

§ 2.120 Discovery.

(a) In general. Wherever appropriate, the provisions of the Federal Rules of Civil Procedure relating to discovery shall apply in opposition, cancellation, interference and concurrent use registration proceedings except as otherwise provided in this section. The provisions of the Federal Rules of Civil Procedure relating to automatic disclosure, scheduling conferences, conferences to discuss settlement and to develop a discovery plan, and transmission to the court of a written report outlining the discovery plan, are not applicable to Board proceedings. The Trademark Trial and Appeal Board will specify the opening and closing dates for the taking of discovery. The trial order setting these dates will be mailed with the notice of institution of the proceeding. The discovery period will be set for a period of 180 days. The parties may stipulate to a shortening of the discovery period. The discovery period may be extended upon stipulation of the parties approved by the Board, or upon motion granted by the Board, or by order of the Board. If a motion for an extension is denied, the discovery period may remain as originally set or as reset. Discovery depositions must be taken, and interrogatories, requests for production of documents and things, and requests for admission must be served, on or before the closing date of the discovery period as originally set or as reset. Responses to interrogatories, requests for production of documents and things, and requests for admission must be served within 30 days from the date of service of such discovery requests. The time to respond may be extended upon stipulation of the parties, or upon motion granted by the Board, or by order of the Board. The resetting of a party's time to respond to an outstanding request for discovery will not result in the automatic rescheduling of the discovery and/or testimony periods; such dates will be rescheduled only upon stipulation of the parties approved by the Board, or upon motion granted by the Board, or by order of the Board.

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3. Section 2.127(a) is correctly revised to read as follows:

§ 2.127 Motions.

(a) Every motion shall be made in writing, shall contain a full statement of the grounds, and shall embody or be accompanied by a brief. Except as provided in paragraph (e)(1) of this section, a brief in response to a motion shall be filed within fifteen days from the date of service of the motion unless

another time is specified by the Trademark Trial and Appeal Board or the time is extended by stipulation of the parties approved by the Board, or upon motion granted by the Board, or upon order of the Board. If a motion for an extension is denied, the time for responding to the motion may remain as specified under this section. The Board may, in its discretion, consider a reply brief. Except as provided in paragraph (e)(1) of this section, a reply brief, if filed, shall be filed within 15 days from the date of service of the brief in response to the motion.

The time for filing a reply brief will not be extended. No further papers in support of or in opposition to a motion will be considered by the Board. Briefs shall be submitted in typewritten or printed form, double spaced, in at least pica or eleven-point type, on letter-size paper. The brief in support of the motion and the brief in response to the motion shall not exceed 25 pages in length; and a reply brief shall not exceed 10 pages in length. Exhibits submitted in support of or in opposition to the motion shall not be deemed to be part of the brief for purposes of determining the length of the brief. When a party fails to file a brief in response to a motion, the Board may treat the motion as conceded. An oral hearing will not be held on a motion except on order by the Board.

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PART 3—ASSIGNMENT, RECORDING AND RIGHTS OF ASSIGNEE

4. The authority citation for Part 3 continues to read as follows:

Authority: 15 U.S.C. 1123; 35 U.S.C. 6.

5. The title of Part 3 is correctly revised to read as follows:

PART 3—ASSIGNMENT, RECORDING AND RIGHTS OF ASSIGNEE

6. Section 3.41 is correctly revised to read as follows:

§ 3.41 Recording fees.

(a) All requests to record documents must be accompanied by the appropriate fee. Except as provided in paragraph (b) of this section, a fee is required for each application, patent and registration against which the document is recorded as identified in the cover sheet. The recording fee is set in § 1.21(h) of this chapter for patents and in § 2.6(b)(6) of this chapter for trademarks.

(b) No fee is required for each patent application and patent against which a document required by Executive Order 9424 is to be filed if:

- (1) The document does not affect title and is so identified in the cover sheet (see § 3.31(c)(2)); and
- (2) The document and cover sheet are mailed to the Office in compliance with § 3.27(b).

Dated: September 24, 1998.

Albin F. Drost,

Deputy Solicitor.

[FR Doc. 98-26160 Filed 9-29-98; 8:45 am]

BILLING CODE 3510-16-P

POSTAL SERVICE

39 CFR Part 233

Reward Increases

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The Postal Inspection Service is revising its reward policy and regulations to increase the amounts of rewards that may be paid for information and services leading to the arrest and conviction of persons who have committed certain postal crimes.

EFFECTIVE DATE: This final rule is effective September 30, 1998.

FOR FURTHER INFORMATION CONTACT: Henry J. Bauman, Independent Counsel, Postal Inspection Service, (202) 268-4415.

SUPPLEMENTARY INFORMATION: The Postal Service offers rewards for information and services leading to the arrest and conviction of persons committing postal crimes. Regulations concerning these rewards are published in 39 CFR 233.2, Circulars and rewards, and in Poster 296, Notice of Reward, which appears as a note following § 233.2(b)(2). The Postal Inspection Service has raised the amount of the rewards that may be paid for offenses that involve particular danger of injury or death to postal employees and postal customers. The reward for the offenses of robbery or attempted robbery of a postal employee is increased from \$25,000 to \$50,000; the reward for the offense of assault of a postal employee is increased from \$15,000 to \$50,000; the reward for the offense of mailing bombs or explosives is raised from \$50,000 to \$100,000; the reward for the offense of mailing child pornography is increased from \$10,000 to \$50,000; and the reward for the offenses of mailing poison, controlled dangerous substances, hazardous materials, illegal drugs, or cash proceeds from illegal drugs is raised from \$10,000 to \$50,000.

List of Subjects in 39 CFR Part 233

Administrative practice and procedure, Banks, banking, Credit,

Crime, Infants and children, Law enforcement, Penalties, Privacy, Seizures and forfeitures.

Accordingly, 39 CFR 233 is amended as set forth below.

PART 233—INSPECTION SERVICE/ INSPECTOR GENERAL AUTHORITY

1. The authority citation for part 233 is changed to read as follows:

Authority: 39 U.S.C. 101, 102, 202, 204, 401, 402, 403, 404, 406, 410, 411, 1003, 3005(e)(1); 12 U.S.C. 3401–3422; 18 U.S.C. 981, 1956, 1957, 2254, 3061; 21 U.S.C. 881; Omnibus Budget Reconciliation Act of 1996, sec. 662 (Pub. L. No. 104–208).

§ 233.2 [Amended]

2. In § 233.2 amend the Note in paragraph (b)(2) as follows:

a. In the third paragraph, remove “Assault on Postal Employees, \$15,000” and add “Assault on Postal Employees, \$50,000” in its place.

b. In the fourth paragraph, remove “Bombs or Explosives, \$50,000” and add “Bombs or Explosives, \$100,000” in its place.

c. In the sixth paragraph, remove “Robbery, \$25,000” and add “Robbery, \$50,000” in its place.

d. In the eleventh paragraph, remove “Child Pornography, \$10,000” and add “Child Pornography, \$50,000” in its place.

e. In the last paragraph, remove “10,000” and add \$50,000” in its place.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 98–25802 Filed 9–29–98; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300724; FRL–6033–4]

RIN 2070–AB78

Fluroxypyr; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for combined residues of fluroxypyr 1-methylheptyl ester [1-methylheptyl ((4-amino-3,5-dichloro-6-fluoro-2-pyridinyl)oxy)acetate] and its metabolite fluroxypyr [(4-amino-3,5-dichloro-6-fluoro-2-pyridinyl)oxy]acetic acid) in or on the raw agricultural commodities (RAC) wheat, barley, and oats as follows: 0.5 ppm (grain), 12 ppm (straw and forage), 20 ppm (hay), and 0.6 ppm (aspirated grain fractions).

Because residues of fluroxypyr 1-methylheptyl ester and its metabolite fluroxypyr, free and conjugated, may occur in animal feeds derived from wheat, barley, and oats, the following meat and milk tolerances are also being established: 0.1 ppm (meat, fat, milk, and meat byproducts except for kidney) and 0.5 ppm (kidney). Dow AgroSciences LLC requested this tolerance under the Federal Food, Drug and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act of 1996 (Pub. L. 104–170).

DATES: This regulation is effective September 30, 1998. [Objections and requests for hearings must be received by EPA on or before November 30, 1998.

ADDRESSES: Written objections and hearing requests, identified by the docket control number [OPP–300724, must be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing requests shall be labeled “Tolerance Petition Fees” and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests filed with the Hearing Clerk identified by the docket control number, [OPP–300724, must also be submitted to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring a copy of objections and hearing requests to Rm. 119, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA.

A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Copies of electronic objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in WordPerfect 5.1/6.1 or ASCII file format. All copies of electronic objections and hearing requests must be identified by the docket control number [OPP–300724]. No Confidential Business Information (CBI) should be submitted through e-mail. Copies of electronic objections and hearing requests on this rule may be filed online at many Federal Depository Libraries.

FOR FURTHER INFORMATION CONTACT: By mail: Joanne I. Miller, Registration Division 7505C, Office of Pesticide

Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703) 305–6224, e-mail: miller.joanne@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of December 17, 1997 (62 FR 66083)(FRL–5759–1), EPA, issued a notice pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(e) announcing the filing of a pesticide petition (PP) 6F4772 for tolerance by Dow AgroSciences LLC, 9330 Zionsville Road, Indianapolis, IN 46268. This notice included a summary of the petition prepared by Dow AgroSciences LLC, the registrant. There were no comments received in response to the notice of filing.

In the **Federal Register** of August 14, 1998 (63 FR 43710)(FRL–6023–3), EPA issued a notice pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(e), announcing the filing of an amended pesticide petition (PP) 6F4772 for this tolerance petition. The revised petition requested that 40 CFR part 180 be amended by establishing a tolerance for combined residues of the herbicide fluroxypyr 1-methylheptyl ester [1-methylheptyl ((4-amino-3,5-dichloro-6-fluoro-2-pyridinyl)oxy)acetate] and its metabolite fluroxypyr [(4-amino-3,5-dichloro-6-fluoro-2-pyridinyl)oxy]acetic acid) in or on the raw agricultural commodities wheat, barley, and oats as follows: 0.5 ppm (grain), 12 ppm (straw and forage), 20 ppm (hay), and 0.6 ppm (aspirated grain fractions). Because residues of fluroxypyr 1-methylheptyl ester and its metabolite fluroxypyr, free and conjugated, may occur in animal feeds derived from wheat, barley, and oats, the following meat and milk tolerances are also being established: 0.1 ppm (meat, fat, milk, and meat byproducts except for kidney) and 0.5 ppm (kidney).

I. Risk Assessment and Statutory Findings

New section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is “safe.” Section 408(b)(2)(A)(ii) defines “safe” to mean that “there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is