

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 $F_{20\text{ percent}}$ (20 percent of Maximum Spawning Potential (MSP)) for surf clams and $F_{25\text{ percent}}$ (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.*

[FR Doc. 96-24671 Filed 9-26-96; 8:45 am]

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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

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 or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: September 19, 1996.

Linda Engelmeier,

Acting Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 96-24782 Filed 9-26-96; 8:45 am]

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DEPARTMENT OF DEFENSE

Office of Secretary

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)/ TRICARE Program Overseas

AGENCY: Office of the Secretary, DoD.

ACTION: Notice of the TRICARE program to be implemented overseas.

SUMMARY: The purpose of this notice is to describe the means by which managed care activities designed to improve the delivery and financing of health care services in the Military Health Services System (MHSS) are carried out overseas.

In September, 1994 and August, 1995, (59 FR 45668 and 60 FR 43436 respectively) the Department of Defense (DoD) published a notice of a CHAMPUS demonstration project to be implemented in Europe and the exercise of the first of two option years, respectively. Under this program, active duty family members who were unable to access services in a military treatment facility (MTF) could obtain both inpatient and outpatient services through local national medical facilities. Care received under this demonstration project required neither the cost shares nor deductibles normally collected for services under standard CHAMPUS. This demonstration was proposed for the purpose of testing whether special agreements with host nation medical providers, together with the elimination of CHAMPUS deductibles and cost

shares, could enhance beneficiary access to required care. This demonstration is scheduled to conclude at the end of the current fiscal year. In October, 1995 (60 FR 52078) the TRICARE rule was published. With the publication of this rule, DoD officially embarked on a new program to improve the quality, cost, and accessibility of services for its beneficiaries.

The fundamental role of U.S. military medical assets overseas is to maximize the operational readiness of our military forces. This program honors that fundamental responsibility and acknowledges that operational readiness requires a commitment to active duty military members, their families residing with them overseas and support personnel of the Department of Defense overseas.

Unique to TRICARE overseas are several different initiatives which will be utilized to enhance beneficiary access, to ensure quality, and to facilitate efficiency of health care delivery, made more challenging, given the many different countries, significant cultural differences and languages involved. A special CHAMPUS/ TRICARE program is authorized by 32 CFR 199.17(u) for family members of active duty members who accompany the members in their assignments in foreign countries. Under this special program, a preferred provider network will be established through contracts or agreements with selected health care providers. Under the network, CHAMPUS covered services will be provided to active duty family members who enroll in TRICARE "Prime" (the Health Maintenance Organization-type program) with all CHAMPUS requirements for deductibles and copayments waived. It is expected that, by October 1, 1997, the preferred provider network will have been more completely developed and the mechanism for enrollment will have matured to the extent that those who choose to enroll in Prime and who do not obtain preauthorization for emergency care from a non-participating provider will be subject to copays and deductibles. Emergency care will be reimbursed at the TRICARE Prime rate. Until that time, active duty family members who are not enrolled in TRICARE Prime, but who obtain care from a participating provider in the network will have cost shares and deductibles waived. After October 1, 1997, those family members who choose not to enroll in TRICARE Prime will be subject to the CHAMPUS copayments and deductibles. They will, of course, retain access to the direct care system,

on a space available basis, and will be able to choose TRICARE Standard.

The Department has noted significant improvement in health care delivery services for its beneficiaries overseas. Service members and their families, particularly those in remote areas, have experienced improved access to health care services. Billing practices, once a source of major dissatisfaction among local providers, have been streamlined, resulting in far fewer payment delays. A firm foundation has now been installed for the Overseas TRICARE Preferred Provider Networks, and may host nation health care providers, of all specialties, are interested in participating. The time has come to formalize the establishment of a basic structure for the enrollment system, the benefit, and the network of preferred providers.

A key ingredient of most private sector health plans is enrollment of beneficiaries in their respective health care plans. The basis structure of health care enrollment for the MHSS, established in the TRICARE regulation, will also apply overseas. Under this structure, all health care beneficiaries who enroll in the TRICARE Prime option become participants in TRICARE. Beneficiaries are classified into one of five categories:

(1) Active duty members, all of whom will be automatically enrolled in TRICARE Prime;

(2) TRICARE Prime enrollees, who (except for active duty members) must be CHAMPUS-eligible;

(3) TRICARE Standard participants, which include all CHAMPUS-eligible beneficiaries who do not enroll in TRICARE Prime; and

(4) CHAMPUS-eligible retirees who will be considered for enrollment, beginning October 1, 1997; and

(5) Medicare-eligible beneficiaries, and other non-CHAMPUS-eligible DoD beneficiaries, who, although not eligible for TRICARE Prime, may participate in many features of TRICARE.

The TRICARE program overseas will employ a dual option benefit. CHAMPUS-eligible beneficiaries will be offered two options: they may (1) enroll to receive health care in the Health Maintenance Organization (HMO)-type program called "TRICARE Prime" and have cost shares and deductibles waived; or (2) choose to receive care under "TRICARE Standard" (TRICARE Standard is the same as standard CHAMPUS), and will be subject to CHAMPUS copayments after October 1, 1997. TRICARE Prime enrollees retain the freedom to obtain services from civilian providers on a point-of-service basis. In such cases, all requirements applicable to standard CHAMPUS