

**DEPARTMENT OF THE INTERIOR****Office of Surface Mining Reclamation and Enforcement****30 CFR Part 925****Clarification of Substituted Federal Enforcement for Parts of Missouri's Permanent Regulatory Program and Findings on the Status of Missouri's Permanent Regulatory Program; Correction**

**AGENCY:** Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

**ACTION:** Final rule; correction.

**SUMMARY:** This document contains corrections to the final rule published in the **Federal Register** on Thursday, April 15, 2004 (69 FR 19927). Three paragraphs were inadvertently removed from 30 CFR 925.18. This correction will restore the previously-published three paragraphs which list the minimum requirements that must be contained in Missouri's proposal to OSM to reassume full authority of Missouri's surface coal mining and reclamation program.

This rule is being made effective immediately in order to expedite the actions required of the State to resume full authority for its approved program.

**EFFECTIVE DATE:** May 26, 2004.

**FOR FURTHER INFORMATION CONTACT:** John W. Coleman, Mid-Continent Regional Coordinating Center, Office of Surface Mining, 501 Belle Street, Alton, Illinois 62002. Telephone: (618) 463-6460.

**SUPPLEMENTARY INFORMATION:****Background**

On August 4, 2003, OSM notified the Governor of Missouri that serious problems existed that were adversely affecting the Missouri Department of Natural Resources implementation and enforcement of the Missouri surface coal mining and reclamation program. In accordance with the provisions of 30 CFR 733.12(f), we announced our decision, effective August 22, 2003, to institute direct Federal enforcement for those portions of the Missouri program that the State could not adequately implement and enforce. With the substitution of Federal enforcement authority, we outlined a process by which Missouri could regain full authority for its program.

In the April 15, 2004, **Federal Register** (69 FR 19927), we further clarified our position regarding the portions of the Missouri program that we directly enforce and set forth our findings regarding the status of those

portions of Missouri's program for which we required remedial actions.

**Need for Correction**

As published, the amendatory language in the April 15, 2004, **Federal Register** notice inadvertently deleted existing regulatory text. This correction will restore that regulatory text which contains important information for the State to use when it submits its proposal to regain full authority to implement its regulatory program.

**List of Subjects in 30 CFR Part 925**

Intergovernmental relations, Surface mining, Underground mining.

Dated: May 12, 2004.

**Chad Calvert,**

*Acting Assistant Secretary, Land and Minerals Management.*

Accordingly, 30 CFR part 925 is amended by making the correcting revisions as set forth below.

**PART 925—MISSOURI**

- 1. The authority citation for part 925 continues to read as follows:

**Authority:** 30 U.S.C. 1201 *et seq.*

- 2. Section 925.18 is amended by adding paragraphs (c)(1), (c)(2), and (c)(3) to read as follows:

**§ 925.18 State remedial actions.**

\* \* \* \* \*

(c) \* \* \*

(1) **Funding.** The proposal must demonstrate to the satisfaction of OSM a commitment to fully fund the Missouri program.

(2) **Staffing.** The proposal must demonstrate to the satisfaction of OSM a commitment to hire a sufficient number of qualified personnel to comply with all inspection and enforcement, permitting, and bonding requirements of the approved Missouri program.

(3) **Adherence to approved program.** The proposal must include provisions, policy statements, and other affirmative evidence sufficient to assure OSM that the MLRP will be in full compliance at all times with the provisions of the Missouri program.

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[FR Doc. 04-11707 Filed 5-25-04; 8:45 am]

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**DEPARTMENT OF HOMELAND SECURITY****Coast Guard****33 CFR Part 117**

[CGD08-04-021]

**Drawbridge Operation Regulations; Atchafalaya River; Melville, LA**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, Eighth Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Melville Railroad Vertical Lift Bridge across the Atchafalaya River, mile 107.4, near Melville, St. Landry and Pointe Coupee Parishes, Louisiana. This deviation allows the bridge to remain closed to navigation for two (2) four-hour segments each day on Friday and Saturday, June 11–12, 2004. The deviation is necessary to repair and replace rails on the bridge.

**DATES:** This deviation is effective from 7 a.m. on Friday June 11, 2004, until 5 p.m. on Saturday June 12, 2004.

**ADDRESSES:** Materials referred to in this document are available for inspection or copying at the office of the Eighth Coast Guard District, Bridge Administration Branch, Hale Boggs Federal Building, room 1313, 500 Poydras Street, New Orleans, Louisiana 70130-3310 between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (504) 589-2965. The Bridge Administration Branch of the Eighth Coast Guard District maintains the public docket for this temporary deviation.

**FOR FURTHER INFORMATION CONTACT:** David Frank, Bridge Administration Branch, telephone (504) 589-2965.

**SUPPLEMENTARY INFORMATION:** The Union Pacific Railroad has requested a temporary deviation in order to remove and replace rails on the Melville Railroad Vertical Lift Bridge across the Atchafalaya River, mile 107.4, near Melville, St. Landry and Pointe Coupee Parishes, Louisiana. The repairs are necessary to ensure the safety of the bridge. This temporary deviation will allow the bridge to remain in the closed-to-navigation position from 7 a.m. until 11 a.m. and from 1 p.m. until 5 p.m. on Friday, June 11, 2004, and Saturday, June 12, 2004.

The bridge has a vertical clearance of four feet above mean high water in the closed-to-navigation position and 54 feet above mean high water in the open-

to-navigation position. Navigation at the site of the bridge consists mainly of tows with barges and some recreational pleasure craft. Due to prior experience, as well as coordination with waterway users, it has been determined that this closure will not have a significant effect on these vessels. No alternate routes are available. The bridge will be able to open for emergencies.

In accordance with 33 CFR 117.35(c), this work will be performed with all due speed in order to return the bridge to normal operation as soon as possible. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: May 13, 2004.

**Marcus Redford,**

*Bridge Administrator.*

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before this date will continue to be effective.

**FOR FURTHER INFORMATION CONTACT:**

Karin Ferriter ((703) 306-3159) (Office of the Deputy Commissioner for Patent Examination Policy), Mary Hannon ((703) 308-8910, ext. 137) (Office of the Commissioner for Trademarks), or Robert J. Spar ((703) 308-5107) (Office of the Deputy Commissioner for Patent Examination Policy), directly by phone, or by facsimile to (703) 872-9411, or by mail addressed to: Mail Stop Comments—Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**SUPPLEMENTARY INFORMATION:** A purpose of this final rule is to limit the number of patent practitioners that a patent applicant, or an assignee of the patent applicant, can name in a power of attorney. If more than ten registered patent attorneys or registered patent agents are to be appointed, then the Office's Customer Number practice must be used. This change is necessary to eliminate the undue processing burden on the Office when a power of attorney naming more than ten patent practitioners is submitted in patent applications. In addition, a purpose of this final rule is to eliminate the associate power of attorney practice in patent cases. An associate power of attorney is not necessary for a patent practitioner to take most actions in a patent application. Instead of filing an associate power of attorney, a patent practitioner can file an "Authorization to Act in a Representative Capacity" (note the sample form posted on the Office's Internet Web site at: <http://www.uspto.gov/web/forms/sb0084.pdf>). Another purpose of this final rule is to eliminate an original assignment document from the list of documents that may be submitted for recordation. This is because the Office shall no longer be returning assignment documents after they have been scanned into the Office's electronic assignment database, and any assignee that submits the original assignment document will be unable to retrieve the document.

The Office provides for the use of a Customer Number to identify either an address for patent-related correspondence, or a set of patent attorneys and agents who may be identified with a patent application as patent practitioners of record. Customer Number practice permits the correspondence or fee address, or the list of practitioners of record to be easily changed in a large number of patent applications by filing a single request for Customer Number data change. A separate revocation of power of

attorney, or appointment of a new power of attorney would not need to be filed in each patent application if a Customer Number Data Change Request (PTO/SB/124) is filed. As a result, if a patent attorney or patent agent is to begin to represent a client, or is discontinuing representation of a client, on a particular set of applications, and, if the power of attorney for that set of applications was originally to the patent practitioners associated with a Customer Number, then the list of patent practitioners associated with the Customer Number should be changed to reflect the addition or deletion. When Customer Number practice is used, a separate document does not need to be filed by applicant for each application in which the list of practitioners associated with the Customer Number is to be changed; only one Customer Number Data Change Request is required to eliminate any patent practitioners who should no longer be associated with the Customer Number. Alternatively, a new power of attorney to a list of patent practitioners or to the patent practitioners associated with a different customer number may be filed in each application in which the power of attorney should be changed.

The rules pertaining to power of attorney are revised to reflect Customer Number practice, a practice wherein an applicant or an assignee of the entire interest of the applicant in a patent application can give power of attorney to a list of registered patent practitioners associated with a Customer Number.

*See Manual of Patent Examining Procedure* (8th ed. 2001) (Rev. 1, Feb. 2003) (MPEP), Section 403, for a description of Customer Number practice. The rules are also revised to explain the requirements of a power of attorney and to limit the number of practitioners who may be given a power of attorney without using Customer Number practice. Furthermore, the patent rules are amended to discontinue the "associate" power of attorney practice, to clarify the procedures related to revocation of power of attorney, and to clarify how a registered practitioner may sign a document in a representative capacity.

Documents affecting the title to a patent or trademark property (e.g., assignments, or security interests) are currently recorded in the Office's assignment database, upon submission of the document with the appropriate cover sheet and the fee required by 35 U.S.C. 41(d)(1). In addition, Government Interests are recorded, upon submission of the document, as required by Executive Order 9234 of February 18, 1944 (9 FR 1959, 3 CFR 1943-1948

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

#### 37 CFR Parts 1, 3 and 5

[Docket No.: 2003-P-019]

RIN 0651-AB63

#### Revision of Power of Attorney and Assignment Practice

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

**ACTION:** Final rule.

**SUMMARY:** The United States Patent and Trademark Office (Office) is revising the rules of practice to allow for more efficient processing of powers of attorney and assignment documents within the Office. For example, the Office will require applicants to use the Office's Customer Number practice if more than ten registered patent practitioners are to be made of record. In addition, the Office is eliminating some mail stops (*i.e.*, CPA, Provisional Patent Application) that were found not be useful in routing correspondence within the Office, and creating a new mail stop (Licensing and Review) to assist the Office in the proper routing of national security classified and secrecy order papers. Finally, because the Office is discontinuing the current Office practice of returning patent and trademark assignment documents submitted by mail for recording in the assignment database, only copies of assignment documents may be submitted for recording in the Office's Assignment records.

**DATES:** Effective Date: June 25, 2004. Any associate power of attorney filed