

visitation. During this period, the proposed regulation would prohibit hunting within the park, as it is now done in Michigan State Parks.

The NPS proposal would clarify the lakeshore hunting closure areas as follows:

1. Sand Point area: All that portion of Sand Point described as the area below the top of the bluff in Sections 19 and 30, T47N, R18W, and that area situated within the corporate limits of the City of Munising, including the Sand Point Road.

2. Developed Public Use Areas:

a. The area within 150 yards of any campsite located within the Little Beaver, Twelvemile Beach, and Hurricane River Campground (upper and lower).

b. The developed areas of Miners Castle, Chapel Basin, Au Sable, Log Slide, Grand Sable Lake, Sable Falls, Grand Sable Visitor Center, Grand Marais Quarters, and Coast Guard Point. Within these areas, hunting would be closed 150 yards from any overlook, vehicle parking lot, or visitor use building and within 100 feet of certain trails, platforms, and the centerline of NPS owned roadways.

3. Hunting would be prohibited parkwide during the period of April 1 through Labor Day in keeping with existing state park prohibitions.

Public Participation

The NPS solicits comments and information from all segments of the public, including hunters and other park users with an interest in this area, on recommended ways in which to promote public safety and enjoyment in accordance with the above discussion.

Persons submitting comments based on the above discussion should identify clearly and specifically the aspects of hunting closures that they feel should or should not be regulated and how. Specific reasons should be provided to support such recommendations.

All comments received by the NPS at the address and by the date listed above will be considered in the development of any proposed regulations.

Drafting Information

The author of these regulations is Larry Hach, Chief of Visitor Services and Land Management, Pictured Rocks National Lakeshore.

Paperwork Reduction Act

This revision does not contain information collection requirements that require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

Compliance With Other Laws

This rule was not subject to Office of Management and Budget review under Executive Order 12866. The Department of Interior certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The economic effects of this rule-making are local in nature and negligible in scope.

The National Park Service has determined that this proposed revision will not have a significant effect on the quality of the human environment, health and safety because it is not expected to:

(a) Increase public use to the extent of compromising the nature and character of the area or causing physical damage to it;

(b) Introduce non-compatible uses which might compromise the nature and characteristics of the area, or cause physical damage to it;

(c) Conflict with adjacent ownerships or land uses; or

(d) Cause a nuisance to adjacent owners or occupants.

Based upon this determination, the proposed revision is categorically excluded from the procedural requirements of the National Environmental Policy Act (NEPA) by Departmental regulations in 516 DM 6, (49 FR 21438). As such, neither an Environmental Assessment nor an Environmental Impact Statement has been prepared.

List of Subjects in 36 CFR Part 7

National parks, Reporting and recordkeeping requirements.

In consideration of the foregoing, it is proposed to amend 36 CFR Chapter I as follows:

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

1. The authority citation for Part 7 continues to read as follows:

Authority: 16 U.S.C. 1, 3, 9a, 460(q), 462(k); Sec. 7.96 also issued under D.C. Code 8-137 (1981) and D.C. Code 40-721 (1981).

2. Section 7.32 is amended by adding paragraph (c) to read as follows:

§ 7.32 Pictured Rocks National Lakeshore.

* * * * *

(c) *Hunting.* The following Lakeshore areas are closed to hunting:

(1) *Sand Point area.* All that portion of Sand Point described as the area below the top of the bluff in Sections 19 and 30, T47N, R18W, and that area situated within the corporate limits of

the City of Munising, including the Sand Point Road.

(2) *Developed public use areas.* (i) The area within 150 yards of any campsite located within the Little Beaver, Twelvemile Beach, and Hurricane River Campground (upper and lower).

(ii) The developed areas of Miners Castle, Chapel Basin, Au Sable, Log Slide, Grand Sable Lake, Sable Falls, Grand Sable Visitor Center, Grand Marais Quarters, and Coast Guard Point. Within these areas, hunting is prohibited within 150 yards of any overlook, vehicle parking lot, or visitor use building and within 100 feet of certain trails, platforms, and the centerline of NPS owned roadways.

(3) *Hunting season.* Hunting is prohibited parkwide during the period of April 1 through Labor Day in accordance with existing State Park hunting prohibitions.

Dated: November 9, 1994.

George T. Frampton, Jr.,
Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 95-1576 Filed 1-20-95; 8:45 am]

BILLING CODE 4310-70-M

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 10

[Docket No. 930366-4319]

RIN 0651-AA65

Cross-Appeals in Patent and Trademark Office Disciplinary Proceedings

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Proposed rulemaking.

SUMMARY: On July 21, 1993, the Patent and Trademark Office (PTO) proposed amending a rule of practice in practitioner disciplinary proceedings. 58 FR 38994. The proposed rule change provides for a time period for a party to a disciplinary proceeding to file a cross-appeal, after the other party (the respondent or the Director of the Office of Enrollment and Discipline) to the proceeding has appealed from the initial decision of the administrative law judge (ALJ) to the Commissioner. Currently, PTO rules do not provide for such a time period. A party in a disciplinary proceeding may be interested in appealing only if the other party has appealed. Allowing a time period for filing a cross-appeal will give parties to disciplinary cases more flexibility after an initial decision by the administrative

law judge and will avoid the necessity of filing contingent appeal simply to preserve rights in the event the other party files an appeal.

One comment to the rule change proposed on July 21, 1993, was received suggesting substantive changes. This second notice adopts that suggested change.

DATES: Written comments must be received on or before February 22, 1995 to ensure consideration. An oral hearing will not be conducted.

ADDRESSES: Address written comments to Commissioner of Patents and Trademarks, Box OED, Washington, DC 20231, marked to the attention of Harry I. Moatz. Written comments will be available for public inspection in Suite 518, on the 5th floor of Crystal Park I, located at 2011 Crystal Drive, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Harry I. Moatz by telephone at (703) 308-5273 or by mail marked to his attention and addressed to Commissioner of Patents and Trademarks, Box OED, Washington, D.C. 20231.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rulemaking was published in the **Federal Register** (58 FR 38994) on July 21, 1993, and in the Official Gazette of the PTO (1153 Off. Gaz. 32) on August 10, 1993. Comments were due August 20, 1993. One comment was received. The comment suggested a substantive change to the original proposed rulemaking. The PTO has adopted the change and is now publishing a second notice requesting comments on the amended notice.

Pursuant to 37 CFR 10.132 *et seq.*, the Director of the Office of Enrollment and Discipline within the PTO may initiate a disciplinary proceeding against a practitioner. If the proceeding is contested by the practitioner and the Director continues to prosecute, an ALJ for the Department of Commerce enters an initial decision which includes findings of fact, conclusions of law and an order. 37 CFR § 10.154.

Either party to the proceeding may appeal from the initial decision of the ALJ to the Commissioner within thirty (30) days of the date of the decision. 37 CFR § 10.155(a). However, prior to this proposed rule change, § 10.155(a) did not provide for the filing of a cross-appeal.

With regard to interference proceedings, 37 CFR § 1.304(a) addresses the filing of cross-appeals by stating in pertinent part that:

the time for filing a cross-appeal [to the Court of Appeals for the Federal Circuit] or cross-action [in a district court] expires (1) 14 days

after service of the notice of appeal or the summons and complaint or (2) two months after the date of decision of the Board of Patent Appeals and Interferences, whichever is later.

The proposed rule change is similar to the cross-appeal authorized in interference proceedings.

Response to and Analysis of Comment

The single comment suggested that the second sentence of the proposed § 10.155(a) be modified by adding "pursuant to § 10.142" after "(1) 14 days after service of the appeal" to make clear that the period for filing a cross-appeal or reply brief runs from service pursuant to § 10.142. The suggestion is being adopted. The comment further suggested that the fifth sentence in the rule proposed on July 21, 1993, be separated into three new sentences. The first and second new sentences make clear that "the other party to an appeal or cross-appeal may file a reply brief," and that a "reply brief by the respondent" is to be "served in duplicate with the Director." The third new sentence provides a date certain for filing any reply brief by avoiding uncertainty as to when "receipt" of an appeal, cross-appeal or copy thereof occurs, and by relying on the date of "service pursuant to § 10.142" of an appeal, cross-appeal, or a copy thereof. The suggestions have been adopted in the proposed rules.

Other Considerations

This rule change conforms with the requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), Executive Orders 12612 and 12866, and the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

The General Counsel of the Department of Commerce has certified to the Chief Counsel for Advocacy, Small Business Administration, that the rule change will not have a significant economic impact on a substantial number of small entities (Regulatory Flexibility Act, 5 U.S.C. 605(b)). The principal impact of the rule change is to provide a time period to file cross-appeal in a PTO disciplinary proceeding. See the original notice of proposed rulemaking published in the **Federal Register**, 58 FR at 38996.

The PTO has determined that the rule change has no Federalism implications affecting the relationship between the National Government and the States as outlined in Executive Order 12612. The Office of Management has determined that the rule change is not significant for the purposes of Executive Order 12866.

The rule change will not impose a burden under the Paperwork Reduction

Act of 1980, 44 U.S.C. 3501 *et seq.*, since no record keeping or reporting requirements within the coverage of the Act are placed upon the public.

List of Subjects in 37 CFR Part 10

Administrative practice and procedure, Inventions and patents, Lawyers, Reporting and recordkeeping requirements.

For the reasons set out in the preamble, and pursuant to the authority contained in 35 U.S.C. 6, the PTO proposes to amend 37 CFR part 10 as follows, wherein deletions are indicated by brackets ([]) and additions by arrows (><):

PART 10—REPRESENTATION OF OTHERS BEFORE THE PATENT AND TRADEMARK OFFICE

1. The authority citation for 37 CFR part 10 would continue to read as follows:

Authority: 5 U.S.C. 500; 15 U.S.C. 1123; 35 U.S.C. 6, 31, 32, 41.

2. Section 10.155 is amended by revising paragraph (a) to read as follows:

§ 10.155 Appeal to the Commissioner.

(a) Within thirty (30) days from the date of the initial decision of the administrative law judge under § 10.154, either party may appeal to the Commissioner. >If an appeal is taken, the time for filing a cross-appeal expires (1) 14 days after the date of service of the appeal pursuant to § 10.142 or (2) 30 days after the date of the initial decision of the administrative law judge, whichever is later.< An appeal >or cross appeal< by the respondent will be filed and served with the Director in duplicate and will include exceptions to the decisions of the administrative law judge and supporting reasons for those exceptions. If the Director files the appeal >or cross-appeal<, the Director shall serve >on the other party< a copy of the appeal >or cross-appeal<. >The other party to an appeal or cross-appeal may file a reply brief. A respondent's reply brief shall be filed and served in duplicate with the Director. The time for filing any reply brief expires< [Within] thirty (30) days after >the date of< [receipt] >service pursuant to § 10.142< of an appeal >, cross-appeal< or copy thereof[, the other party may file a reply brief, in duplicate with the Director]. If the Director files [the] >a< reply brief, the Director shall serve >on the other party< a copy of the reply brief. Upon the filing of an appeal >, cross appeal, if any,< and [a] reply brief >s<, if any, the Director shall transmit the entire record to the Commissioner.

* * * * *

Dated: January 13, 1995.

Michael K. Kirk,

Deputy Assistant Secretary of Commerce and Deputy Commissioner of Patents and Trademarks.

[FR Doc. 95-1602 Filed 1-20-95; 8:45 am]

BILLING CODE 3510-16-M

DEPARTMENT OF ENERGY

48 CFR Parts 912, 952 and 970

Acquisition Regulation; Project Control System

AGENCY: Department of Energy (DOE).

ACTION: Withdrawal of Proposed Rule.

SUMMARY: DOE is hereby withdrawing a proposal to amend the Department of Energy Acquisition Regulation (DEAR). The proposed change would have revised coverage addressing the use of contractor project control systems. Subsequent to release of the notice of proposed rulemaking, the Department decided to further revise its policies for applying control systems to the management of contractor projects. At this time, the control system policies are continuing to be defined, and no final rulemaking can be implemented until the program requirements are finalized, at which time, a new notice of proposed rulemaking will be published.

FOR FURTHER INFORMATION CONTACT: Kevin M. Smith, Procurement Policy Division (HR-521.1), Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 586-8189.

SUPPLEMENTARY INFORMATION:

I. Background.

II. Detailed Listing of Changes.

I. Background

Amendments to 48 CFR Parts 912, 952 and 970 were announced in a notice of proposed rulemaking in the February 8, 1994, **Federal Register** (59 FR 5751). DOE invited interested persons to participate in this rulemaking by submitting data, views or arguments with respect to the DEAR amendments set forth in the notice of proposed rulemaking. The public comment period closed on April 11, 1994, a period of 60 days. During that period, comments were received from two interested parties who questioned whether the

language of the proposed rulemaking was sufficiently clear. The Department will consider these comments in the development of any future rulemaking.

II. Detailed Listing of Changes

The proposed new subpart 912.70 is withdrawn. The proposed revisions of sections 952.212-73 and 970.5204-50 are withdrawn.

List of Subjects in 48 CFR Parts 912, 952, and 970

Government Procurement.

Issued in Washington, D.C., on January 13, 1995.

Richard H. Hopf,

Deputy Assistant Secretary for Procurement and Assistance Management.

[FR Doc. 95-1641 Filed 1-20-95; 8:45 am]

BILLING CODE 6450-01-P

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1023

[Ex Parte No. MC-100 (Sub-No. 6)]

Single State Insurance Registration [Petition of Lee's Permit Service, et al.]

AGENCY: Interstate Commerce Commission.

ACTION: Proposed rule; withdrawal.

SUMMARY: The Commission is withdrawing its proposal to provide registration procedures tailored to the operations of carriers under temporary authorities. On evaluating the public comments on its proposal, the Commission has determined that the proposed procedures are unnecessary.

FOR FURTHER INFORMATION CONTACT: Kenneth H. Schwartz, (202) 927-5299 or Joseph H. Dettmar, (202) 927-5660. [TDD for the hearing impaired: (202) 927-5721.]

SUPPLEMENTARY INFORMATION: In response to a petition jointly filed by motor carrier consulting companies Lee's Permit Service and Little Debby's Tag Service, the Commission proposed to amend the Single State Registration System (SSRS) rules it had promulgated in Single State Insurance Registration, 9 I.C.C.2d 610 (1993). Petitioners had stated that delays by States in issuing registration receipts for new grants of emergency temporary authority or

temporary authority had in turn delayed initiation of service, thereby diminishing or negating the usefulness of those authorities.

To address this problem, the Commission proposed expedited registration procedures for carriers operating under temporary authorities. The Commission published notice of its proposal in the **Federal Register** on May 25, 1994 (59 FR 27002) and invited interested parties to submit comments.

The Commission received comments from the National Conference of State Transportation Specialists and the National Association of Regulatory Utility Commissioners, among others, opposing the proposed regulations. It received only a few terse comments in favor of the regulations. No commenters cited any specific examples of delays by States in issuing registration receipts. The Commission concludes that the comments do not show that the procedures under the rules currently in effect pose problems for motor carriers. Rather, it appears that the States are resolving any problems they encounter in the incipient stages of the registration program and that modification of the registration regulations is unnecessary. The Commission is therefore withdrawing the proposed rules and discontinuing the proceeding.

Additional information is contained in the Commission's decision. To obtain a copy of the full decision, write to, call, or pick up in person from: Office of the Secretary, Room 2215, Interstate Commerce Commission, 1201 Constitution Avenue, N.W., Washington, DC 20423. Telephone: (202) 927-7428. [Assistance for the hearing impaired is available through TDD service (202) 927-5721.]

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Authority: 49 U.S.C. 10321 and 11506; 5 U.S.C. 553.

Decided: January 9, 1995.

By the Commission, Chairman McDonald, Vice Chairman Morgan, and Commissioners Simmons and Owen.

Vernon A. Williams,
Secretary.

[FR Doc. 95-1629 Filed 1-20-95; 8:45 am]

BILLING CODE 7035-01-P