

be addressed to the appeals officer identified in the notice of suspension or decertification. Any petitioned suspension will remain in effect pending the appeals officer's written decision to affirm, modify or terminate the suspension.

(ii) Administrative review is discretionary. Petitions for discretionary review may be filed only upon one or more of the following grounds:

(A) A finding of material fact is clearly erroneous based upon the administrative record;

(B) A substantial and important question of policy or discretion is involved; or

(C) A prejudicial error has occurred.

(iii) If the appeals officer declines review based on the written petition, observers or observer contractors must be immediately advised of the decision to decline review personally or by certified mail, return receipt requested, at the last known residence or place of business.

(iv) If the appeals officer grants review based on the written petition, he or she may request further written explanation from observers, observer contractors, or the decertifying officer or suspending officer. The appeals officer will then render a written decision to affirm, modify, or terminate the suspension or decertification or return the matter to the suspending or decertifying official for further findings. The appeals officer must base the decision on the administrative records compiled under paragraphs (j)(5) or (i)(7) of this section, as appropriate. The appeals officer will serve the decision on observers or observer contractors and any affiliates involved, personally or by certified mail, return receipt requested, at the last known residence or place of business.

(v) An appeals officer's decision imposing suspension, or decertification or an unpetitioned suspending, or decertifying official's decision is the final administrative decision of the U.S. Department of Commerce.

(k) *Release of observer data to the public*—(1) *Summary of weekly data.* The following information collected by observers for each catcher processor and catcher vessel during any weekly reporting period may be made available to the public:

(i) Vessel name and Federal permit number.

(ii) Number of chinook salmon and "other salmon" observed.

(iii) The ratio of total round weight of halibut or Pacific herring to the total round weight of groundfish in sampled catch.

(iv) The ratio of number of king crab or *C. bairdi* Tanner crab to the total

round weight of groundfish in sampled hauls.

(v) The number of observed trawl hauls or fixed gear sets.

(vi) The number of trawl hauls that were basket sampled.

(vii) The total weight of basket samples taken from sampled trawl hauls.

(2) *Haul-specific data.* (i) The information listed in paragraphs (k)(2)(i) (A) through (M) of this section and collected by observers from observed hauls on board vessels using trawl gear to participate in a directed fishery for groundfish other than rockfish, Greenland turbot, or Atka mackerel may be made available to the public:

(A) Date.

(B) Time of day gear is deployed.

(C) Latitude and longitude at beginning of haul.

(D) Bottom depth.

(E) Fishing depth of trawl.

(F) The ratio of the number of chinook salmon to the total round weight of groundfish.

(G) The ratio of the number of other salmon to the total round weight of groundfish.

(H) The ratio of total round weight of halibut to the total round weight of groundfish.

(I) The ratio of total round weight of herring to the total round weight of groundfish.

(J) The ratio of the number of king crab to the total round weight of groundfish.

(K) The ratio of the number of *C. bairdi* Tanner crab to the total round weight of groundfish.

(L) Sea surface temperature (where available).

(M) Sea temperature at fishing depth of trawl (where available).

(ii) The identity of the vessels from which the data in paragraph (k)(2)(i) of this section are collected will not be released.

(3) *Competitive harm.* In exceptional circumstances, the owners and operators of vessels may provide to the Regional Director written justification at the time observer data are submitted, or within a reasonable time thereafter, that disclosure of the information listed in paragraphs (k) (1) and (2) of this section could reasonably be expected to cause substantial competitive harm. The determination whether to disclose the information will be made pursuant to 15 CFR 4.7.

PART 679—[AMENDED]

11. In part 679, remove "NMFS-certified" wherever it occurs.

[FR Doc. 96-27891 Filed 10-31-96; 8:45 am]

BILLING CODE 3510-22-W

DEPARTMENT OF STATE

Bureau of Consular Affairs

22 CFR Part 41

[Public Notice 2455]

Documentation of Nonimmigrants and Immigrants Under the Immigration and Nationality Act, as Amended—Place of Application

AGENCY: Bureau of Consular Affairs, DOS.

ACTION: Final rule.

SUMMARY: This final rule amends the regulation by allowing the Deputy Assistant Secretary to designate the geographical areas over which consular offices have jurisdiction to process nonimmigrant visas. Consequently, an alien may now be authorized to apply at any nonimmigrant visa issuing office within the territory of the country of the alien's residence.

EFFECTIVE DATE: The effective date of this final rule is December 2, 1996.

FOR FURTHER INFORMATION CONTACT: Stephen K. Fischel, Chief, Legislation and Regulations Division, 202-663-1204.

SUPPLEMENTARY INFORMATION: Current Department of State regulations concerning the place of application for aliens seeking issuance of a nonimmigrant visa require that the applicant apply for a visa at the consular office in the consular district in which the alien resides (or in the case of a resident of Taiwan, at the American Institute in Taiwan) unless

(1) the alien is physically present in the United States and can apply to the Visa Office for the issuance or reissuance of a visa under 22 CFR 41.111(b); or

(2) the consular officer in a country where the alien is physically present has agreed to accept the alien's visa application either as a matter of discretion or at the direction of the Department.

This new regulation introduces greater flexibility in designating the jurisdictional consular office for nonimmigrant processing. To address resource reductions in some countries, the Department needs flexibility in managing its visa workload and has centralized and consolidated visa services in specific consular offices. The consolidation process may accord a consular office nonimmigrant visa processing jurisdiction over a geographical area which may not exactly comport with consular districts defined by the Secretary of State

pursuant to the authority granted the Secretary under section 514 of the Foreign Service Act of 1946. As the management of available resources requires flexibility, this rule grants the Deputy Assistant Secretary the ability to best manage such resources by designating the geographical area for which each consular office possesses jurisdiction to process nonimmigrant visa applications. The list of services for each consular office, including the providing of nonimmigrant visa processing services, continues to be published in Appendix C of Part IV of Volume 9 of the Foreign Affairs Manual.

It should be noted that pursuant to the authority granted the Deputy Assistant Secretary, the Deputy Assistant Secretary may determine that aliens resident in a country in which there is more than one consular office processing nonimmigrant visas may apply for nonimmigrant visa issuance at a designated post or at any of those NIV processing consular offices in that country.

Final Rule

As the amendments to the regulation provide a benefit to aliens by facilitating the visa application process, the Department has determined that it is unnecessary to publish a proposed rule or to solicit comments from the public.

This final rule is not expected to have a "significant economic impact" on a substantial number of small entities, because it is inapplicable. This rule imposes no reporting or recordkeeping action from the public requiring the approval of the Office of Management and Budget under the Paperwork Reduction Act requirements. This rule has been reviewed as required by E.O. 12988 and certified to be in compliance therewith. This rule is exempted from E.O. 12866 but has been reviewed to ensure consistency therewith.

List of Subjects in 22 CFR Part 41

Aliens, Applications, Nonimmigrants, Passports and visas.

In view of the foregoing, title 22 of the Code of Federal Regulations part 41 is amended to read as follows:

PART 41—[AMENDED]

1. The authority citation for Part 40 continues to read as follows:

Authority: 8 U.S.C. 1104.

2. Sec. 41.101 is amended by revising paragraph (a) to read as follows:

§ 41.101 Place of application.

(a) *Application for regular visa made at jurisdictional consular office of alien's residence or physical presence.*

(1) An alien applying for a nonimmigrant visa shall make application at a consular office having jurisdiction over the alien's place of residence, or if the alien is a resident of Taiwan, at the American Institute in Taiwan, unless—

(i) the alien is physically present in the United States and is entitled to apply for issuance or reissuance of a visa under the provisions of § 41.111(b); or

(ii) a consular office having jurisdiction over the area in which the alien is physically present but not resident has agreed, as a matter of discretion or at the direction of the Department, to accept the alien's application.

(2) The Deputy Assistant Secretary of State to the Visa Office is authorized to designate the geographical area for which each consular office possesses jurisdiction to process nonimmigrant visa applications.

Dated: October 11, 1996.

Ruth A. Davis,

Acting Assistant Secretary for Consular Affairs.

[FR Doc. 96-28185 Filed 10-31-96; 8:45 am]

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DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Parts 1, 5 and 10

[Docket No. 951006247-6255-02]

RIN 0651-AA70

Communications With the Patent and Trademark Office

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Final rule.

SUMMARY: The Patent and Trademark Office (Office) is amending its rules of practice to specify addresses for agency mail to expedite mail delivery, define "Federal holiday within the District of Columbia," clarify and simplify procedures for filing papers and fees by "Express Mail," and remove certain exclusions from § 1.8(a)(2)(ii) to permit additional trademark documents to be considered timely filed if they are mailed or transmitted by the due date and in compliance with § 1.8(a)(1).

EFFECTIVE DATE: December 2, 1996.

FOR FURTHER INFORMATION CONTACT:

Lawrence E. Anderson (for patent-related matters) by telephone at (703) 305-9285, by electronic mail at landerso@uspto.gov, or by mail to his

attention addressed to the Assistant Commissioner for Patents, Box DAC, Washington, DC 20231; or Nancy L. Omelko (for trademark-related matters) by telephone at (703) 308-8910, extension 39, or by mail marked to her attention and addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513.

SUPPLEMENTARY INFORMATION: In a Notice of Proposed Rulemaking published in the Federal Register at 57 FR 55691 (November 2, 1995) and in the Patent and Trademark Office *Official Gazette* at 1180 *Off. Gaz. Pat. Office* 122 (November 28, 1995), the Office proposed to change addresses for correspondence with the Office to reflect the creation of a mailroom site at the South Tower Building for processing most trademark-related mail; to distinguish correspondence intended for organizations reporting to the Assistant Commissioner for Patents from other correspondence; to add a separate mailing address in the Office of the Solicitor for disciplinary matters; and to delete the requirement for a certificate of mailing by Express Mail from § 1.10(b).

The following includes a discussion of the rules being changed, the reasons for those changes, and an analysis of the comments received in response to the Notice of Proposed Rulemaking.

General Mailing Addresses

The Office will now have three separate general mailing addresses: (1) Assistant Commissioner for Patents for correspondence processed by organizations reporting to the Assistant Commissioner for Patents, except for patent documents sent to the Assignment Division for recordation and requests for certified and uncertified copies of patent documents, which should be addressed to the Commissioner of Patents and Trademarks; (2) Assistant Commissioner for Trademarks for all trademark-related mail, except for trademark documents sent to the Assignment Division for recordation and requests for certified and uncertified copies of trademark documents, which should be addressed to the Commissioner of Patents and Trademarks; and (3) Commissioner of Patents and Trademarks for all other correspondence. In addition, there will be separate mailing addresses in the Office of the Solicitor for certain disciplinary matters and cases involving pending litigation. These addresses are set forth and discussed below.

Those who correspond with the Office are requested to use separate envelopes directed to the different areas.