

**EFFECTIVE DATES:** This correction is effective June 11, 1997.

**FOR FURTHER INFORMATION CONTACT:** Morton Marcus, (410) 786-4477.

**SUPPLEMENTARY INFORMATION:**

**Background**

On May 12, 1997 (62 FR 25844) we published a final rule with comment period that expanded our regulations to recognize the right of Medicare Part B appellants to a hearing before an administrative law judge (ALJ) for claims if at least \$500 remains in dispute and the right to judicial review of an adverse ALJ decision if at least \$1,000 remains in controversy. That rule also codified limitations on the review by ALJs and the courts of certain national coverage determinations and the statutory authority for an expedite appeals process under part A and part B. Finally, we made a number of technical conforming amendments.

*Need for Correction*

On page 25855, in the second and third columns we provided a number of technical amendments. Amendment number 8, beginning at the bottom of column 2, was intended to correct wording in § 473.38 which concerns Peer Review Organization reconsidered decisions. Amendment 8(b) incorrectly calls for deletions of a phrase from paragraph (a) of § 473.38, whereas the phrase actually occurs in the undesignated introductory material of that section. Accordingly, we are making the following correction to document 97-12263 appearing in the **Federal Register** of May 12, 1997.

**§ 473.38 [Corrected]**

On page 25855 the first two lines of column 3 are corrected to read as follows:

“(b) In the undesignated introductory material, the words ‘final and’ are removed.”

\* \* \* \* \*

(Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance Program; No. 93.773 Medicare—Hospital Insurance Program; and No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: September 18, 1997.

**Neil J. Stillman,**

*Deputy Assistant Secretary for Information Resource Management.*

[FR Doc. 97-25344 Filed 9-23-97; 8:45 am]

BILLING CODE 4120-01-M

**NATIONAL SCIENCE FOUNDATION**

**45 CFR Part 650**

**Minor Amendments To Rule on Inventions and Patents Resulting From Grants, Cooperative Agreements, and Contracts**

**AGENCY:** National Science Foundation.

**ACTION:** Final rule with request for comments.

**SUMMARY:** This action amends the NSF Patents regulation to permit grantee to use an electronic reporting and management system for inventions made with NSF assistance.

**DATES:** This revision is effective September 24, 1997. Comments, however, are welcome and will be considered in making future revisions.

**ADDRESSES:** All comments should be addressed to: NSF Patent Assistant, Office of the General Counsel, National Science Foundation 4201 Wilson Boulevard, Arlington, VA 22230.

**FOR FURTHER INFORMATION CONTACT:** Teresa L. Hamm-Wooten, NSF Patent Assistant, on (703) 306-1060 (voice), (703) 306-0149 (facsimile), or *patents@nsf.gov*.

**SUPPLEMENTARY INFORMATION:** This amendment revises the current NSF patent regulation published as part 650 of title 45 of the Code of Federal Regulations to permit NSF grantees to use the Edison Invention Information Management System maintained by the National Institutes of Health to handle NSF-assisted inventions. The only change for grantees who do not choose to use Edison is that they will be required to submit to the NSF Patent Assistant a copy of the page of the United States patent application that contains the Federal support clause required by paragraph (f)(4) of the standard Patent Rights clause in section 650.4(a) along with a confirmation of the Government license instead of being required to provide a copy of the entire patent when it issues. That change is being made (1) to conform to the Foundation’s reporting requirement to those of the National Institutes of Health and (2) because the availability of searchable on-line patent databases has eliminated the need for the Foundation to have paper copies of patents issued on NSF subject inventions.

**Determinations**

I have determined, under the criteria set forth in Executive Order 12866, that this rule is not a significant regulatory action requiring review by the Office of Information and Regulatory Affairs. I also certify, pursuant to the

requirements of the Regulatory Flexibility Act, 5 U.S.C. Secs. 601-612, that none of the changes made by this rule will have a significant economic impact on any small entities. Finally, I have reviewed this rule in light of section 2 of Executive Order 12778 and certify for the National Science Foundation that this rule meets the applicable standards provided in sections 2(a) and 2(b) of that order.

**List of Subjects in 45 CFR Part 650**

Government procurement, Grant programs—science and technology, Inventions and patents, Nonprofit organizations, Small businesses.

**Lawrence Rudolph,**

*General Counsel.*

Accordingly, Title 45 of the Code of Federal Regulations part 650 is amended as follows:

**PART 650—PATENTS**

1. The authority citation for Part 650 continues to read as follows:

**Authority:** 35 U.S.C. 200-212; 42 U.S.C. 1870(e) and 1871; and the Presidential Memorandum entitled “Government Patent Policy”, issued February 18, 1983.

**§ 650.4 [Amended]**

2. The Patent Rights clause set forth in § 650.4(a) is amended:

A. By replacing “APRIL, 1992” in its heading with “SEPTEMBER, 1997”;

B. By adding between the words “Government” and “within” the phrase “and the page of a United States patent application that contains the Federal support clause” in paragraph (f)(5); and

C. By removing paragraph (f)(6).

3. The following new § 650.19 is added:

**§ 650.19 Electronic invention handling.**

(a) Grantees are encouraged to use the Edison Invention Information Management System maintained by the National Institutes of Health to disclose NSF subject inventions. Detailed instructions for use of that system are provided at <http://era.info.nih.gov/Edison/> and should be followed for NSF subject inventions except that:

(1) All written communications required should be addressed to the Patent Assistant, Office of the General Counsel, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

(2) NSF does not require either an Annual Utilization Report or a Final Invention Statement and Certification.

(b) Questions on use of Edison may be sent to the NSF Patent Assistant at patents@nsf.gov.

[FR Doc. 97-25120 Filed 9-23-97; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

**49 CFR Chapter III, Parts 365, 366, 372, 375, 387, and 390**

**RIN 2125-AE23**

#### Motor Carrier Transportation; Technical Amendments

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Final rule; technical amendments.

**SUMMARY:** This document makes technical amendments to FHWA's regulations regarding motor carrier transportation. The technical amendments are necessary to correct references within several parts and one of the appendices to subchapter B. These technical amendments will provide accurate references within the parts that were published on October 21, 1996, at 61 FR 54706, which transferred and redesignated certain motor carrier transportation regulations from 49 CFR Chapter X to the FHWA in 49 CFR Chapter III.

**EFFECTIVE DATE:** September 24, 1997.

**FOR FURTHER INFORMATION CONTACT:** Mr. Michael J. Falk, Office of the Chief Counsel, Motor Carrier Law Division, (202)366-1384, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:** On October 21, 1996, at 61 FR 54706, the FHWA and the Surface Transportation Board (STB) transferred and redesignated certain motor carrier transportation regulations from 49 CFR Chapter X to the FHWA in 49 CFR Chapter III. No substantive changes were made to the regulations. On April 1, 1997, at 62 FR 15417, the FHWA made technical amendments to former Interstate Commerce Commission (ICC) regulations which were transferred to the FHWA in accordance with section 204 of the ICC Termination Act of 1995 (ICCTA), Pub. L. 104-88, 109 Stat. 803. Additionally, final amendments to part 372 were published on July 16, 1997, at 62 FR 38035, which removed the notice

filing requirements for agricultural cooperative associations which conduct compensated transportation operations for nonmembers.

This document merely makes technical amendments to 49 CFR parts 365, 366, 372, 375, 387, 390, and appendix F to subchapter B in order to update outdated statutory references and internal redesignated regulation citations. Since all of these rules are in the review process, other necessary nomenclature and technical changes will be published at a later date. There are no substantive amendments being made at this time.

#### Rulemaking Analyses and Notices

This document makes only minor, non-substantive technical corrections to existing regulations. The rule replaces outdated statutory references and internal regulatory citations with the correct references. Therefore, the FHWA finds good cause to adopt the rule without prior notice or opportunity for public comment (5 U.S.C. 553(b)). The DOT's regulatory policies and procedures also authorize promulgation of the rule without prior notice because it is anticipated that such action would not result in the receipt of useful information. The FHWA is making the rule effective upon publication in the **Federal Register** because it imposes no new burdens and merely corrects existing internal references to regulations (5 U.S.C. 553(d)).

#### Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

The FHWA has determined that this action is not a significant regulatory action within the meaning of Executive Order 12866 or significant within the meaning of Department of Transportation regulatory policies and procedures. Since this rulemaking action makes only technical corrections to the current regulations it is anticipated that the economic impact of this rulemaking will be minimal; therefore, a full regulatory evaluation is not required.

#### Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act, 5 U.S.C. 601-612, the FHWA has evaluated the effects of this rule on small entities. Based on the evaluation, and since this rulemaking action makes only technical corrections to the current regulations, the FHWA hereby certifies that this action will not have a significant impact on a substantial number of small entities.

#### Executive Order 12612 (Federalism Assessment)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this action does not have sufficient federalism implications to warrant the preparation of a federalism assessment.

#### Executive Order 12372 (Intergovernmental Review)

Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this program.

#### Paperwork Reduction Act

This action does not contain a collection of information requirement for purposes of the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*

#### National Environmental Policy Act

The agency has analyzed this action for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and has determined that this action would not have any effect on the quality of the environment.

#### Regulation Identification Number

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

#### List of Subjects

##### 49 CFR Part 365

Administrative practice and procedure, Brokers, Buses, Freight forwarders, Highways and roads, Motor carriers.

##### 49 CFR Part 366

Administrative practice and procedure, Brokers, Freight forwarders, Highways and roads, Motor carriers.

##### 49 CFR Part 372

Agricultural commodities, Buses, Commercial zones, Freight forwarders, Highways and roads, Motor carriers of property, Reporting and recordkeeping requirements.

##### 49 CFR Part 375

Advertising, Arbitration, Consumer protection, Freight, Insurance, Motor