

Sunshine Act Meetings

Federal Register

Vol. 58, No. 138

Wednesday, July 21, 1993

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, August 6, 1993.

PLACE: 2033 K St., N.W., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION:

Jean A. Webb, 202-254-6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 93-17492 Filed 7-6-93; 3:19 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, August 13, 1993.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION:

Jean A. Webb, 202-254-6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 93-17493 Filed 7-19-93; 3:19 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, August 20, 1993.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION:

Jean A. Webb, 202-254-6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 93-17494 Filed 7-19-93; 3:19 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, August 27, 1993.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION:

Jean A. Webb, 202-254-6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 93-17495 Filed 7-19-93; 3:19 pm]

BILLING CODE 6351-01-M

FEDERAL MARITIME COMMISSION

TIME AND DATE: 10:00 a.m., July 28, 1993.

PLACE: 1st Floor Hearing Room, Federal Maritime Commission, 800 North Capitol St., N.W., Washington, D.C.

20573-0001.

STATUS: Closed.

MATTER(S) TO BE CONSIDERED:

1. Docket No. 92-12—*Save on Shipping, Inc. v. Puerto Rico Maritime Shipping Authority—Consideration of the Record.*

CONTACT PERSON FOR MORE INFORMATION:

Joseph C. Polking, Secretary, (202) 523-5725.

Joseph C. Polking,

Secretary.

[FR Doc. 93-17471 Filed 7-19-93; 2:25 pm]

BILLING CODE 6730-01-M

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10:00 a.m., Thursday, July 29, 1993.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Open and Closed [Pursuant to 5 U.S.C. § 552b(c)(10)].

MATTERS TO BE CONSIDERED: In Closed session, the Commission will consider and act upon the following:

1. *Secretary of Labor on behalf of Donald L. Gregory et al. v. Thunder Basin Coal Co.*, Docket No. WEST 92-279-D, etc. (Issues include whether the judge erred in dismissal these proceedings because the Secretary refused to provide Thunder Basin with certain documents during discovery.)

In open session, the Commission will consider and act upon the following:

2. *Energy West Mining Co.*, Docket No. WEST 91-251. (Issues include whether the judge erred in concluding that Energy West's violation of 30 CFR 75.503 was of a significant and substantial nature and in assessing a civil penalty for the violation.)

3. *Aluminum Company of America*, Docket No. CENT 92-362-RM. (Issues include whether the judge erred in vacating an accident control order issued to Alcoa pursuant to 30 U.S.C. § 813(k) on the ground that the Secretary of Labor failed to prove that an accident had occurred.)

Any person attending the open portion of this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR 2706.150(a)(3) and 2706.160(e).

CONTACT PERSON FOR MORE INFORMATION:

Jean Ellen (202)653-5629/(202) 708-9300 for TDD Relay/1-800-877-8339 for toll free.

Dated: July 16, 1993.

Jean H. Ellen,

Agenda Clerk.

[FR Doc. 93-17387 Filed 7-19-93; 10:23 am]

BILLING CODE 6735-01-M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 11:00 a.m., Monday, July 26, 1993.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Federal Reserve Bank and Branch director appointments.

2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: July 16, 1993

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93-17386 Filed 7-19-93; 10:22 am]

BILLING CODE 6210-01-P

U.S. NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

Open Forum on Children and Youth Services: Redefining the Federal Role for Libraries

DATE AND TIME: September 2, 9:00 a.m. to 4:30 p.m.

PLACE: California State Library, Room 500, 1001 6th Street, Sacramento, CA 95814.

STATUS: Open.

PURPOSE OF THE FORUM: Open forum on the changing role of the Federal government in support of library and information services, and literacy programs for children and youth. The forum provides an opportunity for representatives from elected officials, community advocacy groups and organizations, school library media centers, public libraries, academic libraries educational, literacy and information services organizations, companies, associations, and institutions to offer comments, observations, and suggestions related to Federal roles and responsibilities for library and information services, and literacy programs offered to children and youth.

Parties interested in presenting oral or written statements should notify Kim

Miller or Peter Young at NCLIS, 1110 Vermont Avenue, N.W., Suite 820, Washington, D.C. 20005-3522 (202) 606-9200 by August 16, 1993. Written statements must be received at the NCLIS office by October 15, 1993.

To request further information or to make special arrangements for physically challenged persons, contact Kim Miller, NCLIS, no later than one week in advance of the forum.

Dated: July 15, 1993.

Peter R. Young,

NCLIS Executive Director.

[FR Doc. 93-17496 Filed 7-19-93; 3:20 pm]

BILLING CODE 7527-01-M

**NATIONAL CREDIT UNION ADMINISTRATION
NOTICE OF PREVIOUSLY HELD EMERGENCY
MEETING**

TIME AND DATE: 3:30 p.m., Thursday, July 15, 1993.

PLACE: Embassy Suites Hotel, 1881 Curtis Street, Denver, Colorado 80202.

STATUS: Closed.

MATTERS CONSIDERED:

1. Administrative Actions under Section 206 of the Federal Credit Union Act. Closed pursuant to exemption (8).

The Board voted that agency business required that a meeting be held with less than the usual seven days advance notice. Earlier announcement of this was not possible.

The Board voted to close the meeting under the exemption stated above. General Counsel Robert Fenner certified that the meeting could be closed under the exemption.

FOR MORE INFORMATION CONTACT: Becky Baker, Secretary of the Board, Telephone (202) 682-9600.

Becky Baker,

Secretary of the Board.

[FR Doc. 93-17437 Filed 7-19-93 12:57 pm]

BILLING CODE 7535-01-M

Corrections

Federal Register

Vol. 58, No. 138

Wednesday, July 21, 1993

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 435 and 436

[MB-001-FC]
RIN 0938-AA58

Medicaid Program; Eligibility and Coverage Requirements

Correction

In rule document 93-880 beginning on page 4908 in the issue of Tuesday, January 19, 1993, make the following corrections:

1. On page 4927, in the first column, amendatory instruction 7. was omitted

just before § 435.201, it should read as follows:

7. Section 435.201 is revised to read as follows:

2. On page 4932, in the second column, the heading above amendatory instruction 39. should read "\$ 435.733 [Amended]".

3. On page 4935, in the first column, in amendatory instruction 5., in the second line, "\$ 436.211" should read "\$ 436.210."

BILLING CODE 1505-01-D

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

RIN 3150-AD80

Training and Qualification of Nuclear Power Plant Personnel

Correction

In rule document 93-9651 beginning on page 21904 in the issue of Monday, April 26, 1993, make the following corrections:

§ 50.120 [Corrected]

On page 21912, in the first column, in § 50.120(b)(1), beginning in the second and sixth lines, "[October 25, 1993, publication]" should read "November 22, 1993" each time it appears.

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 92-046]

National Boating Safety Advisory Council; Applications for Appointment

Correction

In notice document 93-16705 beginning on page 38158, in the issue of Thursday, July 15, 1993, make the following correction:

On page 38159, in the first column, in the FR Doc. line, "93-16765" should read "93-16705".

BILLING CODE 1505-01-D

Federal Register

Wednesday
July 21, 1993

Part II

Department of Justice

Prisons Bureau

28 CFR Parts 540, et al.

Control, Custody, Care, Treatment and
Instruction of Inmates; Rules and
Proposed Rules

Federal Prison Industries, Inc.

28 CFR Part 301

Inmate Accident Compensation; Proposed
Rule

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Parts 540, 541

RIN 1120 AA-02

Control, Custody, Care, Treatment and Instruction of Inmates; Visiting Regulations and Inmate Discipline

AGENCY: Bureau of Prisons, Justice.

ACTION: Final rule.

SUMMARY: In this document, the Bureau of Prisons is amending its rules on Visiting Regulations and Inmate Discipline and Special Housing Units. The amendment makes minor procedural changes for the preparation of the visiting list; updates references to statutory penalties for providing or attempting to provide contraband to inmates; and makes other editorial changes. This amendment also clarifies visiting procedures for inmates in detention and special housing, and it makes a further clarification to the Bureau's general policy on loss of privileges. The intended effect of this amendment is to provide for the continued orderly operation of inmate visiting.

EFFECTIVE DATE: August 20, 1993.

ADDRESSES: Office of General Counsel, Bureau of Prisons, HOLC Room 754, 320 First Street NW., Washington, DC 20534.

FOR FURTHER INFORMATION CONTACT: Roy Nanovic, Office of General Counsel, Bureau of Prisons, phone (202) 307-3062.

SUPPLEMENTARY INFORMATION: The Bureau of Prisons is amending its rule on Visiting Regulations. A proposed rule on this subject was published in the Federal Register on February 8, 1991 (56 FR 5303 et seq.). A summary of public comment follows.

Several commenters disagreed with the proposed amendment to § 540.44(e) raising the age from 16 years to 18 years for visits by children unaccompanied by a responsible adult. The commenters stated the change appeared unnecessary and a punishment to imprisoned mothers or fathers and their children; that to change existing policy is unfair; and that because it is not always easy to find an adult to bring with you, the modification will make it more difficult for younger persons to visit. One of the commenters stated that children between the ages of 16 and 18 are, in many ways, treated as mature adults, and objected to the absence of statistical or anecdotal information concerning the number of children affected or problems

with children in this age group. This commenter speculated that children of inmates are likely to be from one-parent or dysfunctional families where there may be no other adult to accompany them for a visit, and that most one-parent families are headed by women so that the proposal disproportionately affected women prisoners.

The Bureau recognizes the value of a child's visit to an inmate in maintaining family relationships, and its proposed revision was not intended to adversely impact on that value. The requirement for adult supervision was not intended to limit visitation access, but to prevent disruptions or security violations by a child lacking the maturity to understand the Bureau's visiting regulations or who is unable to fully comprehend or be held fully accountable for the ramifications of his or her actions. The Bureau wishes to consider further its response to comments and therefore has not adopted the proposed revision to § 540.44(e) in this document. The age requirement for unaccompanied visits by children remains at sixteen.

One commenter objected to the statutorily conforming amendment regarding fines and penalties for introducing or attempting to introduce contraband into an institution. This revision merely reflects the current statutory provision contained in 18 U.S.C. 1791.

Another commenter objected to the change in § 540.50(c) regarding visits to inmates not in regular population status, stating that the revision was a total change in visitation rights of prisoners in detention or segregated status. This commenter stated that the existing text prevents any staff member from interfering with the visits of immediate family members unless a violation of visiting privileges has occurred, and that under the revised rule, the Bureau of Prisons will do so.

The proposed rule was not intended to make a "total change" in the visitation rights of inmates in detention or segregation status. To indicate this, we have revised § 540.50(c) to make two clarifications. The first clarification is to indicate that the presumption against loss of visiting privileges is limited to incidents occurring while the inmate is in detention or segregation status, and does not interrupt or delay a loss of privilege sanction imposed while the inmate was in general population status prior to placement in detention or segregation status. The second clarification is that exceptions to the stated criteria for loss of an inmate's visiting privileges requires the inmate to receive a hearing before the Discipline Hearing Officer (DHO) in accordance

with the provisions of 28 CFR 541.17, following those provisions which are appropriate to the circumstances. A loss of visiting privileges for other than visiting-related reasons requires a finding by the DHO that the inmate committed a prohibited act and that there is a lack of other appropriate sanctions or when imposition of the appropriate sanction upon the inmate previously has been ineffective. An inmate who disagrees with the loss of privilege may file a grievance under the administrative remedy procedure (see 28 CFR part 542). As a further clarification of its policy on loss of privileges, the Bureau is herein amending paragraph (g) of Table 4 in § 541.13. Paragraph (g) had specified that ordinarily loss of a privilege is used as a sanction in response to an abuse of that privilege. The paragraph had further specified, however, that the loss of certain privileges could be appropriate sanctions in some cases for misconduct not related to the privilege. As revised, paragraph (g) now states that the DHO or Unit Discipline Committee (UDC) may impose a loss of privilege sanction not directly related to the offense provided that the DHO or UDC determines there is a lack of other appropriate sanctions or when those sanctions have previously been ineffective. This revision provides the standard for the DHO or UDC to impose loss of privileges as a sanction not directly related to the offense. Finally, this document makes a nomenclature change by revising references to Security Levels which appear in Table 3 of § 541.13.

After due consideration of the comments received, the Bureau is adopting the proposal as a final rule with the modification to § 540.50(c) and the additional changes to § 541.13 as described above, and without revision to § 540.44(e).

The Bureau of Prisons has determined that this rule is not a major rule for the purpose of E.O. 12291. After review of the law and regulations, the Director, Bureau of Prisons has certified that this rule, for the purpose of the Regulatory Flexibility Act (Pub. L. 96-354), does not have a significant impact on a substantial number of small entities.

Interested persons may submit comments concerning this rule by writing to the previously cited address. These comments will be considered but will receive no response in the Federal Register.

List of Subjects in 28 CFR Parts 540 and 541

Prisoners.

Dated: July 14, 1993.

James A. Meko,

Acting Director, Bureau of Prisons.

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director, Bureau of Prisons in 28 CFR 0.96(p), parts 540 and 541 in subchapter C of 28 CFR, chapter V are amended as set forth below.

SUBCHAPTER C—INSTITUTIONAL MANAGEMENT

PART 540—CONTACT WITH PERSONS IN THE COMMUNITY

1. The authority citation for 28 CFR 540 is revised to read as follows:

Authority: 5 U.S.C. 301, 551, 552a; 18 U.S.C. 1791, 3621, 3622, 3624, 4001, 4042, 4081, 4082 (repealed in part as to offenses committed on or after November 1, 1987), 5006–5024 (repealed October 12, 1984 as to offenses committed after that date), 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

§ 540.40 [Amended]

2. Section 540.40 is amended by revising, in the last sentence, the word "insure" to read "ensure".

§ 540.50 [Amended]

3. In § 540.50, paragraph (b)(1) is amended by revising the phrase "Health Systems Administrator" to read "Health Services Administrator".

4. In § 540.50, paragraph (c) is revised to read as follows:

§ 540.50 Visits to inmates not in regular population status.

(c) Detention or segregation status—Ordinarily, an inmate retains visiting privileges while in detention or segregation status. Visiting may be restricted or disallowed, however, when an inmate, while in detention or segregation status, is charged with, or has been found to have committed, a prohibited act having to do with visiting guidelines or has otherwise acted in a way that would reasonably indicate that he or she would be a threat to the orderliness or security of the visiting

room. Loss of an inmate's visiting privileges for other reasons may not occur unless the inmate is provided a hearing before the Discipline Hearing Officer (DHO) in accordance with the provisions of § 541.17 of this chapter, following those provisions which are appropriate to the circumstances, which results in a finding by the DHO that the inmate committed a prohibited act and that there is a lack of other appropriate sanctions or that imposition of an appropriate sanction previously has been ineffective. The Unit Discipline Committee (UDC) may not impose a loss of visiting privileges for inmates in detention or segregation status. The provisions of this paragraph (c) do not interrupt or delay a loss of visiting sanction imposed by the UDC or DHO prior to the inmate's placement in detention or segregation status.

5. In § 540.51, paragraph (g)(2) is amended by adding a comma after the word "embracing" in the first and in the second sentences, paragraph (g)(4) is amended by revising, in the first sentence, the word "officer" to read "visiting room officer", paragraph (b)(1) is revised, and paragraph (b)(4) is amended by revising the last sentence to read as follows:

§ 540.51 Procedures.

(b) * * *
(1) Staff shall ask each inmate to submit during the admission-orientation process a list of proposed visitors. After appropriate investigation, staff shall compile a visiting list for each inmate and distribute that list to the inmate and the visiting room officer.

(4) * * * The visiting guidelines shall include specific directions for reaching the institution and shall cite 18 U.S.C. 1791, which provides a penalty of imprisonment for not more than twenty years, a fine, or both for providing or attempting to provide to an inmate anything whatsoever without the knowledge and consent of the Warden.

PART 541—INMATE DISCIPLINE AND SPECIAL HOUSING UNITS

6. The authority citation for 28 CFR part 541 continues to read as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 3621, 3622, 3624, 4001, 4042, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987), 4161–4166 (Repealed as to offenses committed on or after November 1, 1987), 5006–5024 (Repealed October 12, 1984 as to offenses committed after that date), 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

7. In § 541.13, Table 3 is amended by revising in the description under the Prohibited acts column for Code 102 the phrases "Security level 2 through 6" and "Security level 1" to read "low, medium, and high security level," and "minimum" respectively, and by revising in the description under the Prohibited acts column for Code 200 the phrase "Security Level 1" to read "minimum"; Table 4 is amended by revising paragraph 2.(g) to read as follows:

§ 541.13 Prohibited acts and disciplinary severity scale.

* * * * *

Table 4—Sanctions

* * * * *

2. * * *

(g) *Loss of privileges:* The DHO or UDC may direct that an inmate forego specific privileges for a specified period of time. Ordinarily, loss of privileges is used as a sanction in response to an abuse of that privilege. However, the DHO or UDC may impose a loss of privilege sanction not directly related to the offense when there is a lack of other appropriate sanctions or when imposition of an appropriate sanction previously has been ineffective.

* * * * *

[FR Doc. 93-17237 Filed 7-20-93; 8:45 am]

BILLING CODE 4410-05-P

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Parts 540 and 545

RIN 1120 AA-06

Control, Custody, Care, Treatment and Instruction of Inmates; Telephone Regulations and Inmate Financial Responsibility

AGENCY: Bureau of Prisons, Justice.

ACTION: Proposed Rule.

SUMMARY: In this document, the Bureau of Prisons is proposing to amend its rule on Telephone Regulations in order to provide for the operation of a debit billing system for inmates and to clarify references to loss of telephone privileges under institutional disciplinary sanctions. This document also proposes an amendment to the Bureau's rule on Inmate Financial Responsibility. The amendment states that an inmate who refuses participation in the inmate financial responsibility program is limited to one telephone call every three months, the minimum provided in existing § 540.100. These proposed amendments are intended to reduce generally the cost of telephone calls both for the Bureau and the parties involved, to continue to provide for the secure and safe operation of the institution, and to recognize the role of inmate financial responsibility.

DATES: Comments must be submitted by August 20, 1993.

ADDRESSES: Office of General Counsel, Bureau of Prisons, HOLC Room 754, 320 First Street, NW., Washington, DC 20534.

FOR FURTHER INFORMATION CONTACT: Roy Nanovic, Office of General Counsel, Bureau of Prisons, telephone (202) 307-3062.

SUPPLEMENTARY INFORMATION: The Bureau of Prisons is proposing to amend its rules on Telephone Regulations and on Inmate Financial Responsibility Program. A final rule on Telephone Regulations was published in the *Federal Register* June 29, 1979 (44 FR 38249) and was amended June 1, 1983 (48 FR 24622). A final rule on the Inmate Financial Responsibility Program was published in the *Federal Register* May 21, 1991 (56 FR 23477).

The Bureau of Prisons provides inmates with several means of communicating with the public. Primary among these is written correspondence, with visiting and telephone privileges serving as two alternate means of communications.

Current regulations in 28 CFR part 540, subpart I, stipulate that inmate

calls shall ordinarily be made collect to the party called. In order to take advantage of the economies offered by the use of a debit billing system, the Bureau is amending its regulations to remove exclusive reference to the placement of collect telephone calls and to add procedures necessary to help protect the public from possible abuse of inmate telephone calls under the new billing system. To that end, the Bureau is redesignating §§ 540.101 through 540.105 as §§ 540.102 through 540.106 in order to add a new § 540.101 containing procedures necessary for the secure operation of the debit billing system and incorporating existing general telephone procedures previously stated in § 540.100. Under debit billing, the charges for most telephone calls will be less expensive than for equivalent calls placed under the current collect calling system. Inmate calls would be processed under the same rate structure regardless of the time of day or day of the week in which the call is placed. Telephone calls placed under the new system also would be less likely to be blocked during peak calling periods, such as holidays. A summary of the specific changes follows.

In § 540.100, a sentence is added to articulate the Bureau's purpose in extending telephone privileges to inmates, and a reference to the inmate financial responsibility program (28 CFR 545.11) is added. The inmate financial responsibility program offers inmates the opportunity to develop a financial plan designed to meet certain legitimate financial obligations (for example, court-ordered restitution, fines, or other federal government obligations) and to make payments toward fulfilling that plan. As proposed herein, a new paragraph (d)(10) of § 545.11 would specify that refusal by an inmate to participate in the financial responsibility program or to comply with the provisions of the financial plan ordinarily shall result in the inmate's being limited to placing no more than one telephone call every three months. This limitation is consistent with the minimum telephone call provisions contained in existing § 540.100. Any exception to this requires approval of the Warden. Section 540.100 is also amended to specify that an inmate may request to call a person of his or her choice. This change is necessary to reflect the use of the telephone list as a replacement for a collect call. Section 540.100 is further amended to clarify that restrictions on inmate telephone use may result from institutional disciplinary action. Ordinarily, such

restriction will be imposed as the result of abuse of telephone use. The Bureau's procedures for institutional disciplinary action (see subpart B of 28 CFR 541) allow for imposition of the sanction in certain other circumstances.

New § 540.101 states the Warden shall permit an inmate who has not been restricted from telephone use to make at least one telephone call each three months. As noted above, this provision previously appeared in § 540.100. Paragraph (a) of new § 540.101 requires that an inmate telephone call ordinarily shall be made to a party identified on the inmate's official telephone list, which is prepared during admission and orientation. This list may contain up to twenty names. Upon such submission, the inmate shall acknowledge in writing that the person or persons on the list are agreeable to receiving a telephone call from the inmate and that any call made is for a purpose allowable under Bureau policy or institution guidelines, such as maintaining social contact with family and friends. Persons who have been approved for the inmate's visiting list ordinarily may be placed on the inmate's telephone list without further verification. Subject to staff approval, other persons may be placed on the telephone list upon receipt by staff of a completed telephone authorization form from the proposed telephone recipient. The inmate is responsible for mailing a telephone authorization form to proposed telephone call recipients. Paragraph (a) also allows an inmate the opportunity to submit changes to his or her telephone list. Paragraph (b) specifies that an inmate may not possess another inmate's telephone access code number, may not give his or her telephone access code number to another inmate, and is to report a compromised telephone access code number immediately to unit staff. Paragraph (c) specifies that the placement and duration of any telephone call is subject to availability of inmate funds and that the maximum length for any call shall be determined by the Warden. The minimum length, subject to inmate availability of funds is ordinarily three minutes for each call, as specified in existing § 540.100. Paragraph (d) provides that the Warden may allow the placement of collect calls for good cause. Examples of good cause include, but are not limited to, inmates housed in Metropolitan Correctional Centers, Metropolitan Detention Centers, or Federal Detention Centers, pretrial inmates, inmates in holdover status, and in cases of family emergencies.

Newly designated § 540.105 is amended to state that telephone expenses for which an inmate is responsible may include a fee for replacement of the inmate's telephone access code. A telephone access code is to be used in an institution which has implemented debit billing for inmate telephone calls. Under debit billing, an inmate has the opportunity to keep track of his or her telephone expenditures and is responsible for being aware of his or her account balance. Section 540.105 is further amended by allowing for the use of collect calls in certain circumstances and by removing extraneous examples. Newly designated § 540.106 is amended by removing discussion of restrictions on telephone privileges which result from institutional disciplinary action. Revised § 540.100 contains a reference to this matter, which is more completely addressed in subpart B of 28 CFR 541.

Interested persons may participate in this proposed rulemaking by submitting comments in writing to the previously cited address. Comments received during the comment period will be considered before final action is taken. All comments received remain on file for public inspection at the above address. The proposed rule may be changed in light of the comments received. No oral hearings are contemplated.

The Bureau of Prisons has determined that this rule is not a major rule for the purpose of E.O. 12291. After review of the law and regulations, the Director, Bureau of Prisons has certified that this rule, for the purpose of the Regulatory Flexibility Act (Pub. L. 96-354), does not have a significant impact on a substantial number of small entities.

List of Subjects in 28 CFR Part 540 and 545

Prisoners.

Dated: July 14, 1993.

James A. Meko,
Acting Director, Bureau of Prisons.

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director, Bureau of Prisons in 28 CFR 0.96(p), parts 540 and 545 in subchapter C of 28 CFR, chapter V are proposed to be amended as set forth below.

SUBCHAPTER C—INSTITUTIONAL MANAGEMENT

PART 540—CONTACT WITH PERSONS IN THE COMMUNITY

1. The authority citation for 28 CFR part 540 continues to read as follows:

Authority: 5 U.S.C. 301, 551, 552a; 18 U.S.C. 1791, 3621, 3622, 3624, 4001, 4042, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987), 5006–5024 (Repealed October 12, 1984 as to offenses committed after that date), 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

2. Section 540.100 is revised to read as follows:

§ 540.100 Purpose and scope.

The Bureau of Prisons extends telephone privileges to inmates as a supplemental means of maintaining community and family ties. An inmate may request to call a person of his or her choice outside the institution on a telephone provided for that purpose. In addition to the procedures set forth in this subpart, inmate telephone use is subject to those limitations set forth under the inmate financial responsibility program (see 28 CFR 545.11) and those which the Warden determines are necessary to ensure the security, good order, and discipline of the institution and to protect the public. Restrictions on inmate telephone use may also be imposed as a disciplinary sanction (see 28 CFR part 541).

§§ 540.101 through 540.105 [Redesignated as §§ 540.102 through 540.106]

3. Sections 540.101 through 540.105 are redesignated as §§ 540.102 through 540.106.

4. New § 540.101 is added to read as follows:

§ 540.101 Procedures.

The Warden shall permit an inmate who has not been restricted from telephone use as the result of an institutional disciplinary action (see part 541, subpart B) to make at least one telephone call each three months.

(a) *Telephone list.* An inmate telephone call shall ordinarily be made to a party identified on the inmate's official telephone list. Ordinarily, this list may contain up to twenty names. Staff shall ask each inmate to submit during admission and orientation a list of proposed names and telephone numbers which the inmate wants to include on his or her telephone list. Upon such submission, the inmate shall acknowledge in writing that the person or persons on the list are agreeable to receiving a telephone call from the inmate and that any call made is to be for a purpose allowable under Bureau policy or institution guidelines, such as maintaining social contact with family and friends. Persons who have been approved for the inmate's visiting list ordinarily may be placed on the inmate's telephone list without further verification. Subject to staff approval, other persons may be placed on the list

upon receipt by staff of a completed telephone authorization form from the proposed telephone call recipient. The inmate is responsible for mailing the telephone authorization form to each proposed telephone call recipient. The Warden may exercise discretion in approving or disapproving on grounds of a threat to institution security and good order, rehabilitative goals, or threat to the public. Any disapproval must be documented in writing. An inmate shall be allowed the opportunity to submit changes to the list on a quarterly basis.

(b) *Telephone access codes.* An inmate may not possess another inmate's telephone access code number. An inmate may not give his or her telephone access code number to another inmate, and is to report a compromised telephone access code number immediately to unit staff.

(c) *Placement and duration of telephone call.* The placement and duration of any telephone call is subject to availability of inmate funds. Ordinarily, an inmate who has sufficient funds is allowed at least three minutes for a telephone call. The maximum length of a telephone call shall be determined by the Warden.

(d) *Exception.* The Warden may allow the placement of collect calls for good cause. Examples of good cause include, but are not limited to, inmates housed in Metropolitan Correctional Centers, Metropolitan Detention Centers, or Federal Detention Centers, pretrial inmates, inmates in holdover status, and in cases of family emergencies.

5. Newly designated § 540.105 is revised to read as follows:

§ 540.105 Expenses of inmate telephone use.

An inmate is responsible for the expenses of inmate telephone use. Such expenses may include a fee for replacement of an inmate's telephone access code that is used in an institution which has implemented debit billing for inmate telephone calls. In institutions which have implemented debit billing, each inmate is responsible for staying aware of his or her account balance. Third party billing and electronic transfer of a call to a third party are not permitted. The Warden may direct the government to bear the expense of inmate telephone use or allow a call to be made collect under compelling circumstances such as when an inmate has lost contact with his family or has a family emergency.

§ 540.106 [Amended]

6. Newly designated § 540.106 is amended by removing the third sentence.

PART 545—WORK AND COMPENSATION

6. The authority citation for 28 CFR part 545 continues to read as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 3013, 3571, 3621, 3622, 3624, 3663, 4001, 4042, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987), 4126, 5006–5024 (Repealed October 12, 1984 as to offenses committed after that date), 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

7. In § 545.11, paragraph (d)(10) is added to read as follows:

§ 545.11 Procedures.

* * * * *

(d) * * *
(10) The inmate will not be allowed to place more than one telephone call every three months. Any exception to this requires approval of the Warden.

[FR Doc. 93–17236 Filed 7–20–93; 8:45 am]
BILLING CODE 4410–05–P

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Part 301

RIN 1120-AA05

Inmate Accident Compensation

AGENCY: Federal Prison Industries, Inc., Bureau of Prisons, DOJ.

ACTION: Proposed Rule.

SUMMARY: In this document, the Bureau of Prisons is proposing to extend coverage under Inmate Accident Compensation to inmates participating in approved work assignments for other federal agencies. Because inmates participating in such assignments may be housed in a community corrections center, it is necessary to add procedures appropriate for treatment and reporting of injuries and for processing claims which may arise from such assignments. This amendment also clarifies the applicability of lost-time wages, clarifies the effects of subsequent incarceration, clarifies the definition of "release", clarifies payment procedures for medical treatment, and corrects a typographical error in the citation of a court case. This amendment is intended to allow for the continued efficient operation of inmate work assignments. **DATES:** Comments due by September 7, 1993.

ADDRESSES: Office of General Counsel, Bureau of Prisons, HOLC Room 754, 320 First Street, NW., Washington, DC 20534.

FOR FURTHER INFORMATION CONTACT: Roy Nanovic, Office of General Counsel,

Bureau of Prisons, phone (202) 307–3062.

SUPPLEMENTARY INFORMATION: The Bureau of Prisons is proposing to amend its regulations on Inmate Accident Compensation. A final rule on this subject was published in the Federal Register on March 12, 1990 (55 FR 9296).

Section 4125 of title 18 of the United States Codes allows for the use by Federal entities of inmate services in public works. This amendment would clarify the applicability of the Bureau's Inmate Accident Compensation to such work assignments by adding provisions for the reporting and treating of injuries and processing of claims which may arise in such assignments. Inmates participating in such assignments may be based in a community corrections center; consequently it is necessary to add provisions specific to that location. This includes clarification of the definition of "release" as it applies to inmates who suffer a work-related injury while housed at a community corrections center.

This amendment also clarifies that lost-time wages shall be available only for inmates based at Bureau of Prisons institutions (see new § 301.201) and that the amount of a payment for medical treatment is limited to reasonable expenses incurred, such as those amounts authorized under the applicable fee schedule established for the Department of Health and Human Services Medicare program (see § 301.317). This amendment also amends the definition of "release" in § 301.102 to include reference to pretrial inmates. This amendment also clarifies § 301.316 by rewording its provisions regarding subsequent incarceration of a compensation recipient. There is no change in the intent of this section. Finally, this amendment corrects a typographical error in the citation of the court case *U.S. v. Demko* which appears in § 301.319.

The Bureau of Prisons has determined that this rule is not a major rule for the purpose of E.O. 12291. After review of the law and regulations, the Director, Bureau of Prisons has certified that this rule, for the purpose of the Regulatory Flexibility Act (Pub. L. 96–354), does not have a significant impact on a substantial number of small entities.

Interested persons may participate in this proposed rulemaking by submitting data, views, or arguments in writing to the Bureau of Prisons, 320 First Street, NW., HOLC Room 754, Washington, DC 20534. Comments received during the comment period will be considered before final action is taken. All

comments received remain on file for public inspection at the above address. The proposed rule may be changed in light of the comments received. No oral hearings are contemplated.

List of Subjects in 28 CFR Part 301

Prisoners.

Dated: July 14, 1993.

James A. Meko,

Acting Commissioner of Federal Prison Industries, and Acting Director, Bureau of Prisons.

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director, Bureau of Prisons in 28 CFR 0.96(p) and 0.99, it is proposed to amend part 301 of 28 CFR, chapter III as set forth below.

CHAPTER III—FEDERAL PRISONS INDUSTRIES, INC., DEPARTMENT OF JUSTICE

PART 301—INMATE ACCIDENT COMPENSATION

1. The authority citation for 28 CFR part 301 continues to read as follows:

Authority: 18 U.S.C. 4126, 28 CFR 0.99, and by resolution of the Board of Directors of Federal Prison Industries, Inc.

2. In § 301.101, paragraphs (a) and (b) are revised to read as follows:

§ 301.101 Purpose and scope.

* * * * *

(a) Inmate Accident Compensation may be awarded to former federal inmates or their dependents for physical impairment or death resultant from injuries sustained while performing work assignments in Federal Prison Industries, Inc., in institutional work assignments involving the operation or maintenance of a federal correctional facility, or in approved work assignments for other federal entities; or,

(b) Lost-time wages may be awarded to inmates assigned to Federal Prison Industries, Inc., to paid institutional work assignments involving the operation or maintenance of a federal correctional facility, or in approved work assignments for other federal entities for work-related injuries resulting in time lost from the work assignment.

3. In § 301.102, paragraph (b) is revised and paragraphs (d) and (e) are added to read as follows:

§ 301.102 Definitions.

* * * * *

(b)(1) For purposes of this part, the term "release" is defined as the removal of an inmate from a Bureau of Prisons correctional facility upon expiration of

sentence, parole, final discharge from incarceration of a pretrial inmate, or transfer to a community corrections center or other non-federal facility, at the conclusion of the period of confinement in which the injury occurred.

(2) In the case of an inmate who suffers a work-related injury while housed at a community corrections center, "release" is defined as the removal of the inmate from the community corrections center upon expiration of sentence, parole, or transfer to any non-federal facility, at the conclusion of the period of confinement in which the injury occurred.

(3) In the case of an inmate who suffers a work-related injury while housed at a community corrections center and is subsequently transferred to a Bureau of Prisons facility, "release" is defined as the removal of the inmate from the Bureau of Prisons facility upon expiration of sentence, parole, or transfer to a community corrections center or other non-federal facility.

* * * * *

(d) For purposes of this part, the term "work detail supervisor" may refer to either a Bureau of Prisons or a non-Bureau of Prisons supervisor.

(e) For the purposes of this part, the phrase "housed at" or "based at" a "Bureau of Prisons institution" shall refer to an inmate that has a work assignment with a Bureau of Prisons institution or with another federal entity and is incarcerated at a Bureau of Prisons institution. For the purposes of this part, the phrase "based at" or "housed at" a "community corrections center" shall refer to an inmate that has a work assignment for a non-Bureau of Prisons federal entity and is incarcerated at a community corrections center.

§ 301.103 [Amended]

4. Section 301.103 is amended by revising the phrase "institutional work assignments" to read "work assignments".

5. Section 301.104 is revised to read as follows:

§ 301.104 Medical attention.

Whenever an inmate worker is injured while in the performance of assigned duty, regardless of the extent of the injury, the inmate shall immediately report the injury to his official work detail supervisor. In the case of injuries on work details for other federal entities, the inmate shall also report the injury as soon as possible to community corrections or institution staff, as appropriate. The work detail supervisor

shall immediately secure such first aid, medical, or hospital treatment as may be necessary for the proper treatment of the injured inmate. First aid treatment may be provided by any knowledgeable individual. Medical, surgical, and hospital care shall be rendered under the direction of institution medical staff for all inmates based at Bureau of Prisons institutions. In the case of inmates based at community corrections centers, medical care shall be arranged for by the work supervisor or by community corrections center staff in accordance with the medical needs of the inmate. Refusal by an inmate worker to accept such medical, surgical, hospital, or first aid treatment recommended by medical staff or by other medical professionals may result in denial of any claim for compensation for any impairment resulting from the injury.

6. Section 301.105 is revised to read as follows:

§ 301.105 Investigation and report of injury.

(a) After initiating necessary action for medical attention, the work detail supervisor shall immediately secure a record of the cause, nature, and exact extent of the injury. The work detail supervisor shall complete a BP-140, Injury Report (Inmate), on all injuries reported by the inmate, as well as injuries observed by staff. In the case of injuries on work details for other federal entities, the work supervisor shall also immediately inform community corrections or institution staff, as appropriate, of the injury. The injury report shall contain a signed statement from the inmate on how the accident occurred. The names and statements of all witnesses (e.g., staff, inmates, or others) shall be included in the report. If the injury resulted from the operation of mechanical equipment, an identifying description or photograph of the machine or instrument causing the injury shall be obtained, to include a description of all safety equipment used by the injured inmate at the time of the injury. Staff shall provide the inmate with a copy of the injury report. Staff shall then forward the original and remaining copies of the injury report to the Institutional Safety Manager for review. In the case of inmates based at community corrections centers, the work detail supervisor shall provide the inmate with a copy of the injury report and shall forward the original and remaining copies of the injury report to the Community Corrections Manager responsible for the particular community corrections center where the inmate is housed.

(b) The Institution Safety Manager or Community Corrections Manager shall ensure that a medical description of the injury is included on the BP-140 whenever the injury is such as to require medical attention. The Institution Safety Manager or Community Corrections Manager shall also ensure that the appropriate sections of BP-140, Page 2, Injury-Lost-Time Follow-Up Report, are completed and that all reported work injuries are properly documented.

7. In subpart B, §§ 301.201 through 301.204 are redesignated as §§ 301.202 through 301.205, and a new § 301.201 is added to read as follows:

§§ 301.201-301.204 [Redesignated as 301.202-301.205]

§ 301.201 Applicability.

Lost-time wages shall be available only for inmates based at Bureau of Prisons institutions.

8. In § 301.303, paragraph (a) is amended by revising the first and the fourth sentences, paragraphs (b) through (e) are redesignated as (c) through (f), a new paragraph (b) is added, and newly designated paragraph (d) is amended by revising the first sentence to read as follows:

§ 301.303 Time parameters for filing a claim.

(a) No more than 45 days prior to the date of an inmate's release, but no less than 15 days prior to this date, each inmate who feels that a residual physical impairment exists as a result of an industrial, institution, or other work-related injury shall submit an FPI Form 43, Inmate Claim for Compensation on Account of Work Injury. * * * The completed claim form shall be submitted to the Institution Safety Manager or Community Corrections Manager for processing.

(b) In the case of an inmate based at a community corrections center who is being transferred to a Bureau of Prisons institution, the Community Corrections Manager shall forward all materials relating to an inmate's work-related injury to the Institution Safety Manager at the particular institution where an inmate is being transferred, for eventual processing by the Safety Manager prior to the inmate's release from that institution.

* * * * *

(d) The claim, after completion by the physician conducting the impairment examination, shall be returned to the Institution Safety Manager or Community Corrections Manager for final processing. * * *

9. Section 301.316 is revised to read as follows:

§ 301.316 Subsequent incarceration of compensation recipient.

If a claimant, who has been awarded compensation on a monthly basis, is or becomes incarcerated at any federal, state, or local correctional facility, monthly compensation payments payable to the claimant shall ordinarily be suspended until such time as the

claimant is released from the correctional facility.

10. Section 301.317 is amended by adding a sentence at the end to read as follows:

§ 301.317 Medical treatment following release.

* * * The amount of a payment for medical treatment is limited to reasonable expenses incurred, such as those amounts authorized under the applicable fee schedule established

pursuant to 42 U.S.C. 1395w-4 for the Department of Health and Human Services Medicare program.

11. Section 301.319 is amended by revising the citation at the end to read as follows:

§ 301.319 Exclusiveness of remedy.

* * * *U.S. v. Demko*, 385 U.S. 149 (1966).

[FR Doc. 93-17235 Filed 7-20-93; 8:45 am]

BILLING CODE 4410-05-P

Federal Register

Wednesday
July 21, 1969

Part III

Department of Commerce

Patent and Trademark Office

37 CFR Part 2

Revision of Trademark Fees; Notice of
Proposed Rulemaking

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 2

[Docket No. 930508-3108]

RIN 0651-AA61

Revision of Trademark Fees

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Patent and Trademark Office (PTO) proposes to amend the rules of practice in patent and trademark cases, part 2 of title 37, Code of Federal Regulations. The PTO proposes that the fee amount for filing a trademark application be set at \$245, in accordance with the applicable provisions of H.R. 2632. No other fees will be affected by this rulemaking.

DATES: Written comments must be submitted on or before August 20, 1993. A public hearing will not be held.

ADDRESSES: Address written comments to the Commissioner of Patents and Trademarks, Washington, DC 20231, Attention: Robert Kopson, suite 507, Crystal Park 1, or by FAX to (703) 305-8525. Written comments will be available for public inspection in suite 507 of Crystal Park 1 at 2011 Crystal Drive, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Robert Kopson by telephone at (703) 305-8510 or by mail marked to his attention and addressed to the Commissioner of Patents and Trademarks, Washington, DC 20231.

SUPPLEMENTARY INFORMATION: This proposed rule change would adjust the fee for filing a trademark application in accordance with the provisions of H.R. 2632. The proposed trademark fee increase is due to an expected funding shortfall for the trademark operation in fiscal year 1994. In order to collect the needed funds, and to keep the fee adjustment as limited as possible, only the trademark application fee is proposed to be increased.

The PTO will not adjust any other fees. The PTO's fiscal year 1994 operating expenses are approximately \$21 million less than planned. This reduction is attributable to: (1) The policies of the Administration to effect administrative reductions throughout the Federal Government and to constrain growth in Federal employment levels; and (2) the actions of the General Services Administration in reappraising the agency's space rental costs which have resulted in a reduction

in rental payments. These cost reductions preclude the need for a fee increase.

Statutory Provisions

Section 31 of the Trademark (Lanham) Act of 1946, as amended (15 U.S.C. 1113), authorizes the Commissioner to establish fees for the filing and processing of an application for the registration of a trademark or other mark, and for all other services and materials furnished by the PTO relating to trademarks and other marks.

Section 31(a) of the Trademark (Lanham) Act of 1946 (15 U.S.C. 1113(a)), as amended by Public Law 102-204, allows trademark fees to be adjusted once each year to reflect, in the aggregate, any fluctuations during the preceding twelve months in the Consumer Price Index.

H.R. 2632, if enacted, would authorize the Commissioner to adjust the fee for filing a trademark application without regard to the fluctuations in the Consumer Price Index during the preceding twelve months.

Section 31 also allows new fee amounts to take effect thirty days after notice in the *Federal Register* and the *Official Gazette* of the Patent and Trademark Office.

Recovery Level Determinations

The existing fee schedule, along with the proposed adjustment to the trademark application fee, would recover \$518,692,000 in fiscal year 1994, as proposed in the Administration's budget request to the Congress.

Patent statutory fees are subject to the provisions of the Omnibus Budget Reconciliation Act of 1990, as amended by Public Law 102-204. Of the total amount of section 41(a) and (b) income expected to be collected in 1994, \$103 million must be deposited to the Fee Surcharge Fund for deficit reduction purposes in lieu of seeking general taxpayer funds from the U.S. Treasury. The \$103 million is deposited in a special account in the U.S. Treasury, reserved exclusively for use by the PTO, and is made available to the PTO through the appropriation process.

Fee Analyses

In response to comments on the proposed fee adjustment for fiscal year 1993 (see 57 FR 21535), the PTO initiated a study of Patent Cooperation Treaty (PCT) fee amounts and maintenance fee amounts. The final results of these studies will be published in the notice of proposed rulemaking for fee adjustments to take effect in October 1994.

General Procedures

Any fee amount that is paid on or after the effective date of the fee increase, would be subject to the new fees then in effect. However, the provisions of 37 CFR 1.10 relating to filing papers and fees with an "Express Mail" certificate do apply to any paper or fee, including trademark applications, to be filed in the PTO. If an application or fee is filed by "Express Mail" with a proper certificate dated on or after the effective date of the rules, as amended, the amount of the fee to be paid would be the fee established by the amended rules.

Discussion of Specific Rules

37 CFR 2.6 Trademark Fees

Section 2.6, subparagraph (a)(1), if revised as proposed, would adjust the fee authorized by the Trademark (Lanham) Act of 1946 in accordance with the provisions of H.R. 2632.

Other Considerations

The proposed rule change is in conformity with the requirements of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.); Executive Orders 12291 and 12612; and the Paperwork Reduction Act of 1980, 44 U.S.C. 3501, et seq. There are no information collection requirements relating to patent and trademark fee rules.

The PTO has determined that this proposed rule change has no Federalism implications affecting the relationship between the National Government and the States as outlined in Executive Order 12612.

The General Counsel of the Department of Commerce has certified to the Chief Counsel for Advocacy, Small Business Administration, that the proposed rule change would not have a significant economic impact on a substantial number of small entities (Regulatory Flexibility Act, 5 U.S.C. 605(b)). Less than 10 percent of the revenue generated in fiscal year 1994 will come from the payment of trademark fees. Small entities have the option of not registering their marks under the Federal system, but can choose to use their mark under common law. While the trademark application fee is proposed to be increased from \$210 to \$245, PTO has attempted to keep trademark application fees as low as practicable to encourage small entities to enter the trademark system. No other fees are proposed to be increased at this time.

The PTO has determined that this proposed rule change is not a major rule under Executive Order 12291. The annual effect on the economy would be

less than \$100 million. There would be no major increase in costs of prices for consumers; individual industries; Federal, state, or local government agencies; or geographic regions. There would be no significant adverse effects on competition, employment, investment, productivity, or innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 37 CFR Part 2

Administrative practice and procedure, Courts, Lawyers, Trademarks.

For the reasons set forth in the preamble, the PTO is proposing to amend title 37 of the Code of Federal Regulations, Chapter I, as set forth below.

PART 2—RULES OF PRACTICE IN TRADEMARK CASES

1. The authority citation for part 2 continues to read as follows:

Authority: 15 U.S.C. 1123; 35 U.S.C. 6, unless otherwise noted.

2. Section 2.6 is proposed to be amended by revising paragraph (a)(1) to read as follows:

§ 2.6 Trademark fees.

* * * * *

(a) Trademark process fees.

(1) For filing an application, per class.....\$245.00

* * * * *

Dated: July 15, 1993.

Michael K. Kirk,

Acting Assistant Secretary and Acting

Commissioner of Patents and Trademarks.

[FR Doc. 93-17289 Filed 7-20-93; 8:45 am]

BILLING CODE 3510-16-M