After the rules were promulgated, miniature imitation numismatic items became more popular in the market. Marking some of these miniature imitations has posed a hardship since many are as small as or smaller than the minimum size required for the word "Copy." When an item covered by the rules is of such a small size that it is impossible to conform to the minimum size requirement, the manufacturer must request the Commission to issue a variance.

On May 23, 1983, the Commission published a notice in the Federal Register proposing to amend the rules and providing notice to the public of the opportunity to comment. Based on the comments received, the Commission has determined that the amendment is warranted and is in the public interest.

The amendment to the rule permits manufacturers of miniature numismatic items to mark the word "Copy" in smaller dimensions than those required under the present rule. For example, a coin having a diameter of only six millimeters could have the word "Copy" in a horizontal dimension of no less than one-half the diameter or three millimeters. The vertical dimension would be required to be no less than one-sixth of the diameter or one millimeter.

The amendment will facilitate compliance with the rule and thus should result in the lessening of deception. By allowing a relative size for the word "Copy", the amendment will encourage manufacturers and importers to increase the number of imitation miniatures which are properly marked. As a result, more consumers will be put on notice that such coins are imitations and not originals.

The current rule, with its absolute minimum size requirement and use of a variance request procedure, may impede entry into the market for imitation miniature numismatic items. Manufacturers and importers may forego the opportunity to sell imitation miniatures because of the costs and physical difficulties of compliance with the rule. The amendment will eliminate this barrier and should promote competition and allow the increased availability of imitation miniature numismatic items.

Finally, the amendment will eliminate the potential costs, in both time and resources, to industry and the Commission necessitated by individual variance applications for miniature numismatic items.