§ 608.9 Prohibition on providing expert or opinion testimony.

(a) Except as provided in this section, and subject to 5 CFR 2635.805, ACDA employees shall not provide opinion or expert testimony based upon information which they acquired in the scope and performance of their official ACDA duties, except on behalf of the United States or a party represented by the Department of Justice.

(b) Upon a showing by the requester of exceptional need or unique circumstances and that the anticipated testimony will not be adverse to the interests of the United States, ACDA's General Counsel, or his/her delegate, may, consistent with 5 CFR 2635.805, in the exercise of discretion, grant special, written authorization for ACDA employees to appear and testify as expert witnesses at no expense to the United States.

(c) If, despite the final determination of ACDA's General Counsel, a court of competent jurisdiction or other appropriate authority orders the appearance and expert or opinion testimony of an ACDA employee, such employee shall immediately inform the office of the General Counsel of such order. If the Office of the General Counsel determines that no further legal review of or challenge to the court's order will be made, the ACDA employee shall comply with the order. If so directed by the Office of the General Counsel, however, the employee shall respectfully decline to testify. See *United States ex rel. Touhy* v. *Ragen*, 340 U.S. 462 (1951).

Dated: July 1, 1996.

Mary Elizabeth Hoinkes,

General Counsel.

[FR Doc. 96–17711 Filed 7–14–96; 8:45 am]

BILLING CODE 6820–32–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1952

Minnesota State Plan; Level of Federal Enforcement

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Final rule; change in level of Federal enforcement.

SUMMARY: This document gives notice of a change in the level of federal enforcement authority in Minnesota. The Minnesota Department of Labor and Industry is excluding coverage of tribal and private sector employment on Indian Reservations under its approved State plan. As a result, the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA) is assuming coverage over tribal and private sector employment on Indian reservations. OSHA is hereby amending sections of its regulations to reflect this change in the level of enforcement authority.

EFFECTIVE DATE: July 15, 1996.

FOR FURTHER INFORMATION CONTACT: Anne Cyr, Acting Director, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, Room, N–3637, 200 Constitution Avenue, NW., Washington, DC 20210, (202) 219–8148.

SUPPLEMENTARY INFORMATION:

A. Background

Section 18 of the Occupational Safety and Health Act of 1970, 29 U.S.C. 667, provides that States which wish to assume responsibility for developing and enforcing their own occupational safety and health standards, may do so by submitting, and obtaining Federal approval of, a State plan. State plan approval occurs in stages which include initial approval under section 18(b) of the Act and, ultimately, final approval under section 18(e).

The Minnesota State plan was initially approved on May 29, 1973. On July 30, 1985, OSHA announced the final approval of the Minnesota State plan pursuant to section 18(e) and amended Subpart N of 29 CFR Part 1952 to reflect the Assistant Secretary's decision. As a result, Federal OSHA relinquished its authority with regard to occupational safety and health issues covered by the Minnesota plan. Federal OSHA retained its authority over safety and health in private sector offshore maritime employment, employment at the Twin Cities Army Ammunition Plant, and with regard to Federal government employers and employees.

29 CFR 1952.205 states that ''any hazard, industry, geographical area, operation or facility over which the State is unable to effectively exercise jurisdiction for reasons not related to the required performance or structure of the plan shall be deemed to be an issue not covered by the plan which has received final approval and shall be subject to Federal enforcement. Where enforcement jurisdiction is shared between Federal and State authorities for a particular area, project, or facility, in the interest or [sic] administrative practicability Federal jurisdiction may be assumed over the entire project or facility. In either of the two aforementioned circumstances, Federal enforcement may be exercised immediately upon agreement between Federal OSHA and the State designated agency.''

On December 21, 1994 Darrell E. Anderson, Director, Minnesota OSHA Management Team, Minnesota Department of Labor and Industry, wrote that because of the many ''obstacles Minnesota OSHA faces in gaining access to Indian reservation worksites and tribal employers, and because Federal OSHA is not subject to the same limitations as the State . . .'' Minnesota will ''exclude Indian reservations from coverage under the Minnesota Occupational Safety and Health Act'' (December 21, 1994 letter to Area Director Charles E. Burin).

B. Decision

To assure worker protection under the OSH Act, Federal OSHA will assume coverage over tribal and private sector employment on Indian reservations. OSHA is hereby amending 29 CFR part 1952, Subpart N, to reflect this change in the level of Federal enforcement.

List of Subjects in 29 CFR Part 1952

Intergovernmental relations, Law enforcement, Occupational safety and health, Reporting and recordkeeping requirements.

Signed at Washington, DC, this 28th day of June 1996.

Joseph A. Dear,

Assistant Secretary.

For the reasons set out in the preamble 29 CFR part 1952 is amended as set forth below:

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

1. The authority citation for part 1952 continues to read as follows:

Authority: Secs. 18, 84, Stat. 1608 (29 U.S.C. 667); 29 CFR part 1902, Secretary of Labor's Order No. 1–90 (55 FR 9033).

2. Section 1952.204 is amended by revising paragraph (b) to read as follows:

§ 1952.204 Final approval determination.

* * * * *

(b) The plan which has received final approval covers all activities of employers and all places of employment in Minnesota except for private sector offshore maritime employment, employment at the Twin Cities Army Ammunition Plant, Federal government employers and employees, and any tribal or private sector employment

within any Indian reservation in the State.

* * * * *

3. Section 1952.205 is amended by revising the first four sentences of paragraph (b) to read as follows:

§ 1952.205 Level of Federal enforcement.

* * * * *

(b) In accordance with section 18(e), final approval relinquishes Federal OSHA authority only with regard to occupational safety and health issues covered by the Minnesota plan. OSHA retains full authority over issues which are not subject to State enforcement under the plan. Thus, Federal OSHA retains its authority relative to safety and health in private sector offshore maritime activities and will continue to enforce offshore all provisions of the Act, rules or orders, and all Federal standards, current or future, specifically directed to maritime employment (29 CFR Part 1915, shipyard employment; Part 1917, marine terminals; Part 1918, longshoring; Part 1919, gear certification) as well as provisions of general industry standards (29 CFR Part 1910) appropriate to hazards found in these employments. Federal jurisdiction is also retained over the Twin Cities Army Ammunitions Plant, over Federal government employers and employees, and over any tribal or private sector employment within any Indian reservation in the State. * * *

* * * * *

4. Section 1952.205 is further amended by removing the word ''or'' immediately preceding the words ''administrative practicability'' in the second to last sentence in paragraph (b) and adding the word ''of'' in its place.

[FR Doc. 96–17794 Filed 7–12–96; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 2

[Docket No. 960621181–6181–01]

RIN 0651–AA89

Elimination of Requirement for Proof of Service in Consented Requests for Extensions of Time To File a Notice of Opposition

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Final rule.

SUMMARY: This rule deletes the requirement for proof of service when a request for an extension of time to oppose registration of a trademark is based upon a statement that applicant has consented to the request. This rule will simplify opposition proceedings by eliminating an unnecessary requirement.

EFFECTIVE DATE: July 15, 1996. This rule will be applicable to all relevant correspondence filed with the Office on or after the effective date.

FOR FURTHER INFORMATION CONTACT: David Sams by telephone at (703) 308–9330, by facsimile transmission at (703) 308–9333, or by mail marked to his attention and addressed to the Assistant Commissioner for Trademarks, Box TTAB, 2900 Crystal Drive, Arlington, Virginia 22202–3513.

SUPPLEMENTARY INFORMATION: Section 2.102(c)(2), which provides for an extension of time for filing an opposition under 37 CFR Part 2, is revised to delete the requirement that proof of service be included in consented extension requests. This change permits potential opposers to request an extension of time to oppose aggregating more than 120 days from the date of publication based on a written statement that the applicant or its authorized representative has consented to the request. The Office believes that the requirement for proof of service is unnecessary when the applicant has assertedly consented to the filing of the extension request. The Trademark Trial and Appeal Board sends a copy of the request together with the Board's action thereon to the applicant, which may file a request for reconsideration of the Board's action if necessary.

The Patent and Trademark Office has determined that this revision is procedural and remedial in nature, and this revision is therefore being published as a final rule. 5 U.S.C. 553(b)(3) (A) and (B). This rule is not a significant rule for the purposes of Executive Order 12866. No notice of proposed rulemaking is required for this rule under 5 U.S.C. 553 or any other law, so a regulatory flexibility analysis is not required and has not been prepared. 5 U.S.C. 603(a).

List of Subjects in 37 CFR Part 2

Administrative practice and procedure, Conflicts of interest, Courts, Inventions and patents, Lawyers.

For the reasons set forth in the preamble, and pursuant to the authority contained in 15 U.S.C. 1123 and 35 U.S.C. 6, part 2 of title 37 of the Code of Federal Regulations is amended as set forth below:

PART 2—RULES OF PRACTICE IN TRADEMARK CASES

1. The authority citation for 37 CFR Part 2 continues to read as follows:

Authority: 15 U.S.C. 1123; 35 U.S.C. 6, unless otherwise noted.

2. Section 2.102(c)(2) is revised to read as follows:

§ 2.102 Extension of time for filing an opposition.

* * * * *

(c) * * * (2) a written request by the potential opposer or its authorized representative stating that the applicant or its authorized representative has consented to the request, or * * *

Dated: July 2, 1996.

Bruce A. Lehman,

Assistant Secretary of Commerce and Commissioner of Patents and Trademarks.

[FR Doc. 96–17746 Filed 7–12–96; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 192, 193, and 195

[Docket No. PS–143; Amdts. 192–76; 193–11; 195–56]

RIN 2137–AC74

Periodic Updates to the Pipeline Safety Regulations

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Corrections to the final rule.

SUMMARY: On May 24, 1996, RSPA published a final rule in the Federal Register (61 FR 26121) titled ''Periodic Updates to the Pipeline Safety Regulations.'' This final rule updated the references to voluntary specifications and standards to reflect more recently published editions of each document, enabling pipeline operators to utilize current technology, materials, and practices, thereby reducing costs and enhancing economic growth. The final rule also eliminated the requirement for odorization of hydrogen transmission lines in cases where the odorization interferes with industrial end uses. Consistent with President Clinton's Regulatory Reinvention Initiative, these actions eliminated unnecessary regulatory burdens without compromising safety. This document makes minor corrections to the final rule to provide consistency in the regulations.

EFFECTIVE DATE: August 14, 1996.