

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 proposed 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)(h), of the Instruction, from further environmental documentation. Special local

regulations issued in conjunction with a regatta or marine parade permit are specifically excluded from further analysis and documentation under that section.

### List of Subjects in 33 CFR Part 100

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

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR Part 100 as follows:

### PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

1. The authority citation for part 100 continues to read as follows:

**Authority:** 33 U.S.C. 1233; Department of Homeland Security Delegation No. 0170.1.

2. Amend § 100.501 by revising Table 1 to read as follows:

#### § 100.501 Norfolk Harbor, Elizabeth River, Norfolk and Portsmouth, VA.

\* \* \* \* \*

#### Table 1 of § 100.501

Harborfest

Sponsor: Norfolk Harborfest, Inc.

Date: First Friday, Saturday, and Sunday in June

Great American Picnic

Sponsor: Festevents, Inc.

Date: July 4

Cock Island Race

Sponsor: Ports Events, Inc.

Date: Third Saturday in June

Rendezvous at Zero Mile Marker

Sponsor: Ports Events, Inc.

Date: Third Saturday in August

U.S. Navy Fleet Week Celebration

Sponsor: U.S. Navy

Date: Second Friday in October

Holidays in the City

Sponsor: Festevents, Inc.

Date: Fourth Saturday in November

New Years Eve Fireworks Display

Sponsor: Festevents, Inc.

Date: December 31

Dated: February 9, 2004.

**Sally Brice-O'Hara,**

Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 04-4647 Filed 3-2-04; 8:45 am]

BILLING CODE 4910-15-P

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

#### 37 CFR Subparts 1, 2, 10 and 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 1.4(d)(2), 1.8(a)(2)(iii)(A), 1.21(a)(6) through (a)(9), 1.21(a)(11), 1.21(a)(12), 2.11, 2.17, 2.24, 2.33, 2.61, 11.2(b)(4) through 11.2(b)(7), 11.3(b) and (c), 11.5(b), 11.8(d), 11.9(c) (last two sentences), 11.9(d), 11.10(c) (second sentence), 11.10(d) (second sentence), 11.10(e) (second sentence), 11.11(b) through (f), 11.12 through 11.62, and 11.100 through 11.900, as well as the definitions in proposed rule 11.1 of terms that are used only in rules in Subparts B, C and D, USPTO Rules of Professional Conduct, published in the **Federal Register** on December 12, 2003 (68 FR 69442). This extension applies to all portions of Subparts C and D of the proposed rules, and those portions of Subparts A and B not relating to enrollment of new patent practitioners. This extension will allow additional time following publication on December 12, 2003, for public comment regarding the Office's proposals for annual fees, mandatory continuing education, and processes for handling investigations and disciplinary proceedings.

**DATES:** You must submit your comments by Friday, June 11, 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](mailto:ethicsrules.comments@uspto.gov).

Comments may also be submitted by mail addressed to: Mail Stop OED-Ethics Rules, United States Patent and Trademark Office, PO 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 ended on February 10, 2004. An earlier notice extended the time period to comment on the proposed rules with respect to Subpart D by sixty days to April 12, 2004. 69 FR 4269 (Jan. 29, 2004). A number of parties have suggested that time be extended to submit comments. More than two weeks have now passed since the original period for comments. Responding to suggestions by some parties who have submitted comments, we are expanding the scope of that extension of time to encompass not only Subpart D, but also proposed rules 1.4(d)(2),

1.8(a)(2)(iii)(A), 1.21(a)(6) through (a)(9), 1.21(a)(11), 1.21(a)(12), 2.11, 2.17, 2.24, 2.33, 2.61, 11.2(b)(4) through 11.2(b)(7), 11.3(b) and (c), 11.5(b), 11.8(d), 11.9(c) (last two sentences), 11.9(d), 11.10(c) (second sentence), 11.10(d) (second sentence), 11.10(e) (second sentence), 11.11(b) through (f), 11.12 through 11.62, and 11.100 through 11.900, as well as certain definitions in proposed rule 11.1 of terms that are used only in rules in Subparts B, C and D. Inasmuch as a response to the requested extension of time has been delayed, an additional 120 days will be given to file comments. Comments will be received by the Office on the specified proposals until June 11, 2004, to allow the public additional time to provide us with comments. The extension provides a total of nearly six

months to submit comments on the specified proposed rules.

The proposed rules are a comprehensive effort by the Office to address an annual fee, mandatory continuing education, and “improve the Office’s processes for handling applications for registration, petitions, investigations, and disciplinary proceedings \* \* \*” 68 Fed. Reg. at 69442. The Office requested comments on the proposed rules and processes. In response, the Office received a reply by one set of stakeholders that the time be extended to reply to the proposed rules in Subpart D. The Office has now also received requests from individuals, law firms, professional organizations, and others requesting an extension of time to consider and respond to the proposed rules. The requests indicate that they regard proposals in Subparts A, B and C to be sufficiently related to the Rules of Professional Conduct found in Subpart D such that additional time is needed to properly and adequately address the proposal.

In response to those requests, we are extending the time for response until June 11, 2004, with the exception of those rules necessary for administration of the registration examination for patent practitioners, including those definitions that are used in those rules. Rules specific to the enrollment process are severable from the remaining proposals. The Office has received extensive comments on them and has decided to proceed to final rule making based upon those comments in order not to delay the enrollment of individuals as newly qualified registered patent practitioners. No parties should be prejudiced by the additional time accorded for comment on the remaining proposed rules.

The extended comment period provides the public an opportunity to address proposed rules 1.4(d)(2), 1.8(a)(2)(iii)(A), 1.21(a)(6) through (a)(9), 1.21(a)(11), 1.21(a)(12), 2.11, 2.17, 2.24, 2.33, 2.61, 11.2(b)(4) through 11.2(b)(7), 11.3(b) and (c), 11.5(b), 11.8(d), 11.9(c) (last two sentences), 11.9(d), 11.10(c) (second sentence), 11.10(d) (second sentence), 11.10(e) (second sentence), 11.11(b) through (f), 11.12 through 11.62, and 11.100 through 11.900, as well as the definition of terms in proposed rule 11.1 that are used only in rules in Subparts B, C and D. Time is not being extended to comment upon the provisions in proposed rules 1.1, 1.21(a)(1) through (a)(5), 1.21(a)(10), 1.31, 1.33(c), 1.455(a), 11.2(a) through 11.2(b)(3), 11.2(c) through 11.2(e), 11.3(a) and (d), 11.4 through 11.5(a), 11.6 through 11.8(c), 11.9(a) through 11.9(c) (first sentence), 11.10(a) through

11.10(c) (first sentence), 11.10(d) (first sentence), 11.10(e) (first and third sentences), and 11.11(a), as well as the definitions in proposed rule 11.1 of terms used in those rules.

Dated: February 26, 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. 04-4652 Filed 3-2-04; 8:45 am]

**BILLING CODE 3510-16-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 62

[FRL-7629-7; LA-66-1-7598b]

#### Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Louisiana; Plan for Controlling Emissions From Existing Commercial and Industrial Solid Waste Incinerators

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing a direct final approval of the sections 111(d)/129 State Plan submitted by the Louisiana Department of Environmental Quality (LDEQ) on February 18, 2003. The State Plan establishes emission limits, monitoring, operating, and recordkeeping requirements for commercial and industrial solid waste incinerator (CISWI) units for which construction commenced on or before November 30, 1999.

**DATES:** Written comments must be received by April 2, 2004.

**ADDRESSES:** Comments may be submitted electronically, by mail, by facsimile, or through hand delivery/courier by following the detailed instructions provided under the “Public Participation” heading in the Supplemental Information section of direct final rule located in the “Rules and Regulations” section of this **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Mr. Kenneth W. Boyce, Air Planning Section, Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2833, at (214) 665-7259 or [boyce.kenneth@epa.gov](mailto:boyce.kenneth@epa.gov).

**SUPPLEMENTARY INFORMATION:** In the “Rules and Regulations” section of this **Federal Register**, EPA is approving