

other evasive actions that could impede or compromise the investigation.

(2) From subsection (d) because release of investigative records to an individual who is the subject of an investigation could interfere with pending or prospective law enforcement proceedings, constitute an unwarranted invasion of the personal privacy of third parties, reveal the identity of confidential sources, or reveal sensitive investigative techniques and procedures.

(3) From subsections (d)(2), (3), and (4) because amendment or correction of investigative records could interfere with pending or prospective law enforcement proceedings, or could impose an impossible administrative and investigative burden by requiring the Review Board continuously to retrograde its investigations attempting to resolve questions of accuracy, relevance, timeliness, and completeness.

(4) From subsection (e)(1), because it is often impossible to determine relevance or necessity of information in the early stages of an investigation. The value of such information is a question of judgment and timing; what appears relevant and necessary when collected may ultimately be evaluated and viewed as irrelevant and unnecessary to an investigation.

(5) From subsection (e)(4)(G) and (H), because the Review Board is claiming an exemption for subsections (d) (Access to Records) and (f) (Agency Rules) of the Act, these subsections are inapplicable to the extent that these systems of records are exempted from subsections (d) and (f).

(6) From subsection (f) because procedures for notice to an individual pursuant to subsection (f)(1) as to the existence of records pertaining to the person dealing with an actual or potential investigation must be exempted because such notice to an individual would be detrimental to the successful conduct of a pending or future investigation. In addition, mere notice of an investigation could inform the subject or others that their activities either are, or may become, the subject of an investigation and might enable the subjects to avoid detection or to destroy assassination records. Since the Review Board is claiming an exemption for subsection (d) of the Act (Access to Records) the rules require pursuant to subsection (f)(2) through (5) are inapplicable to these systems of records to the extent that these systems of records are exempted from subsection (d).

(c) The systems of records entitled "Employment Applications" and

"Personal Security Files" consist in part of investigatory material compiled by the Review Board for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or Federal contracts, the release of which would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence. Therefore, to the extent that information in these systems falls within the coverage of Exemption (k)(5) of the Privacy Act, 5 U.S.C. 552a(k)(5), these systems of records are eligible for exemption from the requirements of subsection (d)(1), because release would reveal the identity of a source who furnished information to the Government under an express promise of confidentiality. Revealing the identity of a confidential source could impede future cooperation by sources, and could result in harassment or harm to such sources.

Dated: December 8, 1995.

David G. Marwell,

Executive Director, Assassination Records Review Board.

[FR Doc. 95-30384 Filed 12-13-95; 8:45 am]

BILLING CODE 6118-01-P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 10

[Docket No. 9511277-5277-01]

RIN 0651-AA65

Cross-Appeals in Patent and Trademark Office Disciplinary Proceedings

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Final rule.

SUMMARY: The Patent and Trademark Office (PTO) is amending a rule of practice in disciplinary cases to provide a time period for filing a cross-appeal to the Commissioner of Patents and Trademarks after the initial decision of the Administrative Law Judge (ALJ). This amendment will simplify the appeals practice in disciplinary cases by eliminating the need to file contingent appeals.

EFFECTIVE DATE: January 16, 1996.

FOR FURTHER INFORMATION CONTACT: Karen L. Bovard, 703-308-5316.

SUPPLEMENTARY INFORMATION: The PTO issued a second notice of proposed rulemaking to amend a rule of practice

in practitioner disciplinary proceedings. 60 FR 4395, Jan. 23, 1995. Under the existing practice, after the ALJ's initial decision, a party (either the respondent or the Director of the Office of Enrollment and Discipline) might be obliged to file a contingent appeal to protect cross-appealable issues in the event the opposing party filed an appeal. The amended rule provides a time period for the party to file a cross-appeal after the opposing party has appealed to the Commissioner from the ALJ's initial decision.

No comment to the second notice of proposed rulemaking was received. The proposed rule is adopted.

Other Considerations

This rule change conforms with the requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), Executive Orders 12612 and 12866, and the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce has certified to the Chief Counsel for Advocacy of the Small Business Administration that the rule change will not have a significant impact on a substantial number of small entities (Regulatory Flexibility Act, 5 U.S.C. 605(b)). The principal impact of the rule change is to provide a time period to file a cross-appeal in a PTO disciplinary proceeding. See the first notice of proposed rulemaking. 58 FR at 38996.

The PTO has determined that the rule change has no Federalism implications affecting the relationship between the National Government and the States as outlined in Executive Order 12612. The rule change is not significant for the purposes of Executive Order 12866.

The rule change will not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, since no recordkeeping or reporting requirements within the coverage of the Act are placed upon the public.

List of Subjects in 37 CFR Part 10

Administrative practice and procedure, Inventions and patents, Lawyers, Reporting and recordkeeping requirements.

Pursuant to the authority contained in 35 U.S.C. 6, the PTO amends 37 CFR part 10 as follows:

PART 10—REPRESENTATION OF OTHERS BEFORE THE PATENT AND TRADEMARK OFFICE

1. The authority citation for 37 CFR part 10 continues to read as follows: