

person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings will be open to the public and, if possible, notices of meetings will be posted at the locations listed under **ADDRESSES**. A written summary of each meeting will be made a part of the administrative record.

IV. Procedural Determinations

1. 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).

2. 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 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 Tribe or State AMLR plans and revisions thereof since each such plan is drafted and promulgated by a specific Tribe or State, not by OSM. Decisions on proposed Tribe or State AMLR plans and revisions thereof submitted by a Tribe or State are based on a determination of whether the submittal meets the requirements of Title IV of SMCRA (30 U.S.C. 1231–1243) and the applicable Federal regulations at 30 CFR Parts 884 and 888.

3. National Environmental Policy Act

No environmental impact statement is required for this rule since agency decisions on proposed Tribe or State AMLR plans and revisions thereof are categorically excluded from compliance with the National Environmental Policy Act (42 U.S.C. 4332) by the Manual of the Department of the Interior (516 DM 6, appendix 8, paragraph 8.4B(29)).

4. 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.*).

5. 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 Tribe or State submittal which is the subject of this rule is based upon Federal regulations for which an economic analysis was prepared and certification made that such regulation would not have a significant economic effect upon a

substantial number of small entities. Accordingly, this rule will ensure that existing requirements established by SMCRA or previously promulgated by OSM will be implemented by the Tribe or State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions in the analyses for the corresponding Federal regulations.

6. Unfunded Mandates Reform Act

This rule will not impose a cost of \$100 million or more in any given year on any governmental entity or private sector.

List of Subjects in 30 CFR Part 756

Abandoned mine reclamation programs, Indian lands, Surface mining, Underground mining.

Dated: September 20, 1996.

James F. Fulton,

Acting Regional Director, Western Regional Coordinating Center.

[FR Doc. 96–24963 Filed 9–27–96; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 10

[Docket No. 960828233–6233–01]

RIN 0651–AA92

Registration Examination for Patent Practitioners and the Establishment of a Continuing Education Requirement and an Annual Fee for Registered Patent Practitioners

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Advance notice of proposed rulemaking and notice of hearings.

SUMMARY: The Patent and Trademark Office (PTO) will hold public hearings, and request comments, on issues relating to the administration and format of the Registration Examination for Patent Practitioners and to the establishment of a continuing education requirement and an annual fee for registered patent practitioners. Interested members of the public are invited to testify at public hearings and to submit written comments on the topics outlined in the supplementary information section of this notice.

DATES: Public hearings will be held on October 29, 1996, November 20, 1996, and December 3, 1996 starting at 9:00 a.m. and ending no later than 5:00 p.m.

Those wishing to present oral testimony at the hearings must request an opportunity to do so no later than October 22, 1996, for the October 29, 1996 hearing; November 13, 1996, for the November 20, 1996 hearing; or November 26, 1996 for the December 3, 1996 hearing.

Written comments will be accepted by the PTO until December 6, 1996. Written comments and transcripts of the hearings will be available for public inspection on or about December 20, 1996.

ADDRESSES: The October 29, 1996 hearing will be held in San Francisco, California. Additional information on location will be subsequently available from the PTO.

The November 20, 1996 hearing will be held in Dallas, Texas. Additional information on location will be subsequently available from the PTO.

The December 3, 1996 hearing will be held at the Crystal Forum, Crystal Mall 1, 1911 South Clark Place, Arlington, Virginia.

Requests to testify and for additional information on hearing locations should be sent to G. Lee Skillington by facsimile transmission to (703) 305–8885, by mail marked to his attention addressed to Commissioner of Patents and Trademarks, Box 4, Washington, D.C. 20231 or by Internet electronic mail to oedcommmt@uspto.gov.

Written comments should be sent via mail marked to the attention of G. Lee Skillington and addressed to Commissioner of Patents and Trademarks, Box 4, Washington, D.C. 20231 or via Internet electronic mail to oedcommmt@uspto.gov. They will be maintained for public inspection in Room 902 of Crystal Park 2, 2121 Crystal Drive, Arlington, Virginia. They will also be made available via the PTO's World Wide Web site at <http://www.uspto.gov>.

FOR FURTHER INFORMATION CONTACT: G. Lee Skillington by telephone at (703) 305–9300, by facsimile transmission at (703) 305–8885, by mail marked to his attention addressed to Commissioner of Patents and Trademarks, Box 4, Washington, D.C. 20231, or by electronic mail at oedcommmt@uspto.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Pursuant to 35 U.S.C. 31 and 32, and 37 CFR Part 10, the PTO's Office of Enrollment and Discipline (OED) receives and acts upon applications for registration to practice before the PTO in patent cases, prepares and grades the Registration Examination for Patent Practitioners (Registration Examination),

maintains a register of all individuals entitled to practice before the PTO in patent cases, conducts investigations into possible violations of the PTO's Disciplinary Rules by practitioners practicing before the PTO in all matters.

In recent years, the preparation and administration of the Registration Examination has taxed OED's resources. The PTO is seeking to restructure the administration and format of the Registration Examination in order to free resources needed to investigate and take appropriate action against individuals who no longer meet the qualifications necessary to represent others before the PTO. The Registration Examination restructuring should provide greater assurance to our patent applicants that registered practitioners possess the essential skills necessary to practice before the PTO in patent cases. Moreover, in furtherance of these goals, the PTO is seeking to establish continuing education requirements for registered patent practitioners and an annual registration fee. The annual fee would be used to support the costs associated with the continuing education program and with fulfilling OED's ongoing disciplinary responsibilities.

II. Issues for Public Comment

Interested members of the public are invited to testify and to present written comments on issues related to the discussion topics outlined below, including the specific issues identified in the questions following each topic.

A. Administration and Format of the Registration Examination for Patent Practitioners

The purpose of the Registration Examination is to determine whether individuals who seek to practice before the PTO in patent cases possess the necessary qualifications. At present, the Registration Examination consists of two parts: (1) a multiple-choice portion that tests knowledge of PTO practice and procedure, and (2) a portion that primarily tests claim drafting ability. OED prepares and grades the Registration Examination, regrades the Registration Examination when requested, and drafts reconsideration decisions of the regrades when requested.

The PTO is considering restructuring the PTO practice and procedure portion of the Registration Examination such that it is a computer-administered examination. At the completion of the computer-administered examination, an applicant would be immediately provided with a computer-graded score. The computer-administered

examination would be offered numerous times throughout the year at various locations around the United States.

Only applicants who have passed the computer-administered examination would be eligible to complete further requirements for registration.

As a further requirement for registration, the PTO is considering substituting the claim drafting portion of the Registration Examination with a comprehensive course on preparation and prosecution of patent applications, including drafting of specifications, claims, and responses to office actions. The PTO is also considering apprenticeships as alternatives to the comprehensive course.

The PTO seeks public input on these considerations and other general matters relevant to restructuring the administration and format of the Registration Examination. In addition, the PTO seeks public input on the following particular questions:

1. Should the PTO give a computer-administered examination consisting of a bank of reusable questions?

2. Should the PTO develop the comprehensive course on preparation and prosecution of patent applications or, in the alternative, should the PTO just develop criteria for the course?

3. Should the PTO teach the course or, in the alternative, should the course be taught by non-PTO entities or individuals, such as universities and professional associations?

4. What qualifications should the course instructors have?

5. If the PTO does not teach the course, should the PTO certify the available courses?

6. Should former PTO examiners be required to pass the computer-administered examination if they wish to practice before the PTO in patent cases?

7. Should former PTO examiners be required to take the course or participate in an apprenticeship if they wish to practice before the PTO in patent cases?

B. Establishment of Continuing Education Requirement for Registered Patent Practitioners

The purpose of the continuing education requirement is to provide greater assurance to the PTO's patent applicants that individuals who practice before the PTO in patent cases possess the necessary qualifications. At present, the PTO does not require registered patent practitioners to continue their legal or technical education.

The PTO seeks public input on the establishment of a continuing education requirement for registered patent practitioners and other general matters

relevant to the requirement. In addition, the PTO seeks public input on the following particular questions:

1. Should the continuing education requirement mandate minimum requirements for legal, technical, and legal ethics education? Or, in the alternative, should the continuing education requirement mandate minimum requirements for continuing education that can be met with either legal, technical, or legal ethics education?

2. Should the PTO give credit to patent practitioners for relevant legal and ethics courses taken to meet a state bar's continuing education requirement?

3. What penalty should be imposed for failure to meet the continuing education requirement?

4. What is a reasonable number of required continuing education credits?

5. Should the qualifying legal education be limited to patent law?

C. Establishment of an Annual Fee To Maintain Registration

An annual fee would be used to support the costs associated with the continuing education requirement and to provide resources to OED to fulfill its ongoing disciplinary responsibilities. At present, the PTO does not require an annual registration fee for registered patent practitioners. The PTO seeks public input on the establishment of an annual fee for registered patent practitioners and other general matters relevant to an annual registration fee.

III. Guidelines for Oral Testimony

Individuals wishing to testify at the hearings must adhere to the following guidelines:

1. Requests to testify must include the speaker's name, affiliation, title, telephone number, facsimile number, mailing address, and Internet mail address (if available).

2. Speakers will be provided between five and fifteen minutes to present their remarks. The exact amount of time allocated per speaker will be determined after the final number of parties testifying has been determined. Efforts will be made to accommodate requests made before the day of the hearing for additional time for testimony.

3. Requests to testify may be accepted on the day of the hearing if sufficient time is available on the schedule. No one will be permitted to testify without prior approval.

4. A schedule including approximate times for testimony will be provided to all speakers on the morning of the day of the hearing. Speakers are advised that

the schedule for testimony may change during the course of the hearings.

IV. Guidelines for Written Comments

Written comments should include the following information:

1. Name and affiliation of individual responding.
2. If applicable, an indication of whether comments offered represent the views of the respondent's organization or are the respondent's personal views.
3. If applicable, information on the respondent's organization, including the type of organization (business, trade group, university, non-profit organization, etc.), and the general areas of interest to the organization.

If possible, respondents should include a machine-readable submission of their written comments. Machine-readable submissions can be provided via Internet electronic mail or on 3.5" floppy disk formatted for use in either a Macintosh computer or MS-DOS based computer. The document should be formatted as either plain text, ACSII text, Microsoft Word (Macintosh, MS-DOS, or MS-Windows), or WordPerfect (Macintosh, MS-DOS, or MS-Windows).

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

Dated: September 20, 1996.

Bruce A. Lehman,

Assistant Secretary of Commerce and Commissioner of Patents and Trademarks.

[FR Doc. 96-24865 Filed 9-27-96; 8:45 am]

BILLING CODE 3510-16-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MT26-7-6874b; FRL-5609-9]

Clean Air Act Approval and Promulgation of State Implementation Plan for Montana; Libby Moderate PM₁₀ Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve the State implementation plan (SIP)

revisions submitted by the State of Montana on March 15, 1995 to satisfy the Federal Clean Air Act requirement to submit contingency measures for the Libby moderate PM₁₀ (particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers) nonattainment area. The March 15, 1995 submittal also recodified the Lincoln County regulations. In addition, EPA proposes to approve a SIP revision submitted by the Governor of Montana on May 13, 1996, which included revisions to the Lincoln County regulations regarding open burning. EPA is proposing to approve these SIP revisions because they are consistent with the applicable requirements of the Clean Air Act, as amended (Act), and EPA guidance.

In the Final Rules Section of this Federal Register, EPA is approving the State's SIP revisions as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for EPA's approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated and the direct final rule will become effective. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this document should do so now.

DATES: Comments on this proposed rule must be received in writing by October 30, 1996.

ADDRESSES: Written comments on this action should be addressed to Vicki Stamper, 8P2-A, at the EPA Regional Office listed below. Copies of the State's submittals and documents relevant to this proposed rule are available for inspection during normal business hours at the following locations: Air Programs Branch, Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202-2405; and Montana Department of Environmental Quality, Air Quality Division, Cogswell Building, Helena, Montana 59620-0901.

FOR FURTHER INFORMATION CONTACT: Vicki Stamper at (303) 312-6445.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action which is located in the Rules Section of this Federal Register.

Dated: August 29, 1996.

Patricia D. Hull,

Acting Regional Administrator.

[FR Doc. 96-24531 Filed 9-27-96; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 96-194; RM-8866]

Radio Broadcasting Services; Nocatee, FL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Mario Trevino requesting the allotment of Channel 287A to Nocatee, Florida, as that community's first local service. There is a site restriction 12.1 kilometers (7.5 miles) north of the community. The coordinates for Channel 287A at Nocatee are 27-16-07 and 81-53-41.

DATES: Comments must be filed on or before November 12, 1996, and reply comments on or before November 27, 1996.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Cary S. Tepper, Both, Freret & Imlay, P.C., 1233 - 20th Street, NW., Suite 204, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Notice of Proposed Rule Making*, MM Docket No. 96-194, adopted September 13, 1996, and released September 20, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857-3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission