

commercial traffic is known to transit the area; however, sufficient notice will be provided for any affected party to alter plans with minimal impact.

Regulatory Evaluation

This proposal is not a significant regulatory action under section 3(f) of Executive Order 12866, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation, under paragraph 10e of the regulatory policies and procedures of DOT, is unnecessary. Commercial traffic on the affected portion of the Connecticut River is infrequent. The race is popular and is anticipated to draw business to the local merchants. Local commercial entities have been notified of the race schedule.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their fields and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632).

For reasons set forth in the above Regulatory Evaluation, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This proposal contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this proposal in accordance with the principles and criteria contained in Executive Order 12612, and has determined that this proposal does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard has considered the environmental impact of this proposal

and in accordance with paragraph 2.B.2.e(35)(e) of Commandant Instruction M16475.1B, the event is deemed to be categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons set out in the preamble, the Coast Guard proposes to revise 33 CFR part 100 as follows:

PART 100—[AMENDED]

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 USC 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. Section 100.102 is revised to read as follows:

§ 100.102 Connecticut River Raft Race, Middletown, Ct.

(a) *Regulated area.* That section of the Connecticut River between Dart Island (Marker no. 73) and Portland Shoals (Marker no. 92), Middletown, CT.

(b) *Effective period.* This section will be effective from 9 a.m. to 2 p.m. annually on the last Saturday in July or the first Saturday in August, or as otherwise published in the annual, pre-event Coast Guard Local Notice to Mariners and Federal Register Notice.

(c) *Special Local Regulations.*

(1) The regulated area shall be closed to all vessels in excess of 20 meters (65.6 feet) in length during the effective period.

(2) All persons or vessels not registered with the sponsor as participants or not part of the regatta patrol are considered spectators.

(3) All spectator vessels shall be moored or anchored prior to the start of the event in such a way as to not interfere with the passage of the race participants. They shall remain anchored or moored until the end of the race or until directed by a patrol vessel.

(4) All persons and vessels shall comply with the instructions of U.S. Coast Guard patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon hearing five or more blasts from a U.S. Coast Guard vessel, the operator of a vessel shall stop immediately and proceed as directed. Members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation and other applicable laws.

(5) For any violation of this section, the following maximum penalties are authorized by law:

(i) \$500 for any person in charge of the navigation of a vessel.

(ii) \$500 for the owner of the vessel actually on board.

(iii) \$250 for any other person.

(iv) Suspension or revocation of a license for a licensed officer.

May 15, 1995.

J.L. Linnon,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 95-13025 Filed 5-25-95; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Parts 1, 2, and 7

[Docket No. 950501124-5124-01]

RIN 0651-AA74

Revision of Patent and 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, Parts 1, 2 and 7 of title 37, Code of Federal Regulations, to adjust certain patent and trademark fee amounts to reflect fluctuations in the Consumer Price Index (CPI) and to recover costs of operation, and to amend the requirements for recording an assignment to apply to documents forwarded for recording on the Government Register. This notice also includes information relating to the availability of patent and trademark information products provided by the PTO.

DATES: Written comments must be submitted on or before June 29, 1995; a public hearing will be held on June 29, 1995, at 9 a.m. Requests to present oral testimony should be received on or before June 28, 1995.

ADDRESSES: Address written comments and requests to present oral testimony 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. The hearing will be held in suite 912 of Crystal Park 2, located at 2121 Crystal Drive, Arlington, Virginia. Written comments and a transcript of the hearing will be available for public inspection in suite 507 of Crystal Park 1, located at 2011 Crystal Drive, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Robert Kopson by telephone at (703) 305-8510, fax at (703) 305-8525, 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 is designed to adjust PTO fees in accordance with the applicable provisions of title 35, United States Code; section 31 of the Trademark (Lanham) Act of 1946 (15 U.S.C. 1113); and section 10101 of the Omnibus Budget Reconciliation Act of 1990 (as amended by section 8001 of Public Law 103-66), all as amended by the Patent and Trademark Office Authorization Act of 1991 (Public Law 102-204).

Background

Statutory Provisions

Patent fees are authorized by 35 U.S.C. 41 and 35 U.S.C. 376. A fifty percent reduction in the fees paid under 35 U.S.C. 41 (a) and (b) by independent inventors, small business concerns, and nonprofit organizations who meet prescribed definitions is required by 35 U.S.C. 41(h).

Subsection 41(f) of title 35, United States Code, provides that fees established under 34 U.S.C. 41 (a) and (b) may be adjusted on October 1, 1992, and every year thereafter, to reflect fluctuations in the Consumer Price Index (CPI) over the previous 12 months.

Section 10101 of the Omnibus Budget Reconciliation Act of 1990 (amended by section 8001 of Public Law 103-66) provides that there shall be a surcharge on all fees established under 35 U.S.C. 41 (a) and (b) to collect \$111 million in fiscal year 1996.

Subsection 41(d) of title 35, United States Code, authorizes the Commissioner to establish fees for all other processing, services, or materials related to patents to recover the average cost of providing these services or materials, except for the fees for recording a document affecting title, for each photocopy, and for each black and white copy of a patent.

Section 376 of title 35, United States Code, authorizes the Commissioner to set fees for Patent applications filed under the Patent Cooperation Treaty (PCT).

Subsection 41(g) of title 35, United States Code, provides that new fee amounts established by the Commissioner under section 41 may take effect thirty days after notice in the **Federal Register** and the Official

Gazette of the Patent and Trademark Office.

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 other services and materials relating to trademarks and other marks.

Section 31(a) of the Trademark (Lanham) Act of 1946 (15 U.S.C. 1113(a)), as amended, allows trademark fees to be adjusted once each year to reflect, in the aggregate, any fluctuations during the preceding 12 months in the CPI.

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

Recovery Level Determinations

The proposed rule would adjust patent and trademark fees for a planned recovery of \$643,014,000 in fiscal year 1996, as proposed in the Administration's budget request to the Congress.

The patent statutory fees established by 35 U.S.C. 41 (a) and (b) are proposed to be adjusted on October 1, 1995, to reflect any fluctuations occurring during the previous 12 months in the Consumer Price Index (CPI-U). In calculating these fluctuations, the Office of Management and Budget (OMB) has determined that the PTO should use CPI-U data as determined by the Secretary of Labor. However, the Department of Labor does not make public the CPI-U until approximately 21 days after the end of the month being calculated. Therefore, the latest CPI-U information available is for the month of February 1995. In accordance with previous rulemaking methodology, the PTO uses the Administration's projected CPI-U for the 12-month period ending September 30, 1995, which is 3.2 percent. Based on this projection, patent statutory fees are proposed to be adjusted by 3.2 percent. Before the final fee schedule is published, the fees may be slightly adjusted based on actual data available from the Department of Labor.

Certain non-statutory patent processing fees established under 35 U.S.C. 41(d) and PCT processing fees established under 35 U.S.C. 376 are proposed to be adjusted to recover their estimated average costs in fiscal year 1996. Three patent service fees that are set by statute will not be adjusted. The three fees that are not being adjusted are assignment recording fees, printed

patent copy fees and photocopy charge fees.

Certain trademark service fees established under 15 U.S.C. 1113 are proposed to be adjusted to recover their estimated average costs in fiscal year 1996.

The proposed fee amounts were rounded by applying standard arithmetic rules so that the amounts rounded would be convenient to the user. Fees of \$100 or more were rounded to the nearest \$10. Fees between \$2 and \$99 were rounded to an even number so that the comparable small entity fee would be a whole number.

Workload Projections

Determination of workloads varies by fee. Principal workload projection techniques are as follows:

Patent application workloads are projected from statistical regression models using recent application filing trends. Patent issues are projected from an in-house patent production model and reflect examiner production achievements and goals. Patent maintenance fee workloads utilize patents issued 3.5, 7.5 and 11.5 years prior to payment and assume payment rates of 79 percent, 55 percent and 32 percent, respectively. Service fee workloads follow linear trends from prior years' activities.

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. For purposes of determining the amount of the fee to be paid, the date of mailing indicated on a proper Certificate of Mailing or Transmission, where authorized under 37 CFR 1.8, will be considered to be the date of receipt in the PTO. A Certificate of Mailing or Transmission under Section 1.8 is not "proper" for items which are specifically excluded from the provisions of Section 1.8. Section 1.8 should be consulted for those items for which a Certificate of Mailing or Transmission is not "proper." Such items include, inter alia, the filing of national and international applications for patents and the filing of trademark applications. 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 patent and 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.

A notice of final rulemaking was published at 60 FR 20195 (April 25, 1995) wherein several new fee provisions were made to implement the 20-year patent term and provisional applications. Language changes were made in 37 CFR 1.16 (a), (b), (d), (f), and (g) which are reproduced in this proposed rule package. In addition, fees involving 37 CFR 1.17 (r) and (s) are now proposed to be adjusted by changes in the CPI to remain equal to the basic filing fee for a utility patent application.

PTO Information Dissemination Products

The PTO provides information to the public in the Patent Search Room and the Trademark Search Library in Arlington, Virginia, and at 78 Patent and Trademark Depository Libraries around the country. A list of the libraries is included in each issue of the Official Gazette of the Patent and Trademark Office. In addition, a number of patent and trademark search tools and document-delivery products, published on paper and on various machine-readable media, are sold directly to the public.

Printed PTO publications may be ordered from the Government Printing Office or one of its Book Stores located throughout the country. A list of patent and trademark-related publications with current prices and ordering information is available from the GPO (Subject Bibliography SB 021)—Superintendent of Documents, P.O. Box 371984, Pittsburgh, PA 15250-7954, voice: 202-512-1800, fax: 202-512-2250.

Machine-readable publications, including magnetic tapes and CD-ROMs, may be ordered directly from the PTO. A printed-catalog of machine-readable products, including current prices and ordering information, is available from the Office of Information Products Development—US Patent & Trademark Office, Office of Information Products Development, Crystal Park 3, Room 412, Washington, DC 20231, voice: 703-308-0322, fax: 703-308-0493.

The catalog of machine-readable products is published in the Official Gazette of the Patent and Trademark Office in late December each year and may also be viewed on, or downloaded from, the PTO electronic bulletin board (703-305-8950, 8/no/1) or from the PTO's home page on the Internet (<http://www.uspto.gov/>).

Discussion of Specific Rules

37 CFR 1.16 National Application Filing Fees

Section 1.16, paragraphs (a), (b), (d), and (f)–(i), if revised as proposed, would adjust fees established therein to reflect fluctuations in the CPI.

Section 1.16, paragraphs (a), (b), (d), (f), and (g) include language changes relating to provisional patent applications (see 60 FR 20195, dated April 25, 1995).

37 CFR 1.17 Patent Application Processing Fees

Section 1.17, paragraphs (b)–(g), (m), (r), and (s), if revised as proposed, would adjust fees established therein to reflect fluctuations in the CPI.

Section 1.17, paragraphs (j) and (n)–(p), if revised as proposed, would adjust fees established therein to recover costs.

37 CFR 1.18 Patent Issue Fees

Section 1.18, paragraphs (a)–(c), if revised as proposed, would adjust fees established therein to reflect fluctuations in the CPI.

37 CFR 1.19 Document Supply Fees

Section 1.19, paragraphs (a)(1)(ii) and (a)(1)(iii), if revised as proposed, would amend the language to reflect the PTO's most recent business practices.

Section 1.19, paragraph (b)(1), if revised as proposed, would adjust fees established therein to reflect fluctuations in the CPI.

37 CFR 1.20 Post-Issuance Fees

Section 1.20, paragraphs (c), (i), and (j), if revised as proposed, would adjust fees established therein to recover costs.

Section 1.20, paragraphs (e)–(g), if revised as proposed, would adjust fees established therein to reflect fluctuations in the CPI.

37 CFR 1.21 Miscellaneous Fees and Charges

Section 1.21, paragraph (a)(1), if revised as proposed, would adjust fees established therein to recover costs.

37 CFR 1.445 International Application Filing, Processing, and Search Fees

Section 1.445, paragraph (a), if revised as proposed, would adjust the fees authorized by 35 U.S.C. 376 to recover costs.

37 CFR 1.482 International Preliminary Examination Fees

Section 1.482, paragraphs (a)(1)(i), (a)(1)(ii), and (a)(2)(ii), if revised as proposed, would adjust the fees authorized by 35 U.S.C. 376 to recover costs.

37 CFR 1.492 National Stage Fees

Section 1.492, paragraphs (a), (b) and (d), if revised as proposed, would adjust fees established therein to reflect fluctuations in the CPI.

37 CFR 2.6 Trademark Fees

Section 2.6, paragraphs (b)(1)(ii) and (b)(1)(iii), if revised as proposed, would amend the language to reflect the PTO's most recent business practices.

Section 2.6, paragraph (b)(2), if revised as proposed, would adjust fees therein to recover costs.

37 CFR 7.1 Requirements

Section 7.1, if revised as proposed, would designate the current language as paragraph (a), and would add new paragraphs (b)–(h) to clarify that the requirements for patent and patent application assignment documents, including the requirement for the fee set forth in § 1.21(h), submitted for recording also apply to instruments submitted for recording on the Government Register. Sections 7.1(b)–(h) contain language similar to that in §§ 3.21, 3.28, 3.31, 3.34, 3.26, 3.27, and 3.41, respectively.

Section 7.1(b), if revised as proposed, would provide that an instrument relating to a patent must identify the patent by the patent number, that an instrument relating to a national patent application must identify the national patent application by the application number (consisting of the series code and the serial number, e.g., 07/123,456) or the serial number and filing date, that an instrument relating to an international patent application which designates the United States of America must identify the international application by the international application number (e.g., PCT/US90/01234), and that if an assignment is executed concurrently with, or subsequent to, the execution of the patent application, but before the patent application is filed, it must identify the patent application by its date of execution, name of each inventor, and title of the invention so that there can be no mistake as to the patent application intended.

Section 7.1(c), if revised as proposed, would provide that each instrument submitted to the Office for recording must be accompanied by a cover sheet referring to those patent applications and patents against which the instrument is to be recorded, that one set of instruments and cover sheets to be recorded should be filed, and that if an instrument to be recorded is not accompanied by a completed cover sheet, the instrument and any

incomplete cover sheet will be returned for proper completion of a cover sheet and resubmission of the instrument and a completed cover sheet.

Section 7.1(d), if revised as proposed, would provide that each cover sheet must contain: (1) the name of the party conveying the interest; (2) the name and address of the party receiving the interest; (3) a description of the interest conveyed or transition to be recorded; (4) each application number or patent number against which the instrument is to be recorded, or an indication that the instrument is filed together with a patent application; (5) the name and address of the party to whom correspondence concerning the request to record the instrument should be mailed; (6) the number of applications or patents identified in the cover sheet and the total fee; (7) the date the instrument was executed; (8) a statement by the party submitting the instrument that to the best of the person's knowledge and belief, the information contained on the cover sheet is true and correct and any copy submitted is a true copy of the original instrument; and (9) the signature of the party submitting the instrument.

Section 7.1(e), if revised as proposed, would provide for the correction of errors in the cover sheet. Specifically, § 7.1(e), as proposed, would provide that an error in a cover sheet recorded pursuant to this Part will be corrected only if: (1) the error is apparent when the cover sheet is compared with the recorded instrument to which it pertains, and (2) a corrected cover sheet accompanied by the recording fee set forth in § 1.21(h) of this chapter and either the original recorded instrument or a copy of the original recorded instrument is filed for recordation.

Section 7.1(f), if revised as proposed, would provide that the Office will accept and record non-English language instruments only if accompanied by a verified English translation signed by the individual making the translation.

Section 7.1(g), if revised as proposed, would provide that instruments and cover sheets to be recorded should be addressed to the Commissioner of Patents and Trademarks, Box Assignment, Washington, D.C. 20231.

Section 7.1(h), if revised as proposed, would provide that all requests to record instruments must be accompanied by the recording fee set forth in § 1.21(h) of this chapter, and that the fee set forth in § 1.21(h) of this chapter is required for each application and patent against which the instrument is recorded as identified in the cover sheet.

Other Considerations

This proposed rule change is in conformity with the requirements of Executive Order 12612, and the Paperwork Reduction Act of 1980, 44 U.S.C. 3501, et seq. This rulemaking contains one information collection entry relating to registration of Government patent interests in patents. This information collection has been approved by the Office of Management and Budget under Control Number 0651-0027. This proposed rule has been determined not to be significant for purposes of Executive Order 12866.

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 Assistant General Counsel for Legislation and Regulation 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 impact on a substantial number of small entities (Regulatory Flexibility Act, Pub. L. 96-354). The proposed rule change increases fees to reflect the change in the CPI as authorized by 35 U.S.C. 41(f). Further, the principal impact of the major patent fees has already been taken into account in 35 U.S.C. 41(h), which provides small entities with a 50-percent reduction in the major patent fees.

A comparison of existing and proposed fee amounts is included as an Appendix to this notice of proposed rulemaking.

In order to ensure clarity in the implementation of the proposed fees, a discussion of specific sections is set forth below.

Lists of Subjects

37 CFR Part 1

Administrative practices and procedure, Inventions and patents, Reporting and record keeping requirements, Small businesses.

37 CFR Part 2

Administrative practice and procedure, Courts, Lawyers, Trademarks.

37 CFR Part 7

Administrative practice and procedure, Inventions and patents, Reporting and record keeping requirements.

For the Reasons set forth in the preamble, the PTO proposes to amend title 37 of the Code of Federal

Regulations, Chapter 1, Part 1, as set forth below.

PART 1—RULES OF PRACTICE IN PATENT CASES

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

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

2. Section 1.16 is proposed to be amended by revising paragraphs (a), (b), (d), and (f) through (i), to read as follows:

§ 1.16 National application filing fees.

(a) Basic fee for filing each application for an original patent, except provisional, design or plant applications:

By a small entity (§ 1.9(f))	\$375.00
By other than a small entity ...	750.00

(b) In addition to the basic filing fee in an original application, except provisional applications, for filing or later presentation of each independent claim in excess of 3:

By a small entity (§ 1.9(f))	39.00
By other than a small entity ...	78.00

* * * * *

(d) In addition to the basic filing fee in an original application, except provisional applications, if the application contains, or is amended to contain, multiple dependent claim(s), per application:

By a small entity (§ 1.9(f))	125.00
By other than a small entity ...	250.00

(If the additional fees required by paragraphs (b), (c), and (d) of this section are not paid on filing or on later presentation of the claims for which the additional fees are due, they must be paid or the claims canceled by amendment prior to the expiration of the time period set for response by the Office in any notice of fee deficiency.)

* * * * *

(f) Basic fee for filing each design application:

By a small entity (§ 1.9(f))	155.00
By other than a small entity ...	310.00

(g) Basic fee for filing each plant application, except provisional applications:

By a small entity (§ 1.9(f))	255.00
By other than a small entity ...	510.00

(h) Basic fee for filing each re-issue application:

By a small entity (§ 1.9(f))	375.00
By other than a small entity ...	750.00

(i) In addition to the basic filing fee in a reissue application, for filing or later presentation of each independent claim which is in excess of the number of independent claims in the original patent:
 By a small entity (§ 1.9(f)) 39.00
 By other than a small entity ... 78.00

3. Section 1.17 is propose to amend by revising paragraphs (b) through (g), (j), (m) through (p), (r), and (s) to read as follows:

§ 1.17 Patent application processing fees.

(b) Extension fee for response within second month pursuant to § 1.136(a):
 By a small entity (§ 1.9(f)) \$190.00
 By other than a small entity ... 380.00
 (c) Extension fee for response within third month pursuant to § 1.136(a):
 By a small entity (§ 1.9(f)) 450.00
 By other than a small entity ... 900.00
 (d) Extension fee for response within fourth month pursuant to § 1.136(a):
 By a small entity (§ 1.9(f)) 700.00
 By other than a small entity ... 1,400.00
 (e) For filing a notice of appeal from the examiner to the Board of Patent Appeals and Interferences:
 By a small entity (§ 1.9(f)) 145.00
 By other than a small entity ... 290.00
 (f) In addition to the fee for filing notice of appeal, for filing a brief in support of an appeal:
 By a small entity (§ 1.9(f)) 145.00
 By other than a small entity ... 290.00
 (g) For filing a request for an oral hearing before the Board of Patent Appeals and Interferences in an appeal under 35 U.S.C. 134:
 By a small entity (§ 1.9(f)) 125.00
 By other than a small entity ... 250.00
 (j) For filing a petition to institute a public use proceeding under § 1.292 1,430.00
 (m) For filing a petition:
 (1) For revival of an unintentionally abandoned application, or
 (2) For the unintentionally delayed payment of the fee for issuing a patent:
 By a small entity (§ 1.9(f)) 625.00
 By other than a small entity ... 1,250.00

(n) For requesting publication of a statutory invention registration prior to the mailing of the first examiner's action pursuant to § 1.104—
 \$870.00 reduced by the amount of the application basic filing fee paid.
 (o) For requesting publication of a statutory invention registration after the mailing of the first examiner's action pursuant to § 1.104—
 \$1,740.00 reduced by the amount of the application basic filing fee paid.
 (p) For submission of an information disclosure statement under § 1.97(c) 220.00

(r) For entry of a submission after final rejection under § 1.129(a):
 By a small entity (§ 1.9(f)) 375.00
 By other than a small entity ... 750.00
 (s) For each additional invention requested to be examined under § 1.129(b):
 By a small entity (§ 1.9(f)) 375.00
 By other than a small entity ... 750.00

4. Section 1.18 is proposed to be revised to read as follows:

§ 1.18 Patent issue fees.

(a) Issue fee for issuing each original or reissue patent, except a design or plant patent:
 By a small entity (§ 1.9(f)) \$625.00
 By other than a small entity ... 1,250.00
 (b) Issue fee for issuing a design patent:
 By a small entity (§ 1.9(f)) 215.00
 By other than a small entity ... 430.00
 (c) Issue fee for issuing a plant patent:
 By a small entity (§ 1.9(f)) 315.00
 By other than a small entity ... 630.00

5. Section 1.19 is proposed to be amended by revising paragraphs (a)(1)(ii), (a)(1)(iii), and (b)(1) (i) and (ii) to read as follows:

§ 1.19 Document supply fees.

(i) Overnight delivery to PTO Box or overnight fax \$6.00
 (ii) Expedited service for copy ordered by expedited mail or fax delivery service and delivered to the consumer within two work-days 25.00
 (i) Regular service 15.00
 (ii) Expedited regular service .. 30.00

6. Section 1.20 is proposed to be amended by revising paragraphs (c), (e) through (g), (i), (1), (i) (2) and (j) to read as follows:

§ 1.20 Post issuance fees.

(c) For filing a request for reexamination (§ 1.510(a)) \$2,390.00
 (e) For maintaining an original or reissue patent, except a design or plant patent, based on an application filed on or after December 12, 1980, in force beyond four years, the fee is due by three years and six months after the original grant
 By a small entity § 1.9(f)) 495.00
 By other than a small entity ... 990.00
 (f) For maintaining an original or reissue patent, except a design or plant patent, based on an application filed on or after December 12, 1980, in force beyond eight years; the fee is due by seven years and six months after the original grant
 By a small entity (§ 1.9(f)) 995.00
 By other than a small entity ... 1,990.00
 (g) For maintaining an original or reissue patent, except a design or plant patent, based on an application filed on or after December 12, 1980, in force beyond twelve years; the fee is due by eleven years and six months after the original grant
 By a small entity (§ 1.9(f)) 1,495.00
 By other than a small entity ... 2,990.00

(1) unavoidable 660.00
 (2) unintentional 1,550.00

(j) For filing an application for extension of the term of a patent (§ 1.740) 1,060.00

7. Section 1.21 is proposed to be amended by revising paragraph (a)(1) to read as follows:

§ 1.21 Miscellaneous fees and charges.

(1) For admission to examination for registration to practices: fee payable upon application 310.00

8. Section 1.445 is proposed to be amended by revising paragraph (a) to read as follows:

§ 1.445 International application filing, processing and search fees.

(a) the following fees and charges for international applications are established by the Commissioner under the authority of 35 U.S.C. 376:	
(1) A transmittal fee (see 35 U.S.C. 361(d) and PCT Rule 14)	\$220.00
(2) A search fee (see 35 U.S.C. 361(d) and PCT Rule 16) where:	
(i) No corresponding prior United States national application with basic filing fee has been filed	660.00
(ii) A corresponding prior United States national application with basic filing fee has been filed	430.00
(3) A supplemental search fee when required, per additional invention	190.00
* * * * *	

9. Section 1.482 is proposed to be amended by revising paragraphs (a)(1)(i), (a)(1)(ii), and (a)(2)(ii) to read as follows:

§ 1.482 International preliminary examination fees.

(a) * * *	
(1) A preliminary examination fee is due on filing the Demand:	
(i) Where an international search fee as set forth in § 1.445(a)(2) has been paid on the international application to the United States Patent and Trademark Office as an International Searching Authority, a preliminary examination fee of	\$470.00
(ii) Where the International Searching Authority for the international application was an authority other than the United States Patent and Trademark Office, a preliminary examination fee of	710.00
(2) * * *	
(i) Where the International Searching Authority for the international application was an authority other than the United States Patent and Trademark Office	250.00
* * * * *	

10. Section 1.492 is proposed to be amended by revising paragraphs (a), (b), and (d) to read as follows:

§ 1.492 National Stage fees.

* * * * *	
(a) The basic national fee:	

(1) Where an international preliminary examination fee as set forth in § 1.482 has been paid on the international application to the United States Patent and Trademark Office:	
By a small entity (§ 1.9(f))	\$340.00
By other than a small entity ...	680.00
(2) Where no international preliminary examination fee as set forth in § 1.482 has been paid to the United States Patent and Trademark Office, but an international search fee as set forth in § 1.445(a)(2) has been paid on the international application to the United States Patent and Trademark Office as an International Searching Authority:	
By a small entity (§ 1.9(f))	375.00
By other than a small entity ...	750.00
(3) Where no international preliminary examination fee as set forth in § 1.482 has been paid and no international search fee as set forth in § 1.445(a)(2) has been paid on the international application to the United States Patent and Trademark Office:	
By a small entity (§ 1.9(f))	505.00
By other than a small entity ...	1,010.00
(4) Where an international preliminary examination fee as set forth in § 1.482 has been paid to the United States Patent and Trademark Office and the international preliminary examination report states that the criteria of novelty, inventive step (non-obviousness), and industrial applicability, as defined in PCT Article 33 (1) to (4) have been satisfied for all the claims presented in the application entering the national stage (see § 1.496(b)):	
By a small entity (§ 1.9(f))	47.00
By other than a small entity ...	94.00
(5) Where a search report on the international application has been prepared by the European Patent Office or the Japanese Patent Office:	
By a small entity (§ 1.9(f))	440.00
By other than a small entity ...	880.00
(b) In addition to the basic national fee, for filing or later presentation of each independent claim in excess of 3:	
By a small entity (§ 1.9(f)).	39.00
By other than a small entity ...	78.00
* * * * *	
(d) In addition to the basic national fee, if the application contains, or is amended to contain, a multiple dependent claim(s), per applicant:	

By a small entity (§ 1.9(f))	125.00
By other than a small entity ...	250.00

* * * * *

PART 2—RULES OF PRACTICE IN TRADEMARK CASES

1. The authority citation for 37 CFR Part 2 would continue 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 paragraphs (b)(1)(ii), (b)(1)(iii), (b)(2)(i) and (b)(2)(ii) to read as follows:

§ 2.6 Trademark fees.

* * * * *	
(b) * * *	
(1) * * *	
* * * * *	
(ii) Overnight delivery to PTO Box or overnight fax	\$6.00
(iii) Expedited service for copy ordered by expedited mail or fax delivery service and delivered to the customer within two work days	25.00
* * * * *	
(2) * * *	
(i) Regular service	15.00
(ii) Expedited local service	30.00
* * * * *	

PART 7—REGISTER OF GOVERNMENT INTERESTS IN PATENTS

1. The authority citation for 37 CFR Part 7 would continue to read as follows:

Authority: E.O. 9424, February 18, 1944, 9 FR 1959; 3 CFR 1943–1948 comp.

2. Section 7.1 is proposed to be revised to read as follows:

§ 7.1 Requirements.

(a) Executive Order 9424 (3 CFR 1943–1948 Comp.) requires the several departments and other executive agencies of the Government, including Government-owned or Government-controlled corporations, to forward promptly to the Commissioner of Patents and Trademarks for recording all licenses, assignments, or other interests of the Government in or under patents or applications for patents.

(b) An instrument relating to a patent must identify the patent by the patent number. An instrument relating to a national patent application must identify the national patent application by the application number (consisting of the series code and the serial number, e.g., 07/123,456) or the serial number

and filing date. An instrument relating to an international patent application which designates the United States of America must identify the international application by the international application number, (e.g., PCT/US90/01234). If an assignment is executed concurrently with, or subsequent to, the execution of the patent application, but before the patent application is filed, it must identify the patent application by its date of execution, name of each inventor, and title of the invention so that there can be no mistake as to the patent application intended.

(c) Each instrument submitted to the Office for recording must be accompanied by at least one cover sheet as specified in paragraph (d) of this section referring to those patent applications and patents against which the instrument is to be recorded. Only one set of instruments and cover sheets to be recorded should be filed. If an instrument to be recorded is not accompanied by a completed cover sheet, the instrument and any incomplete cover sheet will be returned for proper completion of a cover sheet and resubmission of the instrument and a completed cover sheet.

(d) Each cover sheet required by paragraph (c) of this section must contain:

- (1) the name of the party conveying the interest;
 - (2) the name and address of the party receiving the interest;
 - (3) a description of the interest conveyed or transaction to be recorded;
 - (4) each application number or patent number against which the instrument is to be recorded, or an indication that the instrument is filed together with a patent application;
 - (5) the name and address of the party to whom correspondence concerning the request to record the instrument should be mailed;
 - (6) the number of applications or patents identified in the cover sheet and the total fee;
 - (7) the date the instrument was executed;
 - (8) a statement by the party submitting the instrument that to the best of the person's knowledge and belief, the information contained on the cover sheet is true and correct and any copy submitted is a true copy of the original instrument; and
 - (9) the signature of the party submitting the instrument.
- (e) An error in a cover sheet recorded pursuant to this Part will be corrected only if:

- (1) the error is apparent when the cover sheet is compared with the

recorded instrument to which it pertains, and

(2) a corrected cover sheet accompanied by the recording fee set forth in § 1.21(h) of this chapter and either the original recorded instrument or a copy of the original recorded instrument is filed for recordation.

(f) The Office will accept and record non-English language instruments only if accompanied by a verified English translation signed by the individual making the translation.

(g) Instruments and cover sheets to be recorded should be addressed to the Commissioner of Patents and Trademarks, Box Assignment, Washington, DC 20231.

(h) All requests to record instruments must be accompanied by the recording fee set forth in § 1.21(h) of this chapter. The fee set forth in § 1.21(h) of this chapter is required for each application and patent against which the instrument is recorded as identified in the cover sheet.

Dated: May 19, 1995.

Philip G. Hampton II,

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

Note: The following appendix will not appear in the Code of Federal Regulations.

APPENDIX A.—COMPARISON OF EXISTING AND REVISED FEE AMOUNTS

37 CFR Sec.	Description	Pre-Oct 1995	Oct 1995
1.16(a)	Basic Filing Fee	\$730	\$750
1.16(a)	Basic Filing Fee (Small Entity)	365	375
1.16(b)	Independent Claims	76	78
1.16(b)	Independent Claims (Small Entity)	38	39
1.16(c)	Claims in Excess of 20	22	(1)
1.16(c)	Claims in Excess of 20 (Small Entity)	11	(1)
1.16(d)	Multiple Dependent Claims	240	250
1.16(d)	Multiple Dependent Claims (Small Entity)	120	125
1.16(e)	Surcharge—Late Filing Fee	130	(1)
1.16(e)	Surcharge—Late Filing Fee (Small Entity)	65	(1)
1.16(f)	Design Filing Fee	300	310
1.16(f)	Design Filing Fee (Small Entity)	150	155
1.16(g)	Plant Filing Fee	490	510
1.16(g)	Plant Filing Fee (Small Entity)	245	255
1.16(h)	Reissue Filing Fee	730	750
1.16(h)	Reissue Filing Fee (Small Entity)	365	375
1.16(i)	Reissue Independent Claims	76	78
1.16(i)	Reissue Independent Claims (Small Entity)	38	39
1.16(j)	Reissue Claims in Excess of 20	22	(1)
1.16(j)	Reissue Claims in Excess of 20 (Small Entity)	11	(1)
1.16(k)	Provisional Application Filing Fee	150	(1)
1.16(k)	Provisional Application Filing Fee (Small Entity)	75	(1)
1.16(l)	Surcharge—Incomplete Provisional App. Filed	50	(1)
1.16(l)	Surcharge—Incomplete Provisional App. Filed (Small Entity)	25	(1)
1.17(a)	Extension—First Month	110	(1)
1.17(a)	Extension—First Month (Small Entity)	55	(1)
1.17(b)	Extension—Second Month	370	380
1.17(b)	Extension—Second Month (Small Entity)	185	190
1.17(c)	Extension—Third Month	870	900
1.17(c)	Extension—Third Month (Small Entity)	435	450
1.17(d)	Extension—Fourth Month	1,360	1,400
1.17(d)	Extension—Fourth Month (Small Entity)	680	700
1.17(e)	Notice of Appeal	280	290

APPENDIX A.—COMPARISON OF EXISTING AND REVISED FEE AMOUNTS—Continued

37 CFR Sec.	Description	Pre-Oct 1995	Oct 1995
1.17(e)	Notice of Appeal (Small Entity)	140	145
1.17(f)	Filing a Brief	280	290
1.17(f)	Filing a Brief (Small Entity)	140	145
1.17(g)	Request for Oral Hearing	240	250
1.17(g)	Request for Oral Hearing (Small Entity)	120	125
1.17(h)	Petition—Not All Inventors	130	(1)
1.17(h)	Petition—Correction of Inventorship	130	(1)
1.17(h)	Petition—Decision on Questions	130	(1)
1.17(h)	Petition—Suspend Rules	130	(1)
1.17(h)	Petition—Expedited License	130	(1)
1.17(h)	Petition—Scope of License	130	(1)
1.17(h)	Petition—Retroactive License	130	(1)
1.17(h)	Petition—Refusing Maintenance Fee	130	(1)
1.17(h)	Petition—Refusing Maintenance Fee—Expired Patent	130	(1)
1.17(h)	Petition—Interference	130	(1)
1.17(h)	Petition—Reconsider Interference	130	(1)
1.17(h)	Petition—Late Filing of Interference	130	(1)
1.20(b)	Petition—Correction of Inventorship	130	(1)
1.17(h)	Petition—Refusal to Publish SIR	130	(1)
1.17(i)(1)	Petition—For Assignment	130	(1)
1.17(i)(1)	Petition—For Application	130	(1)
1.17(i)(1)	Petition—Late Priority Papers	130	(1)
1.17(i)(1)	Petition—Suspend Action	130	(1)
1.17(i)(1)	Petition—Divisional Reissues to Issue Separately	130	(1)
1.17(i)(1)	Petition—For Interference Agreement	130	(1)
1.17(i)(1)	Petition—Amendment After Issue	130	(1)
1.17(i)(1)	Petition—Withdrawal After Issue	130	(1)
1.17(i)(1)	Petition—Defer Issue	130	(1)
1.17(i)(1)	Petition—Issue to Assignee	130	(1)
1.17(i)(1)	Petition—Accord a Filing Date Under § 1.53	130	(1)
1.17(i)(1)	Petition—Accord a Filing Date Under § 1.62	130	(1)
1.17(i)(1)	Petition—Make Application Special	130	(1)
1.17(j)	Petition—Public Use Proceeding	1,390	1,430
1.17(k)	Non-English Specification	130	(1)
1.17(l)	Petition—Revive Abandoned Appl	110	(1)
1.17(l)	Petition—Revive Abandoned Appl.(Small Entity)	55	(1)
1.17(m)	Petition—Revive Unintentionally Abandoned Appl	1,210	1,250
1.17(m)	Petition—Revive Unintent Abandoned Appl. (Small Entity)	605	625
1.17(n)	SIR—Prior to Examiner's Action	840	870
1.17(o)	SIR—After to Examiner's Action	1,690	1,740
1.17(p)	Submission of an Information Disclosure Statement (§ 1.97)	210	220
1.17(q)	Petition—Correction of Inventorship (Prov. App.)	50	(1)
1.17(q)	Petition—Accord a filing date (Prov. App.)	50	(1)
1.17(r)	Filing a submission after final rejection (1.129(a))	730	750
1.17(r)	Filing a submission after final rejection (1.129(a)) (Small Entity)	365	375
1.17(s)	Per add'l invention to be examined (1.129(b))	730	750
1.17(s)	Per add'l invention to be examined (1.129(b)) (Small Entity)	365	375
1.18(a)	Issue Fee	1,210	1,250
1.18(a)	Issue Fee (Small Entity)	605	625
1.18(b)	Design Issue Fee	420	430
1.18(b)	Design Issue Fee (Small Entity)	210	215
1.18(c)	Plant Issue Fee	610	630
1.18(c)	Plant Issue Fee (Small Entity)	305	315
1.19(a)(1)(i)	Copy of Patent	3	(1)
1.19(a)(1)(ii)	Patent Copy—Overnight delivery to PTO Box or overnight fax	6	(1)
1.19(a)(1)(iii)	Patent Copy Ordered by Expedited Mail or Fax—Exp. service	25	(1)
1.19(a)(2)	Plant Patent Copy	12	(1)
1.19(a)(3)(i)	Copy of Utility Patent or SIR in Color	24	(1)
1.19(b)(1)(i)	Certified Copy of Patent Application as Filed	12	15
1.19(b)(1)(ii)	Certified Copy of Patent Application as Filed, Expedited	24	30
1.19(b)(2)	Cert of Uncert Copy of Patent-Related File Wrapper/Contents	150	(1)
1.19(b)(3)	Cert. or Uncert. Copies of Office Records, per Document	25	(1)
1.19(b)(4)	For Assignment Records, Abstract of Title and Certification	25	(1)
1.19(c)	Library Service	50	(1)
1.19(d)	List of Patents in Subclass	3	(1)
1.19(e)	Uncertified Statement—Status of Maintenance Fee Payment	10	(1)
1.19(f)	Copy of Non-U.S. Patent Document	25	(1)
1.19(g)	Comparing and Certifying Copies, Per Document, Per Copy	25	(1)
1.19(h)	Duplicate or Corrected Filing Receipt	25	(1)
1.20(a)	Certificate of Correction	100	(1)
1.20(c)	Reexamination	2,320	2,390

APPENDIX A.—COMPARISON OF EXISTING AND REVISED FEE AMOUNTS—Continued

37 CFR Sec.	Description	Pre-Oct 1995	Oct 1995
1.20(d)	Statutory Disclaimer	110	(1)
1.20(d)	Statutory Disclaimer (Small Entity)	55	(1)
1.20(e)	Maintenance Fee—3.5 Years	960	990
1.20(e)	Maintenance Fee—3.5 Years (Small Entity)	480	495
1.20(f)	Maintenance Fee—7.5 Years	1,930	1,990
1.20(f)	Maintenance Fee—7.5 Years (Small Entity)	965	995
1.20(g)	Maintenance Fee—11.5 Years	2,900	2,990
1.20(g)	Maintenance Fee—11.5 Years (Small Entity)	1,450	1,495
1.20(h)	Surcharge—Maintenance Fee—6 Months	130	(1)
1.20(h)	Surcharge—Maintenance Fee—6 Months (Small Entity)	65	(1)
1.20(i)(1)	Surcharge—Maintenance After Expiration—Unavoidable	640	660
1.20(i)(2)	Surcharge—Maintenance After Expiration—Unintentional	1,500	1,550
1.20(j)	Extension of Term of Patent	1,030	1,060
1.21(a)(1)	Admission to Examination	300	310
1.21(a)(2)	Registration to Practice	100	(1)
1.21(a)(3)	Reinstatement to Practice	15	(1)
1.21(a)(4)	Certificate of Good Standing	10	(1)
1.21(a)(4)	Certificate of Good Standing, Suitable Framing	20	(1)
1.21(a)(5)	Review of Decision of Director, OED	130	(1)
1.21(a)(6)	Regrading of Examination	130	(1)
1.21(b)(1)	Establish Deposit Account	10	(1)
1.21(b)(2)	Service Charge Below Minimum Balance	25	(1)
1.21(b)(3)	Service Charge Below Minimum Balance	25	(1)
1.21(c)	Filing a Disclosure Document	10	(1)
1.21(d)	Box Rental	50	(1)
1.21(e)	International Type Search Report	40	(1)
1.21(g)	Self-Service Copy Charge	25	(1)
1.21(h)	Recording Patent Property	40	(1)
1.21(i)	Publication in the OG	25	(1)
1.21(j)	Labor Charges for Services	30	(1)
1.21(k)	Unspecified Other Services	(2)	(1)
1.21(k)	Terminal Use APS—CSIR (per hour)	50	(1)
1.21(m)	Processing Returned Checks	50	(1)
1.21(n)	Handling Fee—Incomplete Application	130	(1)
1.21(o)	Terminal Use APS—TEXT	40	(1)
1.24	Coupons for Patent and Trademark Copies	3	(1)
1.296	Handling Fee—Withdrawal SIR	130	(1)
1.445(a)(1)	Transmittal Fee	210	220
1.445(a)(2)(i)	PCT Search Fee—No U.S. Application	640	660
1.445(a)(2)(ii)	PCT Search Fee—Prior U.S. Application	420	430
1.445(a)(3)	Supplemental Search	180	190
1.482(a)(1)(i)	Preliminary Exam Fee	460	470
1.482(a)(1)(ii)	Preliminary Exam Fee	690	710
1.482(a)(2)(i)	Additional Invention	140	(1)
1.482(a)(2)(ii)	Additional Invention	240	250
1.492(a)(1)	Preliminary Examining Authority	660	680
1.492(a)(1)	Preliminary Examining Authority (Small Entity)	330	340
1.492(a)(2)	Searching Authority	730	750
1.492(a)(2)	Searching Authority (Small Entity)	365	375
1.492(a)(3)	PTO Not ISA nor IPEA	980	1,010
1.492(a)(3)	PTO Not ISA nor IPEA (Small Entity)	490	505
1.492(a)(4)	Claims—IPEA	92	94
1.492(a)(4)	Claims—IPEA (Small Entity)	46	47
1.492(a)(5)	Filing with EPO/JPO Search Report	850	880
1.492(a)(5)	Filing with EPO/JPO Search Report (Small Entity)	425	440
1.492(b)	Claims—Extra Individual (Over 3)	76	78
1.492(b)	Claims—Extra Individual (Over 3) (Small Entity)	38	39
1.492(c)	Claims—Extra Total (Over 20)	22	(1)
1.492(c)	Claims—Extra Total (Over 20) (Small Entity)	11	(1)
1.492(d)	Claims—Multiple Dependents	240	250
1.492(d)	Claims—Multiple Dependents (Small Entity)	120	125
1.492(e)	Surcharge	130	(1)
1.492(e)	Surcharge (Small Entity)	65	(1)
1.492(f)	English Translation—After 20 Months	130	(1)
2.6(a)(1)	Application for Registration, Per Class	245	(1)
2.6(a)(2)	Amendment to Allege Use, Per Class	100	(1)
2.6(a)(3)	Statement of Use, Per Class	100	(1)
2.6(a)(4)	Extension for Filing Statement of Use, Per Class	100	(1)
2.6(a)(5)	Application for Renewal, Per Class	300	(1)
2.6(a)(6)	Surcharge for Late Renewal, Per Class	100	(1)
2.6(a)(7)	Publication of Mark Under § 12(c), Per Class	100	(1)

APPENDIX A.—COMPARISON OF EXISTING AND REVISED FEE AMOUNTS—Continued

37 CFR Sec.	Description	Pre-Oct 1995	Oct 1995
2.6(a)(8)	Issuing New Certificate of Registration	100	(1)
2.6(a)(9)	Certificate of Correction of Registrant's Error	100	(1)
2.6(a)(10)	Filing Disclaimer to Registration	100	(1)
2.6(a)(11)	Filing Amendment to Registration	100	(1)
2.6(a)(12)	Filing Affidavit Under Section 8, Per Class	100	(1)
2.6(a)(13)	Filing Affidavit Under Section 15, Per Class	100	(1)
2.6(a)(14)	Filing Affidavit Under Sections 8 & 15, Per Class	200	(1)
2.6(a)(15)	Petitions to the Commissioner	100	(1)
2.6(a)(16)	Petition to Cancel, Per Class	200	(1)
2.6(a)(17)	Notice of Opposition, Per Class	200	(1)
2.6(a)(18)	Ex Parte Appeal to the TTAB, Per Class	100	(1)
2.6(a)(19)	Dividing an Application, Per New Application Created	100	(1)
2.6(b)(1)(i)	Copy of Registered Mark	3	(1)
2.6(b)(1)(ii)	Copy of Registered Mark, overnight delivery to PTO box or fax	6	(1)
2.6(b)(1)(iii)	Copy of Reg. Mark Ordered Via Exp. Mail or Fax, Exp. Svc	25	(1)
2.6(b)(2)(i)	Certified Copy of TM Application as Filed	12	15
2.6(b)(2)(ii)	Certified Copy of TM Application as Filed, Expedited	24	30
2.6(b)(3)	Cert. or Uncert. Copy of TM-Related File Wrapper/Contents	50	(1)
2.6(b)(4)(i)	Cert. Copy of Registered Mark, Title or Status	10	(1)
2.6(b)(4)(ii)	Cert. Copy of Registered Mark, Title or Status—Expedited	20	(1)
2.6(b)(5)	Certified or Uncertified Copy of TM Records	25	(1)
2.6(b)(6)	Recording Trademark Property, Per Mark, Per Document	40	(1)
2.6(b)(6)	For Second and Subsequent Marks in Same Document	25	(1)
2.6(b)(7)	For Assignment Records, Abstracts of Title and Cert	25	(1)
2.6(b)(8)	Terminal Use X-SEARCH	40	(1)
2.6(b)(9)	Self-Service Copy Charge	0.25	(1)
2.6(b)(10)	Labor Charges for Services	30	(1)
2.6(b)(11)	Unspecified Other Services	(2)	(1)

¹ These fees are not affected by this rulemaking.
² Actual cost.

[FR Doc. 95-12751 Filed 5-25-95; 8:45 am]
 BILLING CODE 3510-16-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-5212-3]

40 CFR Parts 51, 52, 60, 61, and 64

Enhanced Monitoring Rule

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule; notice of public meeting.

SUMMARY: Notice is hereby given that EPA will hold a public meeting on May 31, 1995 to discuss EPA's proposed enhanced monitoring rule and potential approaches to restructuring this rulemaking. On October 22, 1993 (58 FR 54648), EPA published a notice of proposed rulemaking that contained proposed rules to govern a new enhanced monitoring program under section 114(a)(3) and related provisions of the Clean Air Act. 58 FR 54648. In light of the President's concerns regarding flexibility and cost-effectiveness, EPA believes that it may be inappropriate to take final action on the rule as proposed. Moreover, EPA believes that it can develop a more cost-

effective method of enhanced monitoring that will also meet the statutory requirement of section 114(a)(3). The Agency will use this meeting to obtain the views of interested parties before taking further action in connection with this rulemaking.

DATES: This public meeting will be held on May 31, 1995 from 8:30 a.m. to 4:30 p.m. at the address set forth below.

ADDRESSES: *Meeting location:* The public meeting will be held at the DuPont Plaza Hotel, 1550 New Hampshire Avenue, Washington, DC 20036, telephone 202-483-6000. *Supporting Documents:* Documents related to discussions will be available at the meeting and in the docket discussed below. Subsequent to the meeting, these documents and a summary of the meeting will be available on the Technology Transfer Network, Emission Measurement Technical Information Center Electronic Bulletin Board, telephone 919-541-5742, Internet address TELNET ttnbbs.rtpnc.epa.gov.

Docket: The Agency has established EPA Air Docket A-91-52 for this rulemaking. This docket is available for public inspection and copying between 8:00 a.m. and 5:30 p.m., Monday through Friday, excluding Government holidays, and is located at EPA Air Docket (LE-131), Room M-1500,

Waterside Mall, 401 M Street, SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Robin Segall, Office of Air Quality Planning and Standards, 919-541-0893.
SUPPLEMENTARY INFORMATION: On May 1, 1995, EPA received a 60-day extension of the court-ordered deadline in *Sierra Club v. Browner*, No. 93-0564 NHJ (D.D.C.), for final promulgation of enhanced monitoring rules in order for the Agency to reassess the approach it has developed and to consider other, alternative approaches. EPA advised the court that during this 60-day period, EPA will determine the best means to accomplish the substantive goals of the enhanced monitoring requirements of the Clean Air Act in a cost-effective manner. EPA also advised the court that it anticipates that it will need a substantially longer extension beyond June 30, 1995, in order to promulgate rules embodying a new approach to enhanced monitoring.

The Agency plans to take a fresh look at enhanced monitoring in light of the President's reform efforts to design performance-based environmental programs that provide industry with the flexibility to comply in cost-effective ways, while requiring accountability for achieving results. EPA had prepared a draft notice of final rulemaking based