

species that are unlikely to be struck by USCG vessels (harassment takes).

(3) If NMFS is unable to make a negligible impact determination for one or more of the applicant's marine mammal species (see 50 CFR 216.103(c)), should NMFS consider an authorization for the harassment or non-serious injury of these species under section 101(a)(5)(D) of the MMPA by USCG activities.

#### Information Solicited

NMFS requests interested persons to submit comments, information, and suggestions concerning the request and the structure and content of the regulations (if appropriate) to allow the taking (see **ADDRESSES**). NMFS will consider this information in developing an environmental assessment under the National Environmental Policy Act, and, if appropriate, propose regulations to authorize the taking. If NMFS proposes regulations to allow this take, interested parties will be given time and opportunity to comment.

Dated: October 10, 1996.

Patricia Montanio,

*Acting Director, Office of Protected Resources,  
National Marine Fisheries Service.*

[FR Doc. 96-26634 Filed 10-16-96; 8:45 am]

BILLING CODE 3510-22-F

#### National Telecommunications and Information Administration

##### Performance Review Board; Membership

Below is a listing of individuals who are eligible to serve on the Performance Review Board in accordance with the National Telecommunications and Information Administration Senior Executive Service (SES) Performance Appraisal System:

Kathryn C. Brown  
Dennis R. Connors  
William D. Gamble  
Bernadette McGuire-Rivera  
Richard D. Parlow  
Neal B. Seitz  
William F. Utlaut  
Barbara S. Wellbery  
Ronald P. Hack  
Anthony J. Calza,

*Acting Executive Secretary, National  
Telecommunications and Information  
Administration, Performance Review Board.*

[FR Doc. 96-26565 Filed 10-16-96; 8:45 am]

BILLING CODE 3510-BS-M

#### Patent and Trademark Office

##### Request for Comments on the Chairman's Text of the Diplomatic Conference on Certain Copyright and Neighboring Rights Questions, To Be Held in Geneva From December 2 to 20, 1996

**AGENCY:** Patent and Trademark Office,  
Commerce.

**ACTION:** Notice and request for public  
comments.

**SUMMARY:** As the Administration prepares for the Diplomatic Conference on Certain Copyright and Neighboring Rights Questions, to be held in Geneva from December 2 to 20, 1996, we invite interested parties to submit written comments on the Chairman's text and to attend a public briefing to discuss the Chairman's text of the Diplomatic Conference. During the briefing, Jukka Lienes, Chairman of the Committee of Experts, will discuss the text and will be available to answer questions.

**DATES:** The briefing will be held on November 12, 1996, from 1 p.m. to 5 p.m.

Written comments on the Chairman's text are due on or before November 22, 1996.

**ADDRESSES:** The briefing will be held in Marriott's Crystal Forum, a part of the Crystal City Marriott Hotel located in The Underground, 1999 Jefferson Davis Highway, Arlington, Virginia.

A transcript of the meeting will be made available for public inspection in room 902 of Crystal Park Two, 2121 Crystal Drive, Arlington, Virginia. The transcript will also be made available through the Patent and Trademark Office's home page, which is located at [www.uspto.gov](http://www.uspto.gov).

Written comments should be submitted to the Commissioner of Patents and Trademarks, Box 4, Patent and Trademark Office, Washington, D.C. 20231, marked to the attention of Ms. Carmen Guzman Lowrey, Associate Commissioner for Governmental and International Affairs. Written comments may also be submitted electronically by sending them to Mr. Keith Kupferschmid at [diploconf@uspto.gov](mailto:diploconf@uspto.gov).

All written comments received will be made available for public inspection in room 902 of Crystal Park Two, 2121 Crystal Drive, Arlington, Virginia.

**FOR FURTHER INFORMATION CONTACT:** Mr. Keith M. Kupferschmid by telephone at (703) 305-9300, by facsimile at (703) 305-8885, by electronic mail at [diploconf@uspto.gov](mailto:diploconf@uspto.gov) or by mail marked to his attention and addressed to the Commissioner of Patents and Trademarks, Box 4, Patent and

Trademark Office, Washington, D.C. 20231. It is not necessary for interested parties to contact the PTO to request to attend the briefing.

**SUPPLEMENTARY INFORMATION:** The United States is committed to making progress in the World Intellectual Property Organization (WIPO) toward improving international protection for works protected by copyright and neighboring rights. We want to build upon the international intellectual property norms that were set in the Agreement on Trade-Related Aspects of Intellectual Property (TRIPs). This is essential, especially in view of the need to deal with the intellectual property issues associated with the Global Information Infrastructure (GII). To accomplish this goal, the members of WIPO, with the leadership of the United States, are working to establish three new international agreements, commonly referred to as—

- A Protocol to the Berne Convention for the Protection of Literary and Artistic Works, which would modernize the Berne Convention to take into account new forms of expression and new uses of copyrighted works that have evolved due to technological developments since the Berne Convention's most recent revision in 1971.

- A New Instrument for the Protection of Performers and Producers of Phonograms, which would improve international standards of protection for sound recordings, and protect the rights of certain performers in respect of their live performances.

- A Treaty for the Sui Generis Protection of Databases, which would ensure adequate incentives to invest in creating databases, through a new type of protection that would safeguard databases against destruction of their commercial value.

These agreements would provide the levels of protection for both copyright and neighboring rights that are critical to the development of the commercial potential of the GI.

Much progress has been made in the negotiations in WIPO through the submission of treaty proposals by the United States and other countries. Based on these submissions and the views expressed in meetings of the Committee of Experts, the Chairman of the Committee of Experts has prepared three draft treaties which address digital and conventional copyright issues. These proposed treaties will be taken up at a Diplomatic Conference on Certain Copyright and Neighboring Rights Issues to be convened December 2-20, in Geneva at WIPO headquarters.

As the Administration prepares for the Diplomatic Conference, we invite interested parties to submit written comments on the Chairman's text of the draft treaties. These comments should be received by the PTO no later than November 22, 1996.

In addition, to facilitate a better understanding of the text of the draft treaties, the PTO will hold a briefing to discuss them. During the briefing, Jukka Lieder, Chairman of the Committee of Experts, will discuss the text and will be available to answer questions.

Copies of the draft treaties and other information relevant to the Diplomatic Conference can be found at the PTO's home page, located at [www.uspto.gov](http://www.uspto.gov). Copies of the draft treaties will also be available at the briefing and upon request.

Dated: October 10, 1996.

Bruce A. Lehman,

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

[FR Doc. 96-26511 Filed 10-16-96; 8:45 am]

BILLING CODE 3510-16-P

## CONSUMER PRODUCT SAFETY COMMISSION

### Sunshine Act Meeting

**TIME AND DATE:** Wednesday, October 23, 1996, 10:30 a.m.

**LOCATION:** Room 420, East West Towers, 4330 East West Highway, Bethesda, Maryland.

**STATUS:** Open to the Public.

#### MATTER TO BE CONSIDERED:

#### *FY 1997 Operating Plan*

The staff will brief the Commission on issues related to the Commission's Operating Plan for Fiscal Year 1997.

For a recorded message containing the latest agenda information, call (301) 504-0709.

#### CONTACT PERSON FOR ADDITIONAL

**INFORMATION:** Sadye E. Dunn, Office of the Secretary, 4330 East West Highway, Bethesda, MD 20207 (301) 504-0800.

Dated: October 15, 1996.

Sadye E. Dunn,

*Secretary.*

[FR Doc. 96-26826 Filed 10-15-96; 2:46 pm]

BILLING CODE 6355-01-M

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); FY97 DRG Updates

**AGENCY:** Office of the Secretary, DoD.

**ACTION:** Notice of DRG revised rates.

**SUMMARY:** This notice provides the updated adjusted standardized amounts, DRG relative weights, outlier thresholds, and beneficiary cost-share per diem rates to be used for FY 1997 under the CHAMPUS DRG-based payment system. It also describes the changes made to the CHAMPUS DRG-based payment system in order to conform to changes made to the Medicare Prospective Payment System (PPS).

**EFFECTIVE DATES:** The rates and weights and Medicare PPS changes which affect the CHAMPUS DRG-based payment system contained in this notice are effective for admissions occurring on or after October 1, 1996.

**ADDRESSES:** Office of the Civilian Health and Medical Program of the Uniformed Services (OCHAMPUS), Program Development Branch, Aurora, CO 80045-6900.

#### FOR FURTHER INFORMATION CONTACT:

Marty Maxey, program Development Branch, OCHAMPUS, telephone (303) 361-1227. To obtain copies of this document, see the **ADDRESSES** section above. Questions regarding payment of specific claims under the CHAMPUS DRG-based payment system should be addressed to the appropriate CHAMPUS contractor.

**SUPPLEMENTARY INFORMATION:** The final rule published on September 1, 1987 (52 FR 32992) set forth the basic procedures used under the CHAMPUS DRG-based payment system. This was subsequently amended by final rules published August 31, 1988 (53 FR 33461), October 21, 1988 (53 FR 41331), December 16, 1988 (53 FR 50515), May 30, 1990 (55 FR 21863), and October 22, 1990 (55 FR 42560).

An explicit tenet of these final rules, and one based on the statute authorizing the use of DRGs by CHAMPUS, is that the CHAMPUS DRG-based payment system is modeled on the Medicare PPS, and that, whenever practicable, the CHAMPUS system will follow the same rules that apply to the Medicare PPS. HCFA publishes these changes annually in the Federal Register and discusses in detail the impact of the changes.

In addition, this notice updates the rates and weights in accordance with our previous final rules. The actual changes we are making, along with a

description of their relationship to the Medicare PPS, are detailed below.

#### I. Medicare PPS Changes Which Affect the CHAMPUS DRG-Based Payment System

Following is a discussion of the changes the Health Care Financing Administration (HCFA) has made to the Medicare PPS which affect the CHAMPUS DRG-based payment system.

##### A. DRG Classifications

Under both the Medicare PPS and the CHAMPUS DRG-based payment system, cases are classified into the appropriate DRG by a Grouper program. The Grouper classifies each case into a DRG on the basis of the diagnosis and procedure codes and demographic information (that is, sex, age, and discharge status). The Grouper used for the CHAMPUS DRG-based payment system is the same as the current Medicare Grouper with two modifications. The CHAMPUS system has replaced Medicare DRG 435 with two age-based DRGs (900 and 901), and we have implemented thirty-four (34) neonatal DRGs in place of Medicare DRGs 385 through 390. For admissions occurring on or after October 1, 1995, the CHAMPUS grouper hierarchy logic was changed so the age split (age <29 days) and assignments to MDC 15 occur before assignment of the PreMDC DRGs. This results in all neonate tracheostomies and organ transplants to be grouped to MDC 15 DRGs and not to DRGs 480-483 or 495. Grouping for all other DRGs under the CHAMPUS system is identical to the Medicare PPS.

For FY 1997, HCFA will implement a number of classification changes, including surgical hierarchy changes, revisions to the Major Problem Diagnosis List, and refinements to the Complications and Comorbidities (CC) List. The CHAMPUS Grouper will incorporate all changes made to the Medicare Grouper.

##### B. Wage Index and Medicare Geographic Classification Review Board Guidelines

CHAMPUS will continue to use the same wage index amounts used for the Medicare PPS. In addition, CHAMPUS will duplicate all changes with regard to the wage index for specific hospitals which are redesignated by the Medicare Geographic Classification Review Board.

##### C. Hospital Market Basket

We will update the adjusted standardized amounts according to the final update hospital market basket used for the Medicare PPS according to HCFA's August 30, 1996, final rule.