

have determined that it does not have implications for federalism.

#### Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. Though this proposed rule would not result in such an expenditure, we do discuss the effects of this proposed rule elsewhere in this preamble.

#### Taking of Private Property

This proposed rule would not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

#### Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

#### Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

#### Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

#### Energy Effects

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a “significant energy action” under that order because it is not a “significant regulatory action” under Executive Order 12866 and is not

likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

#### Environment

We have analyzed this proposed rule under Commandant Instruction M16475.ID, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction, from further environmental documentation because we are establishing a security zone.

A draft “Environmental Analysis Check List” and a draft “Categorical Exclusion Determination” (CED) will be available in the docket where indicated under **ADDRESSES**. Comments on this section will be considered before we make the final decision on whether the rule should be categorically excluded from further environmental review.

#### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 165 as follows:

#### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

1. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

2. Add § 165.1190 to read as follows:

#### § 165.1190 Security Zone; San Francisco Bay, Oakland Estuary, Alameda, CA.

(a) *Location.* The following area is a security zone: All navigable waters of the Oakland Estuary, California, from the surface to the sea floor, 150 feet into the Oakland Estuary surrounding the Coast Guard Island Pier. The perimeter of the security zone would commence at a point on land approximately 150 feet north of the northern end of the Coast Guard Island Pier at latitude 37°46′53.6″ N and longitude 122°15′06.1″ W; thence

out to the edge of the charted channel at latitude 37°46′52.3″ N and longitude 122°15′07.9″ W; thence along the edge of the charted channel to latitude 37°46′42.2″ N and longitude 122°15′50.5″ W; thence to a point on land approximately 150 feet south of the southern end of the Coast Guard Island Pier at latitude 37°46′52.3″ N and longitude 122°15′48.8″ W, thence along the shoreline back to the beginning point, latitude 37°46′53.6″ N and longitude 122°15′06.1″ W.

(b) *Regulations.* (1) Under § 165.33, entry into or remaining in this zone is prohibited unless authorized by the Coast Guard Captain of the Port, San Francisco Bay, or his designated representative.

(2) Persons desiring to transit the area of the security zone may contact the Captain of the Port at telephone number 415–399–3547 or on VHF–FM channel 16 (156.8 MHz) to seek permission to transit the area. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port or his or her designated representative.

(c) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the security zone by local law enforcement as necessary.

Dated: January 7, 2004.

**Gerald M. Swanson,**

*Captain, U.S. Coast Guard, Captain of the Port, San Francisco Bay, California.*

[FR Doc. 04–1858 Filed 1–28–04; 8:45 am]

**BILLING CODE 4910–15–P**

#### PATENT AND TRADEMARK OFFICE

#### 37 CFR Part 11

[Docket No.: 2002–C–005]

RIN 0651–AB55

#### Changes to Representation of Others Before the United States Patent and Trademark Office

**AGENCY:** United States Patent and Trademark Office, Commerce.

**ACTION:** Notice of extension of comment period.

**SUMMARY:** The United States Patent and Trademark Office (Office or USPTO) is extending the public comment period on proposed rules, USPTO Rules of Professional Conduct, published in the **Federal Register** on December 12, 2003 (68 FR 69442). This will allow additional time following publication on December 12, 2003, for public comments, including whether the Rules of Professional Conduct should include the revisions to the Model Rules as

amended by the American Bar Association at the end of its February 2002 Midyear Meeting, also known as the Ethics 2000 revisions.

**DATES:** You must submit your comments by Monday, April 12, 2004. The Office may not necessarily consider or include in the Administrative Record for the proposed rule comments that the Office receives after the close of this extended comment period or comments delivered to an address other than those listed below.

**ADDRESSES:** Comments should be sent by electronic mail over the Internet addressed to:

*ethicsrules.comments@uspto.gov*.

Comments may also be submitted by mail addressed to: Mail Stop OED—Ethics Rules, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450 or by facsimile to (703) 306-4134, marked to the attention of Harry I. Moatz.

Although comments may be submitted by mail or facsimile, the Office prefers to receive comments via the Internet. If comments are submitted by mail, the Office would prefer that the comments be submitted on a DOS formatted 3½-inch disk accompanied by a paper copy. The comments will be available for public inspection at the Office of Enrollment and Discipline, located in Room 1103, Crystal Plaza 6, 2221 South Clark Street, Arlington, Virginia, and will be available through anonymous file transfer protocol (ftp) via the Internet (address: *http://www.uspto.gov*). Since comments will be made available for public inspection, information that is not desired to be made public should not be included in the comments.

**FOR FURTHER INFORMATION CONTACT:**

Harry I. Moatz ((703) 305-9145), Director of Enrollment and Discipline (OED Director), directly by phone, or by facsimile to (703) 305-4136, marked to the attention of Mr. Moatz, or by mail addressed to: Mail Stop OED—Ethics Rules, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450.

**SUPPLEMENTARY INFORMATION:** The USPTO published the proposed rules on December 12, 2003 (68 FR 69442) and provided a 60-day comment period that will end on February 10, 2004. We are extending the comment period on proposed rules 11.100 through 11.900 in subpart D until April 12, 2004, to allow the public additional time to provide us with their comments.

The Office seeks comments regarding proposed rules 11.100 through 11.900 in subpart D, in part, because the proposed rules do not contemplate inclusion of

the Ethics 2000 revisions to the Model Rules of Professional Conduct. The Ethics 2000 revisions have not been widely adopted by state bars. Proposed rules 11.100 through 11.900, in large part, are based on the widely adopted Model Rules of Professional Conduct. The extended comment period provides the public an opportunity to address proposed rules 11.100 through 11.900, and whether the Ethics 2000 revisions should be included in the rules adopted by the Office.

Dated: January 22, 2004.

**Jon W. Dudas,**

*Acting Under Secretary of Commerce for Intellectual Property and Acting Director of the United States Patent and Trademark Office.*

[FR Doc. 04-1888 Filed 1-28-04; 8:45 am]

**BILLING CODE 3510-16-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[SC-50-200405 (b); FRL-7614-6]

#### Approval and Promulgation of Implementation Plan: Revisions to South Carolina State Implementation Plan: Transportation Conformity Rule

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The EPA is approving the State Implementation Plan (SIP) revision submitted by the State of South Carolina on November 19, 2003, for the purpose of establishing specific consultation procedures for the implementation of transportation conformity requirements. This SIP revision also incorporates the State's adoption of the Federal transportation conformity regulations verbatim. EPA is not taking action on portions of the transportation conformity regulations affected by *Environmental Defense Fund v. EPA*, 167 F.3d 641 (D.C. Cir. 1999), including sections 102(c)(1), 118(e)(1), 120(a)(2), 121(a)(1), and 124(b). In the final rules section of this **Federal Register**, the EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no significant, material, and adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be

withdrawn and all public comments received will be addressed in a subsequent final rule based on this rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

**DATES:** Written comments must be received on or before March 1, 2004.

**ADDRESSES:** Comments may be submitted by mail to: Matt Laurita, Air Quality Modeling and Transportation Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. Comments may also be submitted electronically, or through hand delivery/courier. Please follow the detailed instructions described in the direct final rule, **SUPPLEMENTARY INFORMATION** section (sections IV.B.1. through 3.), which is published in the rules section of this **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Matt Laurita, Air Quality Modeling and Transportation Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S.

Environmental Protection Agency Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. The telephone number is (404) 562-9044. Mr. Laurita can also be reached via electronic mail at *laurita.matthew@epa.gov*.

**SUPPLEMENTARY INFORMATION:** For additional information see the direct final rule which is published in the rules section of this **Federal Register**.

Dated: January 5, 2004.

**A. Stanley Meiburg,**

*Acting Regional Administrator, Region 4.*

[FR Doc. 04-1819 Filed 1-28-04; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 300

[FRL-7612-7]

#### National Oil and Hazardous Substance Pollution Contingency Plan; National Priorities List

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of intent of partial deletion of the Hubbell/Tamarack City parcel of the Torch Lake Superfund Site from the National Priorities List.

**SUMMARY:** The Environmental Protection Agency, (EPA) Region V is issuing a