

conformity with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

VI. Procedural Determinations

Executive Order 12866

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

Executive Order 12988

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon corresponding Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule

would have a significant economic impact, the Department relied upon the data and assumptions for the corresponding Federal regulations.

Unfunded Mandates

OSM has determined and certifies pursuant to the Unfunded Mandates Reform Act (2 U.S.C. 1502 *et seq.*) that this rule will not impose a cost of \$100 million or more in any given year on local, state, or tribal governments or private entities.

List of Subjects in 30 CFR Part 914

Intergovernmental relations, Surface mining, Underground mining.
Dated: July 9, 1998.

Brent Wahlquist,

Regional Director, Mid-Continent Regional Coordinating Center.

For the reasons set out in the preamble, 30 CFR part 914 is amended as set forth below:

PART 914—INDIANA

1. The authority citation for part 914 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 914.15 is amended in the table by adding a new entry in chronological order by "Date of final publication" to read as follows:

§ 914.15 Approval of Indiana regulatory program amendments.

* * * * *

Original amendment submission date	Date of final publication	Citation/description
March 6, 1998	July 24, 1998	310 IAC 12-3-46(a), (b)(2) through (b)(5); 12-3-80(a), (b)(2) through (b)(5); 12-3-110 (f), (g); 12-5-32(a), (b); 12-5-97(a), (b).

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DEPARTMENT OF THE TREASURY

Federal Law Enforcement Training Center

31 CFR Part 700

Regulations Governing Conduct in Federal Law Enforcement Training Center (FLECT) Buildings and on the Grounds in Glynco, Georgia, Artesia, New Mexico, the FLETC Washington Office, and Any Other Temporary Site the FLETC May Occupy

AGENCY: Federal Law Enforcement Training Center (FLETC).

ACTION: Final rule.

SUMMARY: This final rule amends the regulations governing conduct in Federal Law Enforcement Training Center (FLETC) buildings and grounds. The existing regulations apply only to the FLETC buildings and grounds in Glynco, Georgia. This final rule modifies the existing regulations to include the FLETC Artesia facility in New Mexico, the FLETC Washington Office, and any other temporary site the FLETC may occupy.

EFFECTIVE DATES: July 24, 1998.

FOR FURTHER INFORMATION CONTACT: Stephen M. Bodolay, 912-267-2441.

SUPPLEMENTARY INFORMATION: The Federal Law Enforcement Training Center (FLETC) facility in Artesia, New

Mexico, the FLETC Washington Office, and any other temporary site the FLETC may occupy are included in 31 CFR 700. Section 301 of Title 5, United States Code, and Treasury Order 140-01 (September 20, 1994) authorize the Director, FLETC, to make all needful rules and regulations governing conduct in FLETC's buildings and on its grounds. This final rule prohibits discrimination or harassment of other persons on the property, requires compliance with instructions of uniformed security officers, prohibits the taking of photographs of students without their consent, restricts the smoking of cigarettes, cigars and pipes, and requires that bicycles be equipped with appropriate safety devices.

Executive Order 12866

Because this rule relates to agency organization and management, it is not subject to Executive Order 12866.

Administrative Procedure Act

Because this Treasury decision relates to agency organization and management and is procedural in nature, notice and public procedure and a delayed effective date are inapplicable pursuant to Section 553(a)(2) of Title 5, United States Code.

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required for this final rule, the provisions of the Regulatory Flexibility Act do not apply.

Drafting Information

The principal author of this document is Stephen M. Bodolay, Office of Legal Counsel, Federal Law Enforcement Training Center.

List of Subjects in 31 CFR Part 700

Federal buildings and facilities.

31 CFR part 700 is revised to read as follows:

**PART 700—REGULATIONS
GOVERNING CONDUCT IN OR ON THE
FEDERAL LAW ENFORCEMENT
TRAINING CENTER (FLETC)
BUILDINGS AND GROUNDS**

Sec.

- 700.2 Applicability.
- 700.3 Recording presence.
- 700.4 Preservation of property.
- 700.5 Compliance with signs and directions.
- 700.6 Nuisances.
- 700.7 Alcoholic beverages, narcotics, and drugs.
- 700.8 Soliciting, vending, debt collection, and distribution of handbills.
- 700.9 Photographs for news, advertising, or commercial purposes.
- 700.10 Vehicular and pedestrian traffic.
- 700.11 Weapons and explosives.
- 700.12 Authority to search persons and vehicles.
- 700.13 Nondiscrimination.
- 700.14 Smoking.

Authority: 5 U.S.C. 301; 31 U.S.C. 321; Treasury Department Order No. 140-01, dated September 20, 1994; 41 FR 5869, dated Feb. 10, 1996.

§ 700.2 Applicability.

The regulations in this part apply to the buildings and surrounding property of the FLETC, Glynco, Georgia; Artesia, New Mexico; FLETC's Washington Office; any other temporary site FLETC may occupy; and to all persons entering such buildings or property.

§ 700.3 Recording presence.

Except as otherwise ordered, the property shall be closed to the general public. Admission to the property will be limited to authorized individuals who will be required to obtain a visitor's pass and/or display identification documents, in accordance with FLETC policy.

§ 700.4 Preservation of property.

It shall be unlawful for any person without proper authority to willfully destroy, damage, deface, or remove property (including Federal records) or any part thereof or any furnishing therein.

§ 700.5 Compliance with signs and directions.

Persons in and on the property shall comply with the instructions of uniformed FLETC security officers, other authorized officials, official signs of a prohibitory or directory nature, and all applicable statutes and regulations.

§ 700.6 Nuisances.

The use of loud, abusive, or profane language, except as part of an authorized practical training exercise, unwarranted loitering, unauthorized assembly, the creation of any hazard to persons or things, improper disposal of rubbish, or the commission of any disorderly conduct on the property is prohibited. Prohibited actions in the preceding sentence are limited to those actions which impede, obstruct, or otherwise interfere with the Government's business which includes, among other things, the maintenance of the facility, protection of persons and property, and the smooth administration of academic activities and supporting services. The entry, without specific permission, upon any part of the property to which authorized visitors do not customarily have access, is prohibited.

§ 700.7 Alcoholic beverages, narcotics, and drugs.

Entering or being on the property, or operating a motor vehicle thereon, by a person under the influence of alcoholic beverages, narcotics, hallucinogenic or dangerous drugs, or marijuana is prohibited. The possession or use of any unlawful drug or substance contrary to the provisions of Federal, State, or local law in or on the property is prohibited.

§ 700.8 Soliciting, vending, debt collection and distribution of handbills.

The unauthorized soliciting for charity and contributions, commercial soliciting and vending of all kinds, the display or distribution of commercial advertising, or the collecting of private

debts, other than legal service of process, in or on the property, is prohibited. This prohibition does not apply to Federal Law Enforcement Training Center concessions or notices posted by authorized employees on the bulletin boards. Distribution of material such as pamphlets, handbills, and flyers is prohibited without prior approval of the Director.

§ 700.9 Photographs for news, advertising, or commercial purposes.

Photographs for news, advertising, or commercial purposes may be taken on the property only with the prior permission of the Director. Taking photographs of a student is prohibited without the consent of the student.

§ 700.10 Vehicular and pedestrian traffic.

(a) Drivers of all vehicles on the property shall drive in a careful and safe manner at all times and shall comply with the signals and directions of security officers and all posted traffic signs. All persons on the property must comply with all applicable Federal, State, and local laws. All drivers operating a vehicle on property roadways must possess a valid driver's license.

(b) The blocking of entrances, driveways, walks, loading platforms, or fire-hydrants in or on the property is prohibited.

(c) Parking is permitted only in authorized locations.

(d) This section may be supplemented from time to time by the Director by the issuance and posting of traffic directives. When so issued and posted, such directives shall have the same force and effect as if made a part hereof.

§ 700.11 Weapons and explosives.

No person, while on the property, shall carry firearms, other dangerous or deadly weapons, or explosives, either openly or concealed, except for authorized training or official purposes, in accordance with FLETC regulations.

§ 700.12 Authority to search persons and vehicles.

Persons and vehicles entering upon FLETC facilities are subject to search by authorized security officers.

§ 700.13 Nondiscrimination.

(a) No one entering upon FLETC property shall discriminate against or harass any other person on such property, on the basis of race, color, religion, national origin, sex, sexual orientation, age, or disability. Sexual harassment is a form of sex discrimination and is expressly prohibited.

(b) Appropriate action will be taken against any person who violates any discrimination prohibition contained in paragraph (a) of this section. However, this section does not create any legal rights enforceable against the Department of the Treasury, its officers, or employees, or any other person. Although this section does not create any enforceable rights, actions in violation of the section may still result in civil or criminal action in accordance with applicable laws.

§ 700.14 Smoking.

Smoking of cigarettes, cigars and pipes is prohibited in all FLETC buildings and vehicles.

Ralph W. Basham,

Director.

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DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 1

[Docket No. 980713170-8170-01]

RIN 0651-AA96

Revision of Patent Fees for Fiscal Year 1999

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Final rule.

SUMMARY: The Patent and Trademark Office (PTO) is amending the rules of practice in patent cases, Part 1 of title 37, Code of Federal Regulations, to adjust patent statutory fee amounts to reflect the expiration of the surcharge established by the Omnibus Budget Reconciliation Act of 1990, as amended, and fluctuations in the Consumer Price Index (CPI). Also, a few fees that track statutory fees are being correspondingly adjusted, and a non-statutory fee is being reduced to recover cost.

Patent statutory fees consist of a fee amount pursuant to title 35, United States Code; annual adjustments to reflect fluctuations in the CPI; and a surcharge, established by the Omnibus Budget Reconciliation Act of 1990, as amended. The intent of the surcharge was to finance the cost of operating the PTO from user fees, rather than from taxes paid to the general fund of the United States Treasury. In fiscal year 1998, the surcharge will raise \$119,000,000. The surcharge will expire at the end of fiscal year 1998. To replace the surcharge and to ensure continued user-fee funding of PTO's operations,

legislation has been introduced in the Congress, namely, H.R. 3989 and H.R. 3723. Should either legislation or an alternative be enacted, the PTO will publish a document in the **Federal Register** to ensure that this final rule and the fees established herein will not take effect.

This final rule assumes that no legislative change to patent fees will take place before October 1, 1998. This final rule adjusts patent fees to reflect the expiration of the surcharge established by the Omnibus Budget Reconciliation Act of 1990, as amended, and to reflect fluctuations in the CPI over the previous twelve months.

EFFECTIVE DATE: October 1, 1998.

FOR FURTHER INFORMATION CONTACT:

Matthew Lee by telephone at (703) 305-8051, fax at (703) 305-8007, or by mail marked to his attention and addressed to the Commissioner of Patents and Trademarks, Office of Finance, Crystal Park 1, Suite 802, Washington, D.C. 20231.

SUPPLEMENTARY INFORMATION: This final rule adjusts PTO fees in accordance with the applicable provisions of title 35, United States Code, and the Patent and Trademark Office Authorization Act of 1991 (Public Law 102-204).

Legislation has been introduced in the Congress, namely H.R. 3989 and H.R. 3723, to replace the surcharge and to ensure continued user-fee funding of PTO's operations. H.R. 3989 would re-establish patent statutory fees at the fiscal year 1998 fee levels. For patent customers, H.R. 3989 would not change fee levels; it would simply include the current surcharge and previous years' annual inflation adjustments within the statutory fees, in accordance with the President's budget. The President's budget further proposes to rescind \$66,342,000 of PTO's fiscal year 1998 budget authority, and an additional \$50,000,000 in fees collected in fiscal year 1999, for a total rescission of \$116,342,000.

H.R. 3723 would re-establish patent statutory fees below the levels proposed in H.R. 3989. The total amount collected under H.R. 3723 is expected to be \$50,000,000 less than would be collected under H.R. 3989. H.R. 3723 does not assume rescission of PTO budget authority from fees collected in fiscal year 1999. (A comparison of fee amounts for fiscal year 1998, this final rule for fiscal year 1999, H.R. 3723, and H.R. 3989 is included as an Appendix to this final rule.)

In the absence of the enactment of these bills, or any other positive action by the Congress before October 1, 1998, certain patent fees will revert to their

statutory levels, as adjusted for previous years' annual fluctuations in the CPI. Should this occur, and PTO not increase fees by CPI for fiscal year 1999, PTO fee collections in fiscal year 1999 would be \$182,000,000 less than would be collected under H.R. 3989 and the President's budget proposal, and \$132,000,000 less than would be collected under H.R. 3723.

This final rule assumes that these bills—and any other statutory change to patent fees—will not be enacted before October 1, 1998. This final rule adjusts patent fees to reflect the expiration of the surcharge established by the Omnibus Budget Reconciliation Act of 1990, as amended, and to reflect fluctuations in the CPI over the previous twelve months. Fees collected under this final rule in fiscal year 1999 would be \$171,000,000 less than would be collected under H.R. 3989 and the President's budget proposal, and \$121,000,000 less than would be collected under H.R. 3723.

Patent customers should be aware that legislative changes to patent fees superseding this final rule may occur. If such changes occur the PTO will publish a document in the **Federal Register** to ensure that this final rule and the fees established herein will not take effect. Patent customers may wish to refer to the official PTO website (www.uspto.gov) for the most current fee amounts. Official notices of any fee changes will appear in the **Federal Register** and the Official Gazette of the Patent and Trademark Office.

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 35 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 twelve months.

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, for each black and