

Dated: May 27, 1999.

Margaret Lorenz,

*Acting Chief, Endangered Species Division,
Office of Protected Resources, National
Marine Fisheries Service.*

[FR Doc. 99-14075 Filed 6-2-99; 8:45 am]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

Patent and Trademark Office

RIN 0651-AB02

Official Insignia of Native American Tribes; Statutorily Required Study

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Notice of hearings.

SUMMARY: Public Law 105-330 requires that the Patent and Trademark Office (PTO) study a variety of issues surrounding trademark protection for the official insignia of federally and/or State recognized Native American Tribes. This notice invites interested members of the public to testify at hearings on any of the topics outlined below.

DATES: Public hearings will be held on the following dates: July 8, 1999; July 12, 1999; and July 15, 1999. The July 8, 1999 hearing will start at 10 a.m. and end no later than 5 p.m. The July 12, 1999 and July 15, 1999 hearings will start at 9 a.m. and end no later than 5 p.m.

Those wishing to present oral testimony at any of the hearings must request an opportunity to do so no later than July 2, 1999.

The transcripts from each public hearing will be available for public inspection on or about August 10, 1999.

ADDRESSES: The July 8, 1999 hearing will be held in the "Silver and Turquoise Room" of the Indian Pueblo Cultural Center, located at 2401 12th NW, Albuquerque, New Mexico. The July 12, 1999 hearing will be held at the San Francisco Public Library, Koret Auditorium, Civic Center, located at 100 Larkin Street, San Francisco, California. The July 15, 1999 hearing will be held in the Commissioner's Conference Room, located in Crystal Park Two, Room 912, 2121 Crystal Drive, Arlington, Virginia.

Those interested in testifying on the topics presented below in the Supplementary Information section, or on any other related topics, should send their requests to the attention of Eleanor K. Meltzer, Attorney-Advisor, Office of Legislative and International Affairs, U.S. Patent and Trademark Office, 2121

Crystal Drive, Suite 902, Arlington, VA 22202.

Public Law 105-330 may be viewed via the Library of Congress website at: www.thomas.loc.gov.

FOR FURTHER INFORMATION CONTACT:

Eleanor K. Meltzer by telephone: 703-306-2960; by e-mail:

eleanor.meltzer@uspto.gov; or by

facsimile transmission: 703-305-8885.

SUPPLEMENTARY INFORMATION:

I. Background

On October 30, 1998, President Clinton signed Public Law 105-330. Title III of this law requires the PTO to study how official insignia of Native American Tribes may better be protected under trademark law. The new law requires that the PTO complete the study and submit a report to the chairman of the Committee on the Judiciary of the Senate and to the chairman of the Committee on the Judiciary of the House of Representatives not later than September 30, 1999. The final study must address a variety of issues, including the impact of any changes on the international legal obligations of the United States, the definition of "official insignia" of a federally and/or State recognized Native American Tribe, and the administrative feasibility, including the cost, of changing current law or policy in light of any recommendations.

On December 29, 1998, a **Federal Register** notice was published (63 FR 71619) requesting comments on how best to conduct the study, where public hearings should be held, and who should be consulted during the study process. A follow-up **Federal Register** notice was published on March 16, 1999 (64 FR 13004) requesting public comments on the issues identified below.

II. Issues

The PTO is interested in the public's views concerning all aspects of trademark protection for the official insignia of Native American Tribes, including the following issues. These issues should form the basis for testimony at the public hearings.

(1) The Definition of "Official Insignia"

For example, how should the PTO define "official insignia" of a federally or state recognized Native American Tribe?

(2) Establishing and Maintaining a List of Official Insignia

For example, how might the PTO establish a list of the official insignia of federally and/or state recognized Native

American Tribes? How might the PTO maintain such a list?

(3) Impact of Changes In Current Law or Policy

For example, how might any change in law or policy with respect to prohibiting the Federal registration of trademarks identical to the official insignia of Native American Tribes, or of prohibiting any new use of the official insignia of Native American Tribes, affect Native American Tribes? How might such changes affect trademark owners? How might such changes affect the Patent and Trademark Office? How would such changes affect any other interested party? What impact might any such changes have on the international legal obligations of the United States?

(4) Impact of Prohibition on Federal Registration and New Uses of Official Insignia

For example, how might prohibiting Federal registration of trademarks identical to the official insignia of Native American Tribes affect any/all of the above-mentioned entities? How might prohibiting any new use of the official insignia of Native American Tribes affect any/all of the above-mentioned entities? What effect might such prohibitions have on the international legal obligations of the United States? What defenses, including fair use, might be raised against any claims of infringement?

(5) Administrative Feasibility

For example, what might be the administrative feasibility, including the cost, of changing the current law or policy to prohibit the registration? What might be the administrative feasibility, including the cost, of prohibiting any new uses of the official insignia of State or federally recognized Native American Tribes? What might be the administrative feasibility, including the cost, of otherwise providing additional protection to the official insignia of federally and State recognized Native American Tribes?

(6) Timing of Changes in Protection

For example, should changes in the scope of protection for official tribal insignia be offered prospectively? Retrospectively? What might be the impact of such protection (e.g., the cost to business and the public if applied retroactively)?

(7) Statutory Changes

What statutory changes might be necessary in order to provide such protection?

(8) Other Relevant Factors

What other factors, not mentioned above, might be relevant to this issue?

III. Guidelines for Oral Testimony

Individuals who wish to testify must adhere to the following guidelines, which will ensure that the PTO is able to contact speakers regarding any schedule changes:

1. Anyone wishing to testify at the hearing(s) must request an opportunity to do so no later than July 2, 1999. Requests to testify may be accepted on the date of each hearing if sufficient time is available on the schedule. No one will be permitted to testify without prior approval.

2. Requests to testify must include: The speaker's name, affiliation and title, mailing address, and telephone number. Facsimile number and Internet mail address, if available, should also be provided. Parties may include in their request an indication as to whether they wish to testify during the morning or afternoon session of the hearing(s).

3. Depending on the number of persons who wish to make presentations, speakers will be given between five and fifteen minutes to present their remarks. The exact amount of time allocated per speaker will be set after the final number of parties testifying has been determined.

4. Speakers should provide a written copy of their testimony for inclusion in the record of the proceedings.

5. A schedule providing the approximate starting time for each speaker will be distributed in the morning of the day of each hearing. Speakers are advised that the schedule for testimony will be subject to change during the course of the hearings.

Information that is provided pursuant to this notice will be made part of a public record and may be available via the Internet. In view of this, parties should not submit information that they do not wish to be publicly disclosed or made electronically accessible. Parties who would like to rely on confidential information to illustrate a point are requested to summarize or otherwise submit the information in a way that will permit its public disclosure.

Dated: May 28, 1999.

Q. Todd Dickinson,

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

[FR Doc. 99-14032 Filed 6-2-99; 8:45 am]

BILLING CODE 3510-16-U

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of an Import Restraint Limit for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Fiji

May 27, 1999.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs increasing a limit.

EFFECTIVE DATE: June 3, 1999.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212. For information on the quota status of this limit, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927-5850, or refer to the U.S. Customs website at <http://www.customs.ustreas.gov>. For information on embargoes and quota reopenings, call (202) 482-3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limit for Categories 338/339/638/639 is being increased for recrediting of unused carryforward. The 1999 sublimit for Categories 338-S/339-S/638-S/639-S remains unchanged.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 63 FR 71096, published on December 23, 1998). Also see 63 FR 54451, published on October 9, 1999.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

May 27, 1999.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on October 2, 1998, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton and man-made fiber textile products, produced or manufactured in Fiji and exported during the twelve-month period which began on January

1, 1999 and extends through December 31, 1999.

Effective on June 3, 1999, you are directed to increase the limit for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit ¹
338/339/638/639	1,401,837 dozen of which not more than 1,104,203 dozen shall be in Categories 338-S/339-S/638-S/639-S ² .

¹The limit has not been adjusted to account for any imports exported after December 31, 1998.

²Category 338-S: only HTS numbers 6103.22.0050, 6105.10.0010, 6105.10.0030, 6105.90.8010, 6109.10.0027, 6110.20.1025, 6110.20.2040, 6110.20.2065, 6110.90.9068, 6112.11.0030 and 6114.20.0005; Category 339-S: only HTS numbers 6104.22.0060, 6104.29.2049, 6106.10.0010, 6106.10.0030, 6106.90.2510, 6106.90.3010, 6109.10.0070, 6110.20.1030, 6110.20.2045, 6110.20.2075, 6110.90.9070, 6112.11.0040, 6114.20.0010 and 6117.90.9020; Category 638-S: all HTS numbers except 6109.90.1007, 6109.90.1009, 6109.90.1013 and 6109.90.1025; Category 639-S: all HTS numbers except 6109.90.1050, 6109.90.1060, 6109.90.1065 and 6109.90.1070.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 99-14047 Filed 6-2-99; 8:45 am]

BILLING CODE 3510-DR-F

COMMODITY FUTURES TRADING COMMISSION

Applications of the New York Merchantile Exchange for Designation as a Contract Market in Crude Oil Average Price Options, Heating Oil Average Price Options, and Unleaded Gasoline Average Price Options

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of terms and conditions of proposed commodity option contracts.

SUMMARY: The New York Merchantile Exchange (NYMEX or Exchange) has applied for designation as a contract market in crude oil average price options, heating oil average price options, and unleaded gasoline average price options. The Acting Director of the Division of Economic Analysis (Division) of the Commission, acting pursuant to the authority designated by