the stock ACL being reached.

The Southeast Data, Assessment, and Review (SEDAR) 81 for Gulf Spanish mackerel was completed in 2023. SEDAR 81 updated the data from the previous model (SEDAR 28, 2013) and calibrated recreational landings to MRIP–FES, which replaced the MRIP Coastal Household Telephone Survey (CHTS) in 2018. The assessment determined the stock was not overfished or undergoing overfishing. The Gulf Fishery Management Council's (Gulf Council) Scientific and Statistical Committees (SSC) reviewed the results of SEDAR 81 and accepted it as representing the best available scientific information on the status of Spanish mackerel and appropriate for management decisions. The Gulf Council received and accepted the SSC's recommendations for the Spanish mackerel OFL and ABC.

For Gulf Spanish mackerel, this proposed rule and Framework Amendment 14 would modify the OFL, ABC, and stock ACL as well as modify the current in-season closure AM to be a post-season AM to use the best scientific information available to set catch limits and to provide more continuous fishing opportunities across seasons.

Management Measures Contained in This Proposed Rule

For Gulf Spanish mackerel, this proposed rule would revise the stock ACL and the AM.

Catch Limits

The Gulf Council received and accepted the SSC's recommendations for the Spanish mackerel OFL and ABC based on the results of SEDAR 81. The

OFL would be reduced from the MRIP–FES equivalent of 15.20 million lb (6.895 million kg) to 12.074 million lb (5.477 million kg) and the ABC would be reduced from the MRIP–FES equivalent of 14.900 million lb (6.759 million kg) to 9.630 million lb (4.368 million kg). In the Gulf, the Spanish mackerel stock ABC equals the stock ACL. Therefore, this proposed rule would decrease the Spanish mackerel stock ACL from 11.3 million lb (5.13 million kg) to 9.630 million lb (4.368 million kg).

The revised stock ACL could have beneficial biological effects to the Spanish mackerel stock as the proposed catch limit is reduced relative to the current ACL.

Accountability Measure

With the proposed catch limits resulting in a decrease in allowable harvest, the Council wanted to ensure that the availability of landings data would allow for the effective implementation of an AM to constrain catch. The uncertainty associated with implementing the AM is higher with the current in-season AM compared to the proposed AM. The revised AM would be that if the Spanish mackerel stock ACL is exceeded in a fishing year, then in the following fishing year, NMFS would prohibit harvest for the commercial and recreational sectors when landings reach or are projected to reach the stock ACL. Revising the AM to be a post-season AM increases the precision of landings data used to determine if a closure is needed. This change may mitigate some social and economic effects related to the in-season AM-related closures and access to the fishery. As described in Framework Amendment 14, the proposed stock ACL would have been exceeded in only 1 fishing year in the last decade (2019/2020). Changing from an in-season to a post-season AM allows NMFS to rely on more precise landings data, reducing the likelihood of an unneeded AM closure occurring based on landings projections. Avoiding unnecessary closures could allow for beneficial social and economic effects.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with Framework Amendment 14, the CMP FMP, other provisions of the Magnuson-Stevens Act, and other applicable law subject to further consideration after public comment.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866. This proposed rule is not an Executive Order 14192 regulatory action because this rule is not significant under Executive Order 12866.

The Senior Lead Counsel for Regulation certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The factual basis for this certification follows. A copy of the full analysis is available from NMFS (see **ADDRESSES**). All monetary estimates in the following analysis are in 2022 dollars.

A description of this proposed rule, why it is being considered, and the objectives of this proposed rule are contained in the **SUMMARY** and **SUPPLEMENTARY INFORMATION** sections of this proposed rule.

The Magnuson-Stevens Act provides the statutory basis for this proposed rule. No duplicative, overlapping, or conflicting Federal rules have been identified. In addition, no new reporting, record-keeping, or other compliance requirements are introduced by this proposed rule. This proposed rule contains no information collection requirements under the Paperwork Reduction Act of 1995.

Framework Amendment 14 and this proposed rule, if implemented, would reduce the Spanish mackerel OFL and ABC for 2025/2026–2027/2028 and subsequent fishing years. The catch limits would be set using MRIP–FES landings data and the stock ACL would be set equal to the new ABC. Under this proposed rule, the stock ACL would be reduced from the current MRIP–FES equivalent value of 14.900 million lb (6.759 million kg) to 9.630 million lb (4.368 million kg). This proposed rule would also modify the Gulf Spanish mackerel AM such that if the stock ACL is exceeded in a fishing year, then in the following fishing year, NMFS would close the fishing season for Gulf Spanish mackerel for the commercial and recreational fishing sectors if the stock ACL is reached or projected to be reached. Currently the AM for Spanish mackerel requires NMFS to close the fishing season for the commercial and recreational fishing sectors when the stock ACL is reached or projected to be reached. The reduction in the stock ACL and modification of the AM would apply to all commercial fishing businesses, for-hire fishing businesses (charter vessels and headboats), and recreational anglers that fish for Spanish mackerel in Federal waters of the Gulf.

The RFA requires NMFS to describe the impact of the proposed rule on small entities (5 U.S.C. 603). Small entities include small businesses, small organizations, and small governmental jurisdictions (5 U.S.C. 601(3)–(6)). Recreational anglers are not businesses, organizations, or governmental jurisdictions, so they are outside the scope of this analysis.

From 2018 through 2022, the number of federally-permitted commercial vessels with homeports in the Gulf and with a valid Spanish mackerel permit averaged 954 annually, with 130 vessels (14 percent) reporting Spanish mackerel landings. Total ex-vessel revenue from landings of Spanish mackerel averaged $104,655 annually, representing 1.3 percent of total ex-vessel revenue from all species by permitted vessels reporting Spanish mackerel landings. The average annual revenue for all species landed was $8.5 million; average total revenue per vessel averaged $65,335. Annual net revenue from operations of Spanish mackerel-permitted vessels that landed Spanish mackerel and other species from 2014–2016 was 22.8 percent of their average annual gross revenue during this period. Applying this percentage to the average annual total revenue per Spanish mackerel-permitted vessel that reported Spanish mackerel landings would result in an estimated per vessel average annual net revenue from Spanish mackerel operations of $14,896. The maximum annual revenue from all species reported by a single Spanish mackerel-permitted vessel that harvested Gulf Spanish mackerel from 2018 through 2022 was $641,585.

Any for-hire fishing vessel that takes anglers into the Gulf Federal waters to harvest CMP species must have a valid limited-access (Federal) CMP charter vessel/headboat permit issued to that vessel and the permit must be on board. From 2016–2020, there were an average of 1,267 vessels with a valid or renewable Gulf CMP charter vessel/headboat permit. Although the CMP charter vessel/headboat permit application collects information on the primary method of operation, the resultant permit itself does not identify the permitted vessel as either a charter vessel or a headboat. Operation as either a charter vessel or a headboat is not restricted by permitting regulations and vessels may operate in both capacities. However, only selected headboats are required to submit harvest and effort information to the NMFS Southeast Region Headboat Survey (SRHS). Participation in the SRHS is based on determination by the Southeast Fisheries Science Center that the vessel primarily operates as a headboat. As of November 1, 2023, 67 Gulf headboats were registered in the SRHS. As a result, of the 1,267 vessels with Federal CMP charter vessel/headboat permits, up to 67 may primarily operate as headboats and the remainder as charter vessels. The most recent estimates of average annual gross revenues for Gulf for-hire vessels are $105,029 for charters in 2009 and $427,515 for headboats in 2017.

For RFA purposes only, NMFS has established a small business size standard for businesses, including their affiliates, whose primary industry is commercial fishing (see 50 CFR 200.2). A business primarily engaged in commercial fishing (North American Industry Classification System [NAICS] code 11411) is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual receipts not in excess of $11 million for all its affiliated operations worldwide. All of the commercial fishing businesses directly regulated by this proposed rule are believed to be small entities based on the NMFS size standard.

A business primarily involved in the operation of a for-hire fishing vessel is included within the broader scenic and sightseeing transportation, water industry (NAICS code 487210). For-hire fishing operations (NAICS 487210) make up just part of the broader industry. A business primarily involved in scenic and sightseeing transportation, water industry is classified as a small business by the Small Business Administration (SBA) if it is independently owned and operated, is not dominant in its field of operation (including its affiliates) and its combined annual receipts are no more than $14 million for all of its affiliated operations worldwide. All of the for-hire fishing businesses directly regulated by this proposed rule are believed to be small entities based on the SBA size standard. No other small entities that would be directly affected by this proposed rule have been identified.

As stated previously, this proposed rule would reduce the Spanish mackerel stock ACL from an MRIP–FES equivalent value of 14.900 million lb (6.759 million kg) to 9.630 million lb (4.368 million kg). Although the stock ACL would be reduced by 35 percent relative to the status quo, the Spanish mackerel fishing season would not be expected to close if annual landings are less than or equal to their 3-year (2019/2020 to 2021/2022) or 5-year (2017/2018 to 2021/2022) averages, which are likely scenarios under typical circumstances observed to date. Therefore, there are no expected economic effects associated with a reduction in harvest for commercial fishing businesses or a reduction in trips for for-hire businesses. Additionally, this proposed rule would modify the Gulf Spanish mackerel AM such that if the stock ACL is exceeded in a fishing year, then in the following fishing year, the RA would close the fishing season for Gulf Spanish mackerel for the commercial and recreational fishing sectors if the stock ACL is reached or projected to be reached. Currently the AM for Spanish mackerel requires the RA to close the fishing season for the commercial and recreational fishing sectors when the stock ACL is reached or projected to be reached. By shifting from an in-season to a post-season AM, this proposed rule would reduce the likelihood of an in-season closure and corresponding negative economic effects on commercial and for-hire fishing businesses from anomalous single-year overages.

Based on the above analysis, this proposed rule would not be expected to have a significant economic impact on a substantial number of small entities. As a result, an initial regulatory flexibility analysis is not required, and none has been prepared.

List of Subjects in 50 CFR Part 622

Commercial, Fisheries, Fishing, Gulf, Recreational, Spanish mackerel.

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

Dated: July 16, 2026.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, NMFS proposes to amend 50 CFR part 622 as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF OF AMERICA, AND SOUTH ATLANTIC

■ 1. The authority citation for part 622 continues to read as follows:

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

■ 2. In § 622.388, revise paragraph (c) to read as follows:

§ 622.388 Annual catch limits (ACLs), annual catch targets (ACTs), and accountability measures (AMs).

* * * * *

(c) *Gulf migratory group Spanish mackerel.* (1) If the sum of the commercial and recreational landings, as estimated by the SRD, exceeds the stock ACL, as specified in paragraph (c)(3) of this section, then in the following fishing year if the stock ACL is reached or projected to be reached, the AA will file a notification with the Office of the Federal Register to close the commercial and recreational sectors for the remainder of the fishing year. On and after the effective date of such a notification, all sale and purchase of Gulf migratory group Spanish mackerel is prohibited and the harvest and possession limit of this species in or from the Gulf EEZ is zero.

(2) For purposes of tracking the ACL, recreational landings will be evaluated based on the commercial fishing year, April through March.

(3) The stock ACL for Gulf migratory group Spanish mackerel is 9.630 million lb (4.368 million kg).

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[FR Doc. 2026–14798 Filed 7–21–26; 8:45 am]

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