

(m) For filing a petition for the revival of an unintentionally abandoned application, for the unintentionally delayed payment of the fee for issuing a patent, or for the revival of an unintentionally terminated reexamination proceeding under 35 U.S.C. 41(a)(7) (§ 1.137(b)):

By a small entity (§ 1.27(a)): \$685.00
By other than a small entity: \$1,370.00
\* \* \* \* \*

(r) For entry of a submission after final rejection under § 1.129(a):

By a small entity (§ 1.27(a)): \$395.00
By other than a small entity: \$790.00

(s) For each additional invention requested to be examined under § 1.129(b):

By a small entity (§ 1.27(a)): \$395.00
By other than a small entity: \$790.00

(t) For the acceptance of an unintentionally delayed claim for priority under 35 U.S.C. 119, 120, 121, or 365(a) or (c):

(§§ 1.55 and 1.78): \$1,370.00

■ 4. Section 1.18 is amended by revising paragraphs (a) through (c) to read as follows:

§ 1.18 Patent post allowance (including issue) fees.

(a) Issue fee for issuing each original or reissue patent, except a design or plant patent:

By a small entity (§ 1.27(a)): \$685.00
By other than a small entity: \$1,370.00

(b) Issue fee for issuing a design patent:

By a small entity (§ 1.27(a)): \$245.00
By other than a small entity: \$490.00

(c) Issue fee for issuing a plant patent:

By a small entity (§ 1.27(a)): \$330.00
By other than a small entity: \$660.00
\* \* \* \* \*

■ 5. Section 1.20 is amended by revising paragraphs (e) through (g) to read as follows:

§ 1.20 Post issuance fees.

\* \* \* \* \*

(e) For maintaining an original or reissue patent, except a design or plant patent, based on an application filed on or after December 12, 1980, in force beyond four years; the fee is due by three years and six months after the original grant:

By a small entity (§ 1.27(a)): \$470.00
By other than a small: \$940.00

(f) For maintaining an original or reissue patent, except a design or plant patent, based on an application filed on or after December 12, 1980, in force beyond eight years; the fee is due by seven years and six months after the original grant:

By a small entity (§ 1.27(a)): \$1,075.00
By other than a small entity: \$2,150.00

(g) For maintaining an original or reissue patent, except a design or plant patent, based on an application filed on or after December 12, 1980, in force beyond twelve years; the fee is due by eleven years and six months after the original grant:

By a small entity (§ 1.27(a)): \$1,660.00
By other than a small entity: \$3,320.00
\* \* \* \* \*

■ 6. Section 1.492 is amended by revising paragraphs (a)(1) through (a)(3), (a)(5), (b) and (d) to read as follows:

§ 1.492 National stage fees.

\* \* \* \* \*

(a) \* \* \*

(1) Where an international preliminary examination fee as set forth in § 1.482 has been paid on the international application to the United States Patent and Trademark Office:

By a small entity (§ 1.27(a)): \$375.00
By other than a small entity: \$750.00

(2) Where no international preliminary examination fee as set forth in § 1.482 has been paid to the United States Patent and Trademark Office, but an international search fee as set forth in § 1.445(a)(2) has been paid on the international application to the United States Patent and Trademark Office as an International Searching Authority:

By a small entity (§ 1.27(a)): \$395.00
By other than a small entity: \$790.00

(3) Where no international preliminary examination fee as set forth in § 1.482 has been paid and no international search fee as set forth in § 1.445(a)(2) has been paid on the international application to the United States Patent and Trademark Office:

By a small entity (§ 1.27(a)): \$555.00
By other than a small entity: \$1,110.00
\* \* \* \* \*

(5) Where a search report on the international application has been prepared by the European Patent Office or the Japan Patent Office:

By a small entity (§ 1.27(a)): \$475.00
By other than a small entity: \$950.00

(b) In addition to the basic national fee, for filing or later presentation of each independent claim in excess of 3:

By a small entity (§ 1.27(a)): \$44.00
By other than a small entity: \$88.00
\* \* \* \* \*

(d) In addition to the basic national fee, if the application contains, or is amended to contain, a multiple dependent claim(s), per application:

By a small entity (§ 1.27(a)): \$150.00
By other than a small entity: \$300.00
\* \* \* \* \*

PART 41—PRACTICE BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

■ 1. The authority citation for 37 CFR part 41 continues to read as follows:

Authority: 35 U.S.C. 2(b)(2), 3(a)(2)(A), 21, 23, 32, 41, 134, 135, unless otherwise noted.

■ 2. Section 41.20 is amended by revising paragraphs (b)(1) through (b)(3) to read as follows:

§ 41.20 Fees.

\* \* \* \* \*

(b) Appeal Fees.

(1) For filing a notice of appeal from the examiner to the Board:

By a small entity (§ 1.27(a) of this title): \$170.00

By other than a small entity: \$340.00

(2) In addition to the fee for filing a notice of appeal, for filing a brief in support of an appeal:

By a small entity (§ 1.27(a) of this title): \$170.00

By other than a small entity: \$340.00

(3) For filing a request for an oral hearing before the Board in an appeal under 35 U.S.C. 134:

By a small entity (§ 1.27(a) of this title): \$170.00

By other than a small entity: \$340.00

Dated: August 23, 2004.

Jon W. Dudas,

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

[FR Doc. 04-19562 Filed 8-26-04; 8:45 am]

BILLING CODE 3510-16-P

POSTAL SERVICE

39 CFR Part 912

Procedures To Adjudicate Claims for Personal Injury or Property Damage Arising Out of the Operation of the U.S. Postal Service

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This rule amends the Postal Service's regulations concerning tort claims to correct mailing addresses and to clarify ambiguous provisions.

DATES: Effective August 27, 2004.

FOR FURTHER INFORMATION CONTACT: Frank M. Bartholf, Managing Counsel, General Law Service Center, P.O. Box 66640, St. Louis, MO 63166-6640; telephone (314) 872-5120.

SUPPLEMENTARY INFORMATION:

Amendment of part 912 is necessary to reflect organizational changes that have occurred in the Postal Service since the

last amendment of this part in 1984 (49 FR 19478), and to clarify ambiguous provisions. This rule is a change in agency rules of procedure that does not substantially affect any rights or obligations of private parties. Therefore, it is appropriate for its adoption by the Postal Service to become effective immediately.

#### List of Subjects in 39 CFR Part 912

Administrative practice and procedure; Claims.

■ For the reasons set forth above, the Postal Service amends 39 CFR part 912 as follows:

#### PART 912—[AMENDED]

■ 1. The authority citation for part 912 continues to read as follows:

**Authority:** 28 U.S.C. 2671–2680; 28 CFR 14.1 through 14.11; 39 U.S.C. 409.

#### § 912.2 [Amended]

■ 2. In § 912.2(b), remove “or his designee” and add “or the General Counsel’s designee” in its place.

■ 3. Revise § 912.4 to read as follows:

#### § 912.4 Place of filing.

Claims should be filed with the Tort Claims Coordinator for the Postal Service District Office where the accident occurred, but may be filed at any office of the Postal Service, or sent directly to the Chief Counsel, National Tort Center, U.S. Postal Service, P.O. Box 66640, St. Louis, MO 63166–6640.

■ 4. Amend § 912.5 by revising the last sentence of paragraph (a), and paragraph (b) to read as follows:

#### § 912.5 Administrative claim; when presented.

(a) \* \* \* A standard Form 95 may be obtained from the local District Tort Claims Coordinator, the National Tort Center, or online at [usa.gov](http://usa.gov) (select Government forms).

(b) A claim presented in compliance with paragraph (a) of this section may be amended by the claimant at any time prior to:

(1) The claimant’s exercise of the option to file a civil action pursuant to 28 U.S.C. 2675(a);

(2) The Postal Service’s issuance of a payment in the full amount of the claim; or

(3) The Postal Service’s issuance of a written denial of the claim in accordance with § 912.9.

#### § 912.9 [Amended]

■ 5. Amend § 912.9 as follows:

■ (a) Amend paragraph (b) by removing the phrase “Assistant General Counsel, Claims Division, U.S. Postal Service,

Washington, DC 20260” and adding “Chief Counsel, National Tort Center, U.S. Postal Service, P.O. Box 66640, St. Louis, MO 63166–6640” in its place.

■ (b) Amend paragraph (c) by removing the phrase “Assistant General Counsel, Claims Division, U.S. Postal Service, Washington, DC 20260–1111” and adding “Chief Counsel, National Tort Center, U.S. Postal Service, P.O. Box 66640, St. Louis, MO 63166–6640” in its place.

#### § 912.10 [Amended]

■ 6. In § 912.10, remove the phrase “or his designee” and add “or the General Counsel’s designee” in its place.

#### § 912.12 [Amended]

■ 7. In § 912.12, remove “\$2,500” and add “\$5,000” in its place.

**Neva R. Watson,**

*Attorney, Legislative.*

[FR Doc. 04–19195 Filed 8–26–04; 8:45 am]

**BILLING CODE 7710–12–P**

## DEPARTMENT OF THE INTERIOR

### 48 CFR Part 1437

**RIN 1084–AA00**

#### Woody Biomass Utilization

**AGENCY:** Assistant Secretary—Policy, Management and Budget, Interior.

**ACTION:** Interim final rule with request for comments.

**SUMMARY:** The Department of the Interior is including an option to allow service contractors to remove woody biomass generated as a result of land management service contracts wherever ecologically appropriate and in accordance with the law. A new provision added to the Department’s acquisition regulations specifies a contract clause to be used for this purpose. This rule does not make any other changes.

**DATES:** This rule is effective August 27, 2004. We must receive all comments on this rule by October 26, 2004.

**ADDRESSES:** You may submit comments, identified by the number 1084–AA00 by any of the following methods:

—Federal rulemaking portal: <http://www.regulations.gov> Follow the instruction for submitting comments

—E-mail: [John\\_Stewart@ios.doi.gov](mailto:John_Stewart@ios.doi.gov)

Include the number 1084–AA00 in the subject line of the message

—Fax: (202) 606–3150

—Mail: Office of Wildland Fire Coordination, Department of the Interior, MS–3060 1849 C Street NW., Washington, DC 20240

—Hand delivery: Office of Wildland Fire Coordination, MS–3060, Department of the Interior, 1849 C Street NW., Washington, DC 20240

#### FOR FURTHER INFORMATION CONTACT:

Wiley Horsley, Office of Acquisition and Property Management, Department of the Interior at (202) 208–3347, or e-mail at [Wiley\\_Horsley@ios.doi.gov](mailto:Wiley_Horsley@ios.doi.gov).

Individuals who use telecommunications devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 twenty-four hours a day, 7 days a week.

**SUPPLEMENTARY INFORMATION:** This action establishes consistent and efficient procedures to allow contractors the option to remove woody biomass by-products from Department of the Interior land management activities. This option, where ecologically appropriate, will provide economic and social benefits by creating jobs and conserving natural resources. Removal or use of woody biomass will reduce smoke and emissions from prescribed and natural fires; preserve landfill capacities; reduce the threat of catastrophic wildfires to communities and public/private utilities; improve watershed and wildlife habitat protection; and improve forest, woodland, and rangeland health. The Forest Service, U.S. Department of Agriculture, has in place provisions in timber sale, service and stewardship contracts that provide opportunities to utilize the type of materials included in this rule.

Because this revision to existing regulations is necessary to enable immediate use of forest product biomass for beneficial purposes, we are publishing this revision as an interim final rule. In accordance with the “good cause” exemption found at the 5 U.S.C. 553(b)(B), we have determined that publishing a proposed rule would be impracticable because the extra time necessary to publish a proposed rule would delay the many benefits accruing from biomass utilization. Moreover, this rule provides a benefit rather than imposing a burden or penalty of any kind upon applicable persons. Immediate implementation of this rule is necessary to treat hazardous fuels and forest health by-products in a timely and cost-efficient manner and thereby reduce the threat of catastrophic wildfire and forest health threats, such as, insects, disease, and invasive plant and animal species. For the same reasons, pursuant to 5 U.S.C. 553(d), it is determined that there is good cause for this interim final rule to become effective immediately upon publication.