DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 041499B]

Submission for OMB Review; Comment Request

The Department of Commerce (DOC) has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Effectiveness of the Coastal Services Center's Coastal Change Analysis Program.

Agency Form Number(s): None.

OMB Approval Number: None.

Type of Request: New collection.

Burden: 67 hours.

Number of Respondents: 200.

Avg. Hours Per Response: 20 minutes.

Needs and Uses: The Coastal Change Analysis Program (C-CAP) of the Coastal Services Center has been using remote sensing technology to quantify habitat change in coastal areas of the United States. It offers to coastal managers the ability to monitor habitat loss due to natural events such as hurricanes or human induced events. The questionnaire, which will be used for programmatic evaluation, will provide information on the performance of C-CAP and the utility of their products. The information will be used to make appropriate improvements, investigate potential links with the private sector, and plan future program implementation.

Affected Public: State, local or tribal government, federal government, business or other for-profit organizations, not-for-profit institutions.

Frequency: One time.

Respondent's Obligation: Voluntary.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Linda Engelmeier, DOC Forms Clearance Officer, (202) 482–3272, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via Internet at LEngelme@doc.gov).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, Room 10202, New Executive Office Building, 725 17th Street, NW, Washington, DC 20503.

Dated: April 9, 1999.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 99–9729 Filed 4–16–99; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 030199B]

Marine Mammals; File No. 369–1440

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Issuance of permit amendment.

SUMMARY: Notice is hereby given that Dr. Bruce R. Mate, Oregon State University, Newport, Oregon 97365–5296, has been issued an amendment to Permit No. 369–1440 to take various species of large whales and opportunistically take by Level B harassment other species of marine mammals, for purposes of scientific research.

ADDRESSES: The amendment and related documents are available for review upon written request or by appointment (See **SUPPLEMENTARY INFORMATION**).

FOR FURTHER INFORMATION CONTACT: Ruth Johnson or Sara Shapiro, 301/713–2289.

SUPPLEMENTARY INFORMATION: On December 29, 1998, notice was published in the **Federal Register** (63 FR 71618) that an amendment of Permit No. 369–1440, issued September 18, 1998 (63 FR 52686), had been requested by the above-named individual. The requested amendment has been granted under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the provisions of § 216.39 of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the provisions of § 222.25 of the regulations governing the taking, importing, and exporting of endangered fish and wildlife (50 CFR 222.23).

The amendment authorizes the applicant to import/export samples from large whales on a worldwide basis, and to conduct tagging activities in international waters.

Issuance of this amendment, as required by the ESA was based on a finding that such permit (1) was applied for in good faith, (2) will not operate to the disadvantage of the endangered species which is the subject of this permit, and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Documents are available for review in the following locations:

Permits and Documentation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910 (301/713–2289);

Regional Administrator, Alaska Region, NMFS, P.O. Box 21668 Juneau, AK 99802 (907/586–7221);

Regional Administrator, Northwest Region, NMFS, 7600 Sand Point Way, NE, BIN C15700, Seattle, WA 98115 (206/526–6150);

Regional Administrator, Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802–4213 (562/980–4015);

Coordinator, Pacific Area Office, NMFS, 2570 Dole Street, Room 106, Honolulu, HI 96822–2396 (808/955–8831);

Regional Administrator, Southeast Region, NMFS, 9721 Executive Center Drive North, St. Petersburg, FL 33702–2432 (813/570–5312); and

Regional Administrator, Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930, (978/281–9250).

Dated: April 14, 1999.

Ann D. Terbush,

Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 99–9730 Filed 4–16–99; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No. 990408092–0992–01]

RIN 0651–ZA01

Notice of Public Hearing and Request for Comments on the Proposed New Act of the Hague Agreement Concerning the International Registration of Industrial Designs

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Notice of hearing and request for public comments.

SUMMARY: The United States Patent and Trademark Office is seeking comments to obtain views of the public on the international effort to form a new Act of the Hague Agreement Concerning the International Deposit of Industrial Designs. The proposed Act will make it easier for United States applicants to obtain protection of their industrial

designs abroad by providing a mechanism in which a single international application on industrial designs will have the effect of filing an application in each of the Parties designated by the applicant. Interested members of the public are invited to testify at the hearing and to present written comments on any of the topics outlined in the **SUPPLEMENTARY INFORMATION** section of this notice.

DATES: A public hearing will be held on May 13, 1999, starting at 9:00 a.m. and ending no later than 5:00 p.m. If sufficient interest warrants, an additional public hearing will be held in an alternate location or by televideo conference.

Those wishing to present oral testimony at the hearing must request an opportunity to do so no later than May 11, 1999.

To ensure consideration, written comments must be received by May 20, 1999. Written comments and transcripts of the hearing will be available for public inspection on or about May 24, 1999.

ADDRESSES: The May 13, 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 or in submitting written comments on the topics presented in the **SUPPLEMENTARY INFORMATION**, or any other related topics, should send their request or written comments to the attention of Mary Critharis addressed to Commissioner of Patents and Trademarks, Box 4, Patent and Trademark Office, Washington, DC 20231. Written comments may be submitted by facsimile transmission to Mary Critharis at (703) 305–8885. Comments may also be submitted by electronic mail through the Internet to mary.critharis@uspto.gov. Written comments will be maintained for public inspection in Crystal Park Two, Room 902, 2121 Crystal Drive, Arlington, Virginia. Written comments in electronic form may be made available via the PTO's World Wide Web site at http://www.uspto.gov. No requests for presenting oral testimony will be accepted through electronic mail.

FOR FURTHER INFORMATION CONTACT: Mary Critharis by telephone at (703) 305–9300, by facsimile at (703) 305–8885, by electronic mail at mary.critharis@uspto.gov, or by mail addressed to Commissioner of Patents and Trademarks, Box 4, Washington, DC 20231.

SUPPLEMENTARY INFORMATION:

I. Background

The Hague Agreement Concerning the International Deposit of Industrial Designs (hereinafter ''Hague Agreement''), concluded in 1925 under the auspices of the World Intellectual Property Organization (WIPO), establishes a mechanism for obtaining industrial design protection on an international level. Since its inception, the Hague Agreement was revised in London in 1934 (hereinafter ''1934 Act'') and subsequently in The Hague in 1960 (hereinafter ''1960 Act''). The Hague Agreement was supplemented in respect of certain provisions on fees by an Additional Act signed in Monaco in 1961 and in respect of the administrative clauses by a Complementary Act signed in Stockholm in 1967.

The Hague Agreement is currently governed by procedures established in the 1934 Act and the 1960 Act. The 1960 Act, which entered into force in 1984, enacted uniform fees and procedures for depositing a design with the International Bureau of WIPO. The Hague Agreement gives any applicant who is a national of one of the member States the possibility of obtaining, by means of a single application filed with WIPO, protection for industrial designs in all member States designated by the applicant. Accordingly, this procedure eliminates the difficulties of filing in each of the individual States. Presently, twenty-nine States are party to the Hague Agreement. The Member States are Belgium, Benin, Bulgaria, Côte d'Ivoire, Democratic People's Republic of Korea, Egypt, France, Greece, Germany, Holy See, Hungary, Indonesia, Italy, Liechtenstein, Luxembourg, Monaco, Mongolia, Morocco, Netherlands, Republic of Moldova, Romania, Senegal, Spain, Slovenia, Suriname, Switzerland, The Former Yugoslav Republic of Macedonia, Tunisia, and Yugoslavia. In 1997, approximately 4,000 international applications were deposited with WIPO, which contained over 20,000 industrial designs.

To date, the United States has not acceded to the Hague Agreement because of numerous provisions that are inconsistent with United States law and practice. A process of revising the Hague Agreement to improve the existing text was initiated in 1991. The aim of the revision is twofold: to permit more States to adhere to the Hague Agreement by removing obstacles that have excluded States whose legislation provides for examination of industrial designs; and to make the system simpler, less expensive, and more responsive to the creators of industrial designs. A Committee of Experts has developed a new Act of the Hague Agreement Concerning the International Registration of Industrial Designs (hereinafter ''new Act of the Hague Agreement''). It attempts to simplify the formal obligations and reduce the associated costs for industrial design applicants and owners in obtaining and preserving their rights for industrial designs in many countries of the world. A Diplomatic Conference to conclude these negotiations is scheduled to convene from June 16 to July 6, 1999, in Geneva, Switzerland.

The proposed new Act of the Hague Agreement contains several advantages for United States industrial design applicants. As global trading increases and multinational businesses grow, worldwide protection for industrial designs is becoming extremely important and desirable. Despite this increased importance, obtaining protection for industrial designs on an international scale is both expensive and complex. Overall, the proposed new Act of the Hague Agreement will provide a more convenient method of seeking industrial design protection worldwide. In particular, using a single application, in the English language, filed with the United States Patent and Trademark Office (USPTO), United States applicants will be able to obtain protection for industrial designs in all member States of the Hague Agreement. Most important, however, is that the single application may be filed with the knowledge that all Contracting Parties to the Agreement have agreed upon a uniform list of elements to be included in the application. (Article 1 of the proposed new Act of the Hague Agreement defines Contracting Party as any State or intergovernmental organization party to the new Act.)

Given the benefits to the users of the Hague system, the United States has been actively involved in the negotiations with the goal of obtaining a suitable agreement that could engender interest and support by United States industry and designers. Although protection for industrial designs is available in the United States under various laws, including patent, trademark, copyright, and unfair competition laws, the United States has taken the position that, if adopted, implementation of the new Act of the Hague Agreement would be through United States design patent law.

The USPTO, leading the negotiations for the United States, is interested in obtaining comprehensive comments to assess continued support for the effort. In light of the impending conclusion of

this effort, the USPTO desires to ensure that the text of the treaty and accompanying regulations is disseminated as widely as possible and the opportunity to provide comments is correspondingly comprehensive.

Written comments may be offered on any aspect of the treaty articles, rules, notes, or expected implementation in the United States. Comments are also welcome on any of the topics outlined below.

II. Brief Summary of the Proposed Treaty

The current text of the proposed new Act of the Hague Agreement includes thirty-four articles, thirty-two rules, and associated notes. A brief summary of most of the articles, followed by an overall summary of the treaty, appears below. This discussion is intended only to highlight various portions of the articles of the treaty; it is not intended as a comprehensive treatment of the draft texts. The draft texts, identified in Part III below, should be consulted for a complete understanding of the effort that is underway.

Article 1—Abbreviated Expressions: This Article provides definitions for terms used throughout the text of the proposed articles and rules. For the most part, this article is self-explanatory.

Article 2—Applicability of Other Protection Accorded by Laws of Contracting Parties and of Certain International Treaties: This Article provides that the new Act of the Hague Agreement will not affect other protection of industrial designs afforded by Contracting Parties unless such protection diminishes or interferes with the rights under this Act. In addition, the provisions of this Act will not affect certain existing international treaties including the Agreement on Trade-Related Aspects of Intellectual Property, the Paris Convention for the Protection of Industrial Property (hereinafter ''Paris Convention''), and copyright treaties.

Article 3—Entitlement to File an International Application: This Article provides that any person who is a national of a Contracting Party or who has a domicile in the territory of a Contracting Party is entitled to file an international application.

Article 4—Procedure for Filing the International Application: This Article allows an international application to be filed, at the applicant's option, at either WIPO or through the national Office of a Contracting Party, such as the USPTO. The filing date is the date on which either WIPO or the national Office receives the application. However, if filed with the national Office of a Contracting Party, the filing date is conditioned upon timely transmittal to WIPO.

Article 5—Contents of the International Application: This Article recites the mandatory content of an international application.

Article 6—Priority: This Article allows an applicant to claim priority under Article 4 of the Paris Convention in an international application by filing a declaration. The priority can be established by one or more earlier applications filed in a country that is party to the Paris Convention or a Member of the World Trade Organization.

Article 7—Designation Fees: This Article provides that the prescribed application fees will include a designation fee for each designated Contracting Party. A Contracting Party may replace the prescribed designation fee with an individual designation fee covering its application processing and examining costs.

Article 8—Correction of Irregularities: This Article requires WIPO to allow applicants to make corrections if WIPO determines that an international application does not meet the requirements of the Hague Agreement at the time of filing. However, if the applicant fails to make the corrections in a timely manner, the international application may be abandoned.

Article 9—International Registration, Date of the International Registration, and Publication: This Article mandates WIPO to register each international application immediately upon receipt of a complete international application. In addition, WIPO will publish the international registration and send a copy of the publication to each designated Contracting Party. The date of international registration will be the filing date of the international application.

Article 10—Deferment of Publication: This Article allows Contracting Parties to defer publication for up to thirty months from the filing date or priority date, if claimed.

Article 11—Refusal of Effects and Remedies Against Refusals: This Article permits the national Office of any designated Contracting Party to refuse registration when the conditions for the grant of protection under the Contracting Party's laws are not met. In doing so, the national office must communicate the refusal, stating all the grounds, to WIPO within the prescribed time period. WIPO will, in turn, forward the notification to the applicant. In addition, the applicant who filed an international application must have the same remedies as an applicant who filed an application under the domestic laws of the Contracting Party.

Article 12—Effects of the International Registration: This Article states that the effect of the international registration will be the same as that for a regularly filed national application for the grant of protection of the industrial design under the law of the Contracting Party.

Article 13—Invalidation: This Article requires a Contracting Party to notify WIPO of any invalid registration or grant of protection. Invalidation may not be pronounced until the holder has been given the opportunity to defend the registration or grant of protection.

Article 14—Recording of Changes and Other Matters Concerning International Registrations: This Article requires WIPO to record the following changes in the International Register: any change of ownership of the international registration; any change in name or address of the holder; any appointment of a representative; and any limitation or invalidation of the international registration. Any recording will have the same effect as if it had been made in the Office of the Contracting Party concerned.

Article 15—Term and Renewal of the International Registration: This Article provides that the minimum period of protection is fifteen years from the date of the international registration. Contracting Parties may provide for an initial term of protection of five years from the date of international registration, subject to renewals for additional five-year periods.

Article 16—Information Concerning Published International Registrations: This Article permits WIPO to supply a person paying the prescribed fees information or copies of an international registration.

Article 17—Additional Mandatory Contents of the International Application: This Article contains additional requirements for international applications that designate a Contracting Party with an Examining Office. For example, the international application may have to include an indication of the creator of the industrial design, a brief description of the reproduction or of the characteristic features of the industrial design, and/or claim(s).

Article 18—Special Requirements Concerning Unity of Designs: This Article allows a Contracting Party to maintain its unity of design requirements.

Article 19—Confidential Copies of International Registrations Whose Publication is Deferred: This Article protects confidential copies of an

international registration by requiring Examining Offices to keep the application in confidence. Examining Offices may only use a copy of the international registration sent by WIPO for examination purposes.

Article 20—Republication of the Industrial Design: This Article provides that if an industrial design has been amended to satisfy the condition of novelty before an Examining Office, that Office can charge a fee for the publication of the amended reproduction.

Articles 21 through 34 of the proposed new Act of the Hague Agreement comprise the Administrative Provisions. Accordingly, these articles, and accompanying regulations, relate to the administration and implementation of the Hague Agreement, and include matters such as membership, voting rights, effective dates of accession, and applicability of previous Acts.

Overall Summary: After filing an international application, WIPO determines whether the minimum requirements are met, assigns a filing date, registers the application, and forwards the application to the designated Contracting Parties. The international registration is then published by WIPO and Contracting Parties are given a limited time to decide whether to register or grant protection to the industrial design(s) contained in the international application. The term for the protection of each industrial design runs at least fifteen years from the date of international registration for each industrial design.

I. Text of the Proposed Treaty, Rules, and Notes

The text of the proposed new Act of the Hague Agreement, with associated rules and notes, is available at WIPO's World Wide Web site at http://www.wipo.int/eng/main.htm. The documents are H/DC/3, H/DC/4, H/DC/5, and H/DC/6.

Requests for paper copies of the text may be made in writing to Mary Critharis at the above address or by telephone at (703) 305–9300.

II. Issues of Potential Concern

Insofar as this effort to revise the Hague Agreement is focused upon, and limited to, formal matters associated with industrial design applications and protection, the USPTO expects that, if adopted, changes to our design patent law would be minimal. Although many provisions in the proposed new Act of the Hague Agreement were incorporated to accommodate United States law and interests, several issues have yet to be fully resolved. Below is a brief summary of the more important issues of potential concern to the USPTO and United States applicants. This summary, however, is by no means an exhaustive recitation of the impact of the proposed new Act of the Hague Agreement on United States practice and interests.

1. Filing Procedures

Article 4 and Rule 13 of the proposed treaty provide that if an Office of a Contracting Party does not transmit an international application to WIPO within the prescribed time period, the filing date is the date on which WIPO receives the application. Accordingly, an applicant may lose the benefit of the earlier filing date with the national Office if for some reason it did not transmit the application to WIPO in a timely fashion.

2. Fee Structure

Although Article 7 and Rule 12 of the proposed treaty permit Contracting Parties to set an individual designation fee in connection with any international application, it appears that the individual designation fee must include all fees that would be charged under the national procedure for the grant of protection. Therefore, while Contracting Parties may require the payment of national fees not covered by the individual designation fee (such as fees charged for appeals, fees for extensions of time, and inspection fees), it appears that certain fees, namely the filing fee and issue fee, would have to be included in the individual designation fee.

3. Effect of International Application

Article 12 of the proposed treaty requires Contracting Parties to give the same effect to international applications as regularly filed applications. This conflicts with the so-called Hilmer practice in the United States where a disclosure contained in a patent of foreign origin is effective as prior art only as of its United States filing date, rather than the foreign or international filing date.

4. Failure to Communicate Notification of Refusal

Article 12 of the proposed treaty provides that if a Contracting Party did not send a notification of refusal within the prescribed time period, the grant of protection will ensue automatically. As a result, examining countries like the United States would be obliged to give effect to a design that may have not been examined, either because the application was misplaced or due to administrative delay on the part of the Office of the Contracting Party. This conflicts with United States law which obliges the Commissioner of the USPTO to undertake an examination of an application and make a positive act of issuing a patent, if it is determined to be patentable.

5. Changes in Ownership

Article 14 of the proposed treaty establishes a central ownership registry whereby Contracting Parties must give effect to changes in ownership of industrial designs recorded with WIPO, but not necessarily recorded in the USPTO. According to United States practice, unless recorded in the USPTO, a transfer of ownership of a patent or patent application is void against subsequent bona fide purchasers or mortgagees. Moreover, to record an assignment or any other type of conveyance of ownership in the United States, a statement indicating that an interest has been conveyed must be submitted to the USPTO. Therefore, in the United States, subsequent purchasers are able to view the contents of any agreement that purports to transfer ownership. In contrast, the proposed treaty does not require the submission of any type of documentation indicating a transfer of ownership to effectuate changes of ownership in the International Register. Nevertheless, according to the proposed treaty, any changes in ownership recorded with WIPO must be sufficient notice to subsequent purchasers in the United States. This may represent a significant departure from current law and practice regarding changes of ownership in patents in the United States.

V. Issues for Public Comment

Interested members of the public are invited to testify and present written comments on any issues they believe to be relevant to the foregoing discussion or any aspect of the proposed new Act of the Hague Agreement. The questions posed below identify specific issues that would benefit from public comment:

1. Do you have any overall interest in United States accession to the new Act of the Hague Agreement? Please discuss any potential advantages and drawbacks in your response.

2. Do you feel that you would use an international system for the protection of industrial designs as proposed by the new Act of the Hague Agreement? Please identify your reasons in your reply.

3. Do you currently file applications under the existing Hague Agreement through entities located in current member States? If yes, please describe

your experiences and explain any problems encountered.

4. Please discuss issues of potential concern identified in Part IV of this notice. In your response, please include the following:

(a) Clearly identify the matter being addressed;

(b) Indicate whether the particular matter would create significant problems for United States applicants and, in particular, whether it would discourage use of an international system for the protection of industrial designs as proposed by the new Act of the Hague Agreement;

(c) Identify potential drawbacks and/or advantages of the particular matter addressed;

(d) Provide examples, where appropriate, that illustrate the matter addressed;

(e) Identify any relevant legal authorities applicable to the matter being addressed; and

(f) Provide suggestions regarding how the matter should be addressed by the United States.

5. Please discuss any related matters not specifically identified in the above questions. If this is done, parties are requested to:

(a) Label that portion of their response as ''Other Issues'';

(b) Clearly identify the matter being addressed;

(c) Provide examples, where appropriate, that illustrate the matter addressed;

(d) Identify any relevant legal authorities applicable to the matter being addressed; and

(e) Provide suggestions regarding how the matter should be addressed by the United States.

VI. Guidelines for Oral Testimony

Individuals wishing to testify must adhere to the following guidelines:

1. Anyone wishing to testify at the hearing(s) must request an opportunity to do so no later than May 11, 1999. Requests to testify may be accepted on the date of the 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.

3. Speakers will be given 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. All efforts will be made to accommodate requests for additional time for testimony presented before the day of the hearing.

4. Speakers may provide a written copy of their testimony for inclusion in the record of the proceedings. These remarks should be provided no later than May 20, 1999.

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

VII. Guidelines for Written Comments

Written comments should include the following information:

1. Name and affiliation of the individual responding; and

2. If applicable, an indication of whether comments offered represent views of the respondent's organization or are the respondent's personal views.

If possible, parties offering testimony or written comments should provide their comments in machine-readable format. Such submissions may be provided by electronic mail messages sent over the Internet, or on a 3.5″ floppy disk formatted for use in either a Macintosh or MS–DOS based computer.

Machine-readable submissions should be provided as unformatted text (e.g., ASCII or plain text), or as formatted text in one of the following file formats: Microsoft Word (Macintosh, DOS, or Windows versions) or WordPerfect (Macintosh, DOS, or Windows versions).

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: April 12, 1999.

Q. Todd Dickinson,

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

[FR Doc. 99–9733 Filed 4–16–99; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Notice of Availability of the ''Annual Report to Congress on the Status of the Harbor Maintenance Trust Fund for Fiscal Year 1997''

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of availability.

SUMMARY: This notice is to inform the general public of the availability of the ''Annual Report to Congress for Fiscal Year 1997.'' Single copies of the report may be obtained free of charge.

FOR FURTHER INFORMATION CONTACT: Mr. James D. Hilton, Operations Division, Office of the Chief of Engineers at (202) 761–8830 or fax (202) 761–1685.

SUPPLEMENTARY INFORMATION: The Harbor Maintenance Fee was authorized under Sections 1401 and 1402 of the Water Resources Development Act of 1986, Pub. L. 99–662. This law imposed a 0.04 percent fee on the value of commercial cargo loaded (exports and domestic cargo) or unloaded (imports) at ports which have had Federal expenditures made on their behalf by the U.S. Army Corps of Engineers since 1977. Section 11214 of the Omnibus Budget Reconciliation Act of 1990, Pub. L. 101–580, increased the Harbor Maintenance Fee to 0.125 percent, which went into effect on January 1, 1991. Harbor maintenance Trust Fund monies are used to pay up to 100 percent of the Corps eligible Operations and Maintenance expenditures for the maintenance of commercial harbors and channels. Section 201 of the Water Resources Development Act of 1996, Pub. L. 104–303, expanded the use of Harbor Maintenance Trust Fund monies to pay Federal expenditures for construction of dredged material disposal facilities necessay for the operation and maintenance of any harbor or inland harbor; dredging and disposing of contaminated sediments that are in or that affect the maintenance of Federal navigation channels; mitigating for impacts resulting from Federal navigation operation and maintenance activities; and operating and maintaining dredged material disposal facilities.

Section 330 of the Omnibus Budget Reconciliation Act of 1992, Pub. L. 102–580, requires that the President provide an Annual Report to Congress on the Status of the Trust Fund. The release of this report is in compliance with this legislation.