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Dated: January 4, 2001.

**David L. Evans,**

*Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.*

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BILLING CODE 3510-KA-M

## DEPARTMENT OF COMMERCE

### United States Patent and Trademark Office

RIN 0651-AB30

#### Establishment of a Database Containing the Official Insignia of Federally Recognized Native American Tribes

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

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

**SUMMARY:** The United States Patent and Trademark Office (USPTO) is proposing to create and maintain a database of the official insignia of federally and state-recognized Native American tribes. The USPTO seeks comments on its proposed

method for creating and maintaining this database.

**DATES:** Comment Deadline Date: To ensure consideration, written comments must be received on or before February 8, 2001. No public hearing will be held.

**ADDRESSES:** Comments should be sent by electronic mail message over the Internet addressed to: [tribal.insignia@uspto.gov](mailto:tribal.insignia@uspto.gov). Comments may also be submitted by mail addressed to: Box Comments—Trademarks, Commissioner for Trademarks, Washington, DC 20231; or by facsimile to (703) 308-9285, marked to the attention of Ari Leifman.

The comments will be available for public inspection at the Office of the Commissioner for Trademarks, 2900 Crystal Drive, Room 10B10, Arlington, Virginia, 22202 and will be posted at the USPTO's web site (address: <http://www.uspto.gov>). All comments will be available for public inspection.

**FOR FURTHER INFORMATION CONTACT:** Ari Leifman by telephone at (703) 308-8900, or by mail addressed to: Box Comment Trademarks, Commissioner for Trademarks, Washington, DC 20231, or by facsimile to (703) 872-9285, marked to the attention of Ari Leifman.

**SUPPLEMENTARY INFORMATION:** Trademark Law Treaty Implementation Act, Pub. L. 105-330, § 302, 112 Stat. 3071 (1998) required the USPTO to study issues surrounding the protection of the official insignia of federally and state-recognized Native American tribes. The study was conducted, and a report was presented 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 on November 30, 1999.

One of the recommendations in the report was that the USPTO create and maintain an accurate and comprehensive database of the official insignia of Native American tribes.

The USPTO proposes to create such a database and seeks comments on the proposed method. If the comments received include a suggestion for a better method for creating and maintaining the database, the USPTO will publish a proposal describing this method and requesting further comments. Otherwise, the USPTO will publish an announcement that finalizes the procedures described in the present notice.

#### Proposed Procedures

All requests to enter an official insignia of a Native American tribe into the USPTO database must be in writing, addressed to the Commissioner for

Trademarks, and must include the following:

(1) A depiction of the insignia. If the insignia consists of a word, this word should be typed in upper-case letters. If the insignia consists of a design, or a combination of a word or words and a design, the depiction of the insignia should not be larger than 4 inches by 4 inches (10.3 cm. by 10.3 cm.). The depiction of the insignia should be placed at or near the center of a sheet of white paper 8 to 8½ inches (20.3 to 21.6 cm.) wide and 11 inches (27.9 cm.) long. The paper should have a heading that includes the name of the tribe and the address for correspondence.

(2) A copy of the tribal resolution adopting the insignia in question as the official insignia of the tribe;

(3) A statement, signed by an official with authority to bind the tribe, confirming that the insignia included with the request is identical to the official insignia adopted by tribal resolution; and

(4) For all entities not recognized as Native American tribes by the Bureau of Indian Affairs (BIA), either (a) a document issued by a state official that evidences the state's determination that the entity is a Native American tribe, or (b) a citation to a state statute that designates the entity as a Native American tribe.

The request should be sent by facsimile to (703) 872-9192, or mailed to a United States Postal Service mailbox that the Office will identify at a later date.

The USPTO will record any official insignia of a Native American tribe submitted in the above manner, if the Commissioner determines that the entity that submitted the request is a Native American tribe recognized by the Federal Government or by one or more state governments.

The Commissioner will determine whether or not the entity that submitted the request is a federally recognized Native American tribe by consulting the list of Native American tribes maintained by the BIA.

If an entity that seeks recordal of its insignia wishes to demonstrate that it is a state-recognized Native American tribe rather than a federally recognized Native American tribe, that entity must provide the Commissioner with either (1) a document issued by a state official that evidences the state's determination that the entity is a Native American tribe, or (2) a citation to a state statute that designates the entity as a Native American tribe.

### Legal Significance of Recordal

The recordal of an official insignia of a Native American tribe at the USPTO will *not* be the equivalent of registering that insignia as a trademark pursuant to 15 U.S.C. 1051 *et seq.* Thus, including an insignia in the USPTO's database would not create any legal presumption of validity or priority, and none of the benefits of trademark registration will accrue to a Native American tribe whose insignia may be recorded pursuant to this notice.

Acceptance of the insignia for recordal will not be a determination as to whether a particular insignia for which recordal has been requested would be refused registration as a trademark pursuant to 15 U.S.C. 1051 *et seq.*, or to some provision of Chapter 37 of the Code of Federal Regulations, or to any requirement of the USPTO.

The USPTO will use the official insignia recorded by the USPTO as information useful in the examination of certain applications for registration of trademarks and as evidence of what a federally or state-recognized tribe considers to be its official insignia.

The database of official insignia of Native American tribes will be included, for informational purposes, within the USPTO's database of material that is not registered but is searched to make determinations regarding the registrability of marks. This database is available at the USPTO's web site. Inclusion of official insignia in this database will ensure that an examining attorney, who is searching a mark that is confusingly similar to an official insignia will find and consider the official insignia before making a determination of registrability.

For correspondence pertaining to the database of official insignia of Native American tribes, the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office has waived the requirement of 37 CFR 1.1 that all correspondence intended for the United States Patent and Trademark Office be mailed to one of the addresses identified in 37 CFR 1.1.

The Office has determined that the proposed establishment of the database has no federalism implications affecting the relationship between the National Government and the State as outlined in Executive Order 12612. The proposed database conforms with Executive Order 12612.

Dated: December 21, 2000.

**Q. Todd Dickinson,**

*Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.*

[FR Doc. 01-594 Filed 1-8-01; 8:45 am]

**BILLING CODE 3510-16-P**

### DEPARTMENT OF ENERGY

#### Reimbursement for Costs of Remedial Action at Active Uranium and Thorium Processing Sites

**AGENCY:** Office of Environmental Management, Department of Energy.

**ACTION:** Notice of the acceptance of claims and the availability of funds for reimbursement in fiscal year (FY) 2001.

**SUMMARY:** This Notice announces the Department of Energy (DOE) acceptance of claims for reimbursement.

Approximately \$72 million in funds for FY 2001 are available for reimbursement of certain costs of remedial action at eligible active uranium and thorium processing sites pursuant to Title X of the Energy Policy Act of 1992. In December 2000, DOE issued reimbursements to licensees totaling approximately \$30 million from the FY 2001 appropriations. These reimbursements eliminated the backlog of licensees' approved unpaid claim balances for claims submitted through FY 1999. The Department will make a second payment by April 30, 2001, from the FY 2001 appropriations on approved FY 2000 claim amounts.

**DATES:** The closing date for the submission of claims in FY 2001 is May 1, 2001. These claims will be processed for payment by April 30, 2002, based on the availability of funds from congressional appropriations.

**ADDRESSES:** Claims should be forwarded by certified or registered mail, return receipt requested, to the U.S. Department of Energy, Albuquerque Operations Office, Environmental Restoration Division, P.O. Box 5400, Albuquerque, NM 87185-5400, or by express mail to the U.S. Department of Energy, Albuquerque Operations Office, Environmental Restoration Division, H and Pennsylvania Streets, Albuquerque, NM 87116. All claims should be addressed to the attention of Mr. James B. Coffey. Two copies of the claim should be included with each submission.

**FOR FURTHER INFORMATION CONTACT:** Messrs. James Coffey (505-845-4026) or Gil Maldonado (505-845-4035), U.S. Department of Energy, Albuquerque

Operations Office, Environmental Restoration Division.

**SUPPLEMENTARY INFORMATION:** DOE published a final rule under 10 CFR Part 765 in the **Federal Register** on May 23, 1994, (59 FR 26714) to carry out the requirements of Title X of the Energy Policy Act of 1992 (sections 1001-1004 of Pub. L. 102-486, 42 U.S.C. 2296a *et seq.*) and to establish the procedures for eligible licensees to submit claims for reimbursement. Title X requires DOE to reimburse eligible uranium and thorium licensees for certain costs of decontamination, decommissioning, reclamation, and other remedial action incurred by licensees at active uranium and thorium processing sites to remediate byproduct material generated as an incident of sales to the United States Government. To be reimbursable, costs of remedial action must be for work which is necessary to comply with applicable requirements of the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7901 *et seq.*) or, where appropriate, with requirements established by a State pursuant to a discontinuance agreement under section 274 of the Atomic Energy Act of 1954 (42 U.S.C. 2021). Claims for reimbursement must be supported by reasonable documentation as determined by DOE in accordance with 10 CFR Part 765. Funds for reimbursement will be provided from the Uranium Enrichment Decontamination and Decommissioning Fund established at the United States Department of Treasury pursuant to section 1801 of the Atomic Energy Act of 1954 (42 U.S.C. 2297g). Payment or obligation of funds shall be subject to the requirements of the Anti-Deficiency Act (31 U.S.C. 1341).

**Authority:** Section 1001-1004 of Public Law 102-486, 106 Stat. 2776 (42 U.S.C. 2296a *et seq.*).

Issued in Washington D.C. on this 2nd of January, 2001.

**David E. Mathes,**

*Team Leader, Albuquerque/Nevada Team, Small Sites Closure Office, Office of Site Closure.*

[FR Doc. 01-588 Filed 1-8-01; 8:45 am]

**BILLING CODE 6450-01-P**

### DEPARTMENT OF ENERGY

#### Office of Science; Office of Science Financial Assistance Program Notice 01-17; Low Dose Radiation Research Program—Pilot Modeling Projects

**AGENCY:** Department of Energy.

**ACTION:** Notice inviting grant applications.