

Though this rule will not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule will 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 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 rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does 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 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.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an

explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this 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 safety zone.

A final "Environmental Analysis Checklist" and a final "Categorical Exclusion Determination" will be available for review in the docket indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reports and record keeping requirements, Security measures, Waterways.

■ For the reasons discussed in the preamble, the Coast Guard amends 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.T11–042 to read as follows:

§ 165.T11–042 Safety Zone: San Francisco Bay, CA.

(a) *Location.* The following area is designated as a safety zone: All of Anchorage 8 as described in 33 CFR § 110.224(e)(5) as well as the channel between Anchorage 8 and Anchorage 9 as bounded by the following positions: 37°46'40"N, 122°21'23"W; thence to

37°46'28"N, 122°21'17"W; thence to 37°46'22"N, 122°19'07"W; thence to 37°46'05"N, 122°18'31"W; thence to 37°46'18"N, 122°17'55"W; thence to 37°46'32"N, 122°17'59"W; thence returning to the point of origin. [NAD 83]

(b) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into, transit through, or anchoring within this zone by all vessels is prohibited unless authorized by the Captain of the Port or his designated representative.

(2) Persons desiring to transit the area of the safety 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 designated representative.

(c) *Enforcement.* All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene patrol personnel. Patrol personnel comprise commissioned, warrant, and petty officers of the Coast Guard onboard Coast Guard, Coast Guard Auxiliary, local, state, and federal law enforcement vessels. Upon being hailed by U.S. Coast Guard patrol personnel by siren, radio, flashing light, or other means, the operator of a vessel must proceed as directed.

(d) *Effective Dates.* This safety zone will be in effect from 5 a.m. on October 5, 2004 to 8 p.m. on October 7, 2004. If the event concludes prior to the scheduled termination time, the Captain of the Port will cease enforcement of the safety zone and will announce that fact via Broadcast Notice to Mariners.

Dated: September 27, 2004.

Gordon A. Loebel,

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

[FR Doc. 04–22511 Filed 10–5–04; 8:45 am]

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DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 2

[Docket No. 2004–T–046]

RIN 0651–AB82

Waiver of Pixel Requirement for Drawings Filed Electronically

AGENCY: Patent and Trademark Office, Commerce.

ACTIONS: Waiver of rule requiring certain specified pixel count for drawings submitted electronically.

SUMMARY: The United States Patent and Trademark Office ("Office") is waiving the requirement that drawings filed through the Trademark Electronic Application System ("TEAS") have a length and width of no less than 250 pixels and no more than 944 pixels.

DATES: *Applicability Date:* The requirement of 37 CFR 2.53(c) are hereby waived as of October 6, 2004.

FOR FURTHER INFORMATION CONTACT: Cheryl L. Black, Office of the Commissioner for Trademarks, by telephone at (703) 308-8910, ext. 153, or by e-mail to cheryl.black@uspto.gov.

SUPPLEMENTARY INFORMATION:

Background

A final rule amending the Trademark Rules of Practice was published on September 26, 2003, at 68 FR 55748. The purpose of the final rule was to clarify and improve the procedures for processing trademark applications, and to implement the Madrid Protocol Implementation Act of 2002, Public Law 107-273, 116 Stat. 1758, 1913-1921 ("MPIA"), which provide a system for obtaining an international registration. The MPIA amended the Trademark Act of 1946 to implement the provisions of the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks ("Madrid Protocol"). The final rule added a new § 2.53, setting forth the requirements for a drawing filed through TEAS. Section 2.53(c) provides as follows:

(c) *Requirements for digitized image:* The image must be in .jpg format and scanned at no less than 300 dots per inch and no more than 350 dots per inch with a length and width of no less than 250 pixels and no more than 944 pixels. All lines must be clean, sharp and solid, not fine or crowded, and produce a high quality image when copied.

These requirements were deemed necessary to ensure that the Office's database contains a clear and accurate reproduction of the mark and meets the 8 cm by 8 cm size limit that is required for an international application under the Madrid Protocol.

The Office has determined that it is not always necessary to have the pixel count required by the rule in order to produce a clear and accurate reproduction of a mark.

Partial Waiver of § 2.53(c)

Accordingly, until further notice, the Office hereby waives the requirement of § 2.53(c) that drawings filed through

TEAS must have a length and width of no less than 250 pixels and no more than 944 pixels. Although the requirement is hereby waived, the Office encourages applicants to continue to submit drawings with a length and width of no less than 250 pixels and no more than 944 pixels.

The other requirements of § 2.53(c) remain in effect. That is, a drawing filed through TEAS must be in .jpg format and scanned at no less than 300 dots per inch and no more than 350 dots per inch. All lines must be clean, sharp and solid, not fine or crowded, and produce a high quality image when copied.

Other Considerations

The change addressed in this rule is limited to waiving a requirement that drawings filed through TEAS have a length and width of no less than 250 pixels and no more than 944 pixels. This change involves rules of agency practice and procedure under 5 U.S.C. 553(b)(A). Therefore, prior notice and opportunity for public comment, and thirty-day advance publication, are not required pursuant to 5 U.S.C. 553 (or any other law). As a result, a regulatory flexibility analysis under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) is not required. See 5 U.S.C. 603.

Dated: September 24, 2004.

Jon W. Dudas,

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

[FR Doc. 04-22365 Filed 10-5-04; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 35

[OW-2004-0034; FRL-7825-2]

Revised Allotment Formula for Interstate Monies Appropriated Under Section 106 of the Clean Water Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation revises the allotment formula for allotting funds appropriated under section 106 of the Clean Water Act (CWA) to interstate agencies for use in implementing specific elements of Clean Water Act programs. Section 106 of the CWA authorizes the Environmental Protection Agency (EPA) to provide grants to states, interstate agencies, and Indian tribes qualified under CWA section 518(e) to assist them in administering

programs for the prevention, reduction, and elimination of water pollution. The allotment formulas for the state and tribal portions of the CWA section 106 Grant Program are not affected by this action.

DATES: This regulation is effective October 6, 2004.

ADDRESSES: EPA has established a docket for this action under Docket ID No. OW-2004-0034. All documents in the docket are listed in the EDOCKET Index at <http://www.epa.gov/edocket>. Although listed in the index, some information is not publicly available, *i.e.*, confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in EDOCKET or in hard copy at the Water Docket in the EPA Docket Center (EPA/DC) EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Water Docket is (202) 566-2426.

FOR FURTHER INFORMATION CONTACT:

Carol Crow, Office of Wastewater Management (4201M), 1200 Pennsylvania Avenue, NW., Washington, DC 20460. The telephone number is (202) 564-0644; facsimile number (202) 501-2399; and e-mail address is crow.carol@epa.gov.

SUPPLEMENTARY INFORMATION: CWA section 106(a) provides general authority for grants to states, interstate agencies, and Indian tribes qualified under CWA section 518(e) to assist them in administering programs for the prevention, reduction, and elimination of water pollution. Section 106(b) of the CWA directs the EPA Administrator to make allotments from sums appropriated by Congress in each fiscal year "on the basis of the extent of the pollution problem in the respective states." National data quantifying the extent of the pollution problem in each state have increased in reliability and availability since the first CWA section 106 grants to states and interstates were made in 1972. To reflect this improvement, the formulae for making state and interstate allocations on the basis of the extent of the pollution problem underwent several revisions. The most recent revision was published