

(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;

(2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and

(3) The petition includes a showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS. Any statement submitted in support of such a showing pursuant to this paragraph must be a verified statement if made by a person other than an employee of the USPS or a practitioner as defined in § 10.1(r) of this chapter.

(e) Any person mailing correspondence addressed as set out in § 1.1(a) to the Office with sufficient postage utilizing the "Express Mail Post Office to Addressee" service of the USPS but not received by the Office, may petition the Commissioner to consider such correspondence filed in the Office on the USPS deposit date, provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has no evidence of receipt of the correspondence;

(2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail";

(3) The petition includes a copy of the originally deposited paper(s) or fee(s) that constitute the correspondence showing the number of the "Express Mail" mailing label thereon, a copy of any returned postcard receipt, a copy of the "Express Mail" mailing label showing the "date-in," a copy of any other official notation by the USPS relied upon to show the date of deposit, and, if the requested filing date is a date other than the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS, a showing pursuant to paragraph (d)(3) of this section that the requested filing date was the date the correspondence was deposited in "Express Mail Post

Office to Addressee" service prior to the last scheduled pickup for that day; and

(4) The petition includes a statement which establishes, to the satisfaction of the Commissioner, the original deposit of the correspondence, and that the copies of the correspondence, the copy of the "Express Mail" mailing label, the copy of any returned postcard receipt, and any official notation entered by the USPS are true copies of the originally mailed correspondence and original "Express Mail" mailing label, returned postcard receipt, and official notation entered by the USPS. Such statement must be a verified statement if made by a person other than a practitioner as defined in § 10.1(r) of this chapter.

(f) The Office may require additional evidence to determine if the correspondence was deposited as "Express Mail" with the USPS on the date in question.

## PART 2—RULES OF PRACTICE IN TRADEMARK CASES

9. 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.

10. Section 2.165(a)(1) is revised to read as follows:

### § 2.165 Reconsideration of affidavit or declaration.

(a)(1) If the affidavit or declaration filed pursuant to § 2.162 is insufficient or defective, the affidavit or declaration will be refused and the registrant will be notified of the reason. Reconsideration of the refusal may be requested within six months from the date of the mailing of the action. The request for reconsideration must state the grounds for the request. A supplemental or substitute affidavit or declaration required by section 8 of the Act of 1946 cannot be considered unless it is filed before the expiration of six years from the date of the registration or from the date of publication under section 12(c) of the Act.

\* \* \* \* \*

## PART 5—SECRECY OF CERTAIN INVENTIONS AND LICENSES TO EXPORT AND FILE APPLICATIONS IN FOREIGN COUNTRIES

11. The authority citation for 37 CFR Part 5 continues to read as follows:

Authority: 35 U.S.C. 6, 41, 181–188, as amended by the Patent Law Foreign Filing Amendments Act of 1988, Pub. L. 100–418, 102 Stat. 1567; the Arms Export Control Act, as amended, 22 U.S.C. 2751 et seq., the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 et seq., and the Nuclear Non-Proliferation Act of 1978, 22 U.S.C. 3201 et

seq., and the delegations in the regulations under these acts to the Commissioner (15 CFR 370.10(j), 22 CFR 125.04, and 10 CFR 810.7).

12. Section 5.33 is revised to read as follows:

### § 5.33 Correspondence.

All correspondence in connection with this part, including petitions, should be addressed to "Assistant Commissioner for Patents (Attention: Licensing and Review), Washington, D.C. 20231."

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

13. The authority citation for 37 CFR Part 10 continues to read as follows:

Authority: 5 U.S.C. 500; 15 U.S.C. 1123; 35 U.S.C. 6, 31, 32, 41.

14. Section 10.23 is amended by revising paragraph (c)(9) to read as follows:

### § 10.23 Misconduct.

\* \* \* \* \*

(c) \* \* \*

(9) Knowingly misusing a "Certificate of Mailing or Transmission" under § 1.8 of this chapter.

\* \* \* \* \*

Dated: October 24, 1996.

Bruce A. Lehman,

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

[FR Doc. 96–28088 Filed 10–31–96; 8:45 am]

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## DEPARTMENT OF VETERANS AFFAIRS

### 38 CFR Part 2

RIN 2900–AI17

### Delegations of Authority; Nonsubstantive Miscellaneous Changes

AGENCY: Department of Veterans Affairs.  
ACTION: Final rule.

**SUMMARY:** This document amends the Department of Veterans Affairs (VA) regulations on delegation of authority to authorize Directors of Department of Veterans Affairs property and facilities under the charge and control of the Department of Veterans Affairs to appoint police officers with power to enforce Federal laws and Department of Veterans Affairs regulations, to investigate violations of those laws and to arrest for crimes committed on Department of Veterans Affairs property

to the full extent provided by Department policies and procedures.

**EFFECTIVE DATE:** November 1, 1996.

**FOR FURTHER INFORMATION CONTACT:** Sherwin Lynch, Headquarters Health Administration Service (161A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420; (202) 273-8312. (This is not a toll free number.)

**SUPPLEMENTARY INFORMATION:** This final rule consists of a delegation of authority and, therefore, is not subject to the notice and comment and effective date provisions of 5 U.S.C. 553.

The Secretary hereby certifies that this rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601-612. This rule merely consists of a delegation of authority.

There is no Catalog of Federal Domestic Assistance Number.

#### List of Subjects in 38 CFR Part 2

Authority delegations (Government agencies).

Approved: June 14, 1996.

Jesse Brown,

*Secretary of Veterans Affairs.*

For the reasons set forth above, 38 CFR part 2 is amended as set forth below:

### PART 2—DELEGATIONS OF AUTHORITY

1. The authority citation for part 2 continues to read as follows:

Authority: 5 U.S.C. 302; 38 U.S.C. 501; 44 U.S.C. 3702.

2. In § 2.6, paragraph (a)(8) is revised to read as follows:

#### § 2.6 Secretary's delegations of authority to certain officials (38 U.S.C. 512.)

\* \* \* \* \*

(a) \* \* \*

(8) To authorize Directors of Department of Veterans Affairs property and facilities under the charge and control of the Department of Veterans Affairs to appoint police officers with the power to enforce Federal laws and Department of Veterans Affairs regulations, to investigate violations of those laws and to arrest for crimes committed on Department of Veterans Affairs property to the full extent provided by Department policies and procedures.

(Authority: 38 U.S.C. 501 and 512.)

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BILLING CODE 8320-01-P

### 38 CFR Parts 36 and 42

RIN 2900-AI48

### Federal Civil Penalties Inflation Adjustment

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Final rule.

**SUMMARY:** This document amends Department of Veterans Affairs (VA) regulations by providing notice as required by statute to reflect statutory increases in maximum civil monetary penalties. Under 38 U.S.C. 3710, VA may impose civil monetary penalties for false loan guaranty certifications. Also, under 31 U.S.C. 3802, VA may impose civil monetary penalties for fraudulent claims and for fraudulent statements. The Federal Civil Monetary Penalties Act of 1990, as amended by the Debt Collection Improvement Act of 1996 (the Act), sets forth a formula increasing the maximum statutory amounts for civil monetary penalties and requires VA to give notice of the new maximum amounts by regulation. Accordingly, this document gives notice that the maximum civil monetary penalties have been increased as follows: \$11,000 maximum civil monetary penalty for false loan guaranty certifications; \$5,500 maximum civil monetary penalty for fraudulent claims; and \$5,500 maximum civil monetary penalty for fraudulent statements.

**EFFECTIVE DATE:** The effective date is November 1, 1996.

**FOR FURTHER INFORMATION CONTACT:** Thomas O. Gessel, Director, Office of Regulations Management (02D), Office of General Counsel, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273-8605.

**SUPPLEMENTARY INFORMATION:** Under the provisions of 5 U.S.C. 553, there is good cause for dispensing with prior notice and comment. This final rule merely sets forth specific information required by statute to be set forth in VA regulations. Accordingly, notice and public procedure thereon are impracticable, unnecessary, and contrary to the public interest.

The Secretary hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601-612. This final rule merely sets forth specific information required by statute to be set forth in VA regulations. Accordingly, no proposed rulemaking was required in connection with the adoption of this final rule. Pursuant to 5 U.S.C. 605(b), this final

rule is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

There is no Catalog of Federal Domestic Assistance Number for the programs affected by this regulation.

#### List of Subjects

#### 38 CFR Part 36

Condominiums, Housing, Indians, Individuals with disabilities, Loan programs—housing and community development, Loan programs—Indians, Loan programs—veterans, Manufactured homes, Mortgage insurance, Reporting and recordkeeping requirements, Veterans.

#### 38 CFR Part 42

Administrative practice and procedure, Claims, Fraud, Penalties.

Approved: September 27, 1996.

Jesse Brown,

*Secretary of Veterans Affairs.*

For the reasons set forth in the preamble, 38 CFR parts 36 and 42 are amended as follows:

### PART 36—LOAN GUARANTY

1. The authority citation for part 36, §§ 36.4300 through 36.4375, is revised to read as follows:

Authority: Sections 36.4300 through 36.4375 issued under 38 U.S.C. 101, 501, 3701-3704, 3710, 3712-3714, 3720, 3729, 3732, unless otherwise noted.

#### § 36.4337 [Amended]

2. In § 36.4337, paragraphs (k)(1)(i) introductory text and (k)(3) are amended by removing "\$10,000" and adding, in its place, "\$11,000"; and by adding an authority citation at the end of the section to read as follows:

**§ 36.4337 Underwriting standards, processing procedures, lender responsibility and lender certification.**

\* \* \* \* \*  
(Authority: 38 U.S.C. 3710)

### PART 42—STANDARDS IMPLEMENTING THE PROGRAM FRAUD CIVIL REMEDIES ACT

3. The authority citation for part 42 continues to read as follows:

Authority: Pub. L. 99-509, secs. 6101-6104, 100 Stat. 1874, to be codified at 31 U.S.C. 3801-3812.

#### § 42.3 [Amended]

4. In § 42.3, paragraphs (a)(1)(iv) and (b)(1) concluding text are amended by removing "\$5,000" and adding, in their place, "\$5,500"; and by adding an authority citation at the end of the section to read as follows: