

designated on scene Patrol Commander. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator shall proceed as directed.

(3) Several of the safety zones in this regulation encompass portions commercial navigation channels but are not expected to adversely affect shipping. In cases where shipping is affected, commercial vessels may request permission from the Patrol Commander or Captain of the Port to transit the safety zone. Approval will be made on a case-by-case basis. Requests must be made in advance and approved by the Captain of the Port before transits will be authorized. The Captain of the Port may be contacted via the U.S. Coast Guard Patrol Commander (PAT COM) on Channel 16, VHF-FM.

Dated: June 21, 2004.

**Lorne W. Thomas,**

*Commander, U.S. Coast Guard, Captain of the Port Cleveland.*

[FR Doc. 04-16651 Filed 7-21-04; 8:45 am]

BILLING CODE 4910-15-P

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

#### 37 CFR Parts 1 and 2

[Docket No. 2004-C-032]

RIN 0651-AB74

#### Elimination of Credit Cards as Payment for Replenishing Deposit Accounts

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

**ACTION:** Final rule.

**SUMMARY:** The United States Patent and Trademark Office (Office) is amending its rules of practice to eliminate acceptance of credit cards as payment for replenishing deposit accounts. Deposit account customers may still submit payments to replenish their deposit accounts by electronic funds transfer (EFT) through the Federal Reserve Fedwire System or over the Office's Internet Web site (<http://www.uspto.gov>), and by check or money order sent through the mail. The Office will continue to accept credit cards as payment for all other products and services for which fees are required.

**DATES:** *Effective Date:* August 23, 2004.

**FOR FURTHER INFORMATION CONTACT:** Matthew Lee by e-mail at

[matthew.lee@uspto.gov](mailto:matthew.lee@uspto.gov), or by fax at (703) 308-5077 marked to the attention of Matthew Lee.

**SUPPLEMENTARY INFORMATION:** The Office is revising 37 CFR 1.23(b), 1.25(c)(2), 2.207(b), and 2.208(c)(2) to eliminate acceptance of credit cards as payment for replenishing deposit accounts.

The Office participates in the Plastic Card Network (PCN), which is a Government-wide network that allows Federal agencies to accept nationally branded credit and debit cards for collecting receipts due to the Government. This network promotes the efficient electronic collection of receipts from the public sector while providing a convenient and widely used payment option for remitters. The Department of the Treasury Financial Management Service (FMS) manages the PCN and pays the transaction fees incurred for processing credit and debit card payments.

The Office was notified by the FMS of excessive transaction fees resulting from high dollar credit card charges processed by the agency. Nearly all of the high dollar credit card charges were payments made by customers to replenish deposit accounts. Although credit cards are an efficient means for individuals to use in replenishing deposit accounts, they are an expensive option that is not cost-effective. It is much more cost-effective to process high dollar payments by EFT or by check for the Government. This is because the Government is charged a percent fee based on the total dollar amount of the charge. Under the PCN, the Office is not allowed to establish minimum or maximum single transaction amounts or to charge a transaction fee for a specific group of transactions as conditions for accepting credit cards.

Deposit account customers who replenished their deposit accounts with a credit card may be inconvenienced, but the vast majority of customers who pay for products and services with a credit card will continue to enjoy the convenience and will not be impacted by this final rule. Customers will continue to have a means of replenishing their deposit accounts electronically by EFT, and through the mail by check or money order.

This final rule supports the FMS in controlling the PCN costs, and ensures the Office can continue participating in the PCN and provide the credit card payment option to customers for all other products and services.

To ensure clarity in the implementation of this final rule, a discussion of specific sections is set forth below.

## Discussion of Specific Rules

### 37 CFR 1.23 Method of Payment

Section 1.23, paragraph (b), is revised to exclude credit cards as payment for replenishing a deposit account.

### 37 CFR 1.25 Deposit Accounts

Section 1.25, paragraph (c)(2), is revised by removing the reference to credit cards for replenishing a deposit account over the Office's Internet Web site.

### 37 CFR 2.207 Method of Payment

Section 2.207, paragraph (b), is revised to exclude credit cards as payment for replenishing a deposit account.

### 37 CFR 2.208 Deposit Accounts

Section 2.208, paragraph (c)(2), is revised by removing the reference to credit cards for replenishing a deposit account over the Office's Internet Web site.

## Other Considerations

This final rule contains no information collection requirements within the meaning of the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.* This final rule has been determined to be not significant for purposes of Executive Order 12866. This final rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism Assessment under Executive Order 13132 (August 4, 1999).

Prior notice and an opportunity for public comment are not required by the Administrative Procedure Act, or any other statute or regulation, for this rule. This rule is exempted from the notice and comment because it involves a rule of agency practice or procedure. As prior notice and an opportunity for public comment are not required pursuant to 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 605(b), are inapplicable.

## Lists of Subjects

### 37 CFR Part 1

Administrative practice and procedure, Patents.

### 37 CFR Part 2

Administrative practice and procedure, Trademarks.

■ For the reasons set forth in the preamble, title 37 of the Code of Federal Regulations, parts 1 and 2, are being amended as set forth below.

**PART 1—RULES OF PRACTICE IN PATENT CASES**

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

**Authority:** 35 U.S.C. 2, unless otherwise noted.

■ 2. Section 1.23 is amended by revising paragraph (b) to read as follows:

**§ 1.23 Methods of payment.**

\* \* \* \* \*

(b) Payments of money required for United States Patent and Trademark Office fees may also be made by credit card, except for replenishing a deposit account. Payment of a fee by credit card must specify the amount to be charged to the credit card and such other information as is necessary to process the charge, and is subject to collection of the fee. The Office will not accept a general authorization to charge fees to a credit card. If credit card information is provided on a form or document other than a form provided by the Office for the payment of fees by credit card, the Office will not be liable if the credit card number becomes public knowledge.

■ 3. Section 1.25 is amended by revising paragraph (c)(2) to read as follows:

**§ 1.25 Deposit accounts.**

\* \* \* \* \*

(c) \*\*\*  
(2) A payment to replenish a deposit account may be submitted by electronic funds transfer over the Office's Internet Web site ([www.uspto.gov](http://www.uspto.gov)).

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**PART 2—RULES OF PRACTICE IN TRADEMARK CASES**

■ 1. The authority citation for 37 CFR part 2 continues to read as follows:

**Authority:** 35 U.S.C. 2, unless otherwise noted.

■ 2. Section 2.207 is amended by revising paragraph (b) to read as follows:

**§ 2.207 Methods of payment.**

\* \* \* \* \*

(b) Payments of money required for trademark fees may also be made by credit card, except for replenishing a deposit account. Payment of a fee by credit card must specify the amount to be charged to the credit card and such other information as is necessary to process the charge, and is subject to collection of the fee. The Office will not accept a general authorization to charge fees to a credit card. If credit card information is provided on a form or document other than a form provided by the Office for the payment of fees by

credit card, the Office will not be liable if the credit card number becomes public knowledge.

■ 3. Section 2.208 is amended by revising paragraph (c)(2) to read as follows:

**§ 2.208 Deposit accounts.**

\* \* \* \* \*

(c) \*\*\*  
(2) A payment to replenish a deposit account may be submitted by electronic funds transfer over the Office's Internet Web site ([www.uspto.gov](http://www.uspto.gov)).

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Dated: July 14, 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. 04-16753 Filed 7-21-04; 8:45 am]  
**BILLING CODE 3510-16-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[TX-165-1-7610; FRL-7788-2]

**Approval and Promulgation of Implementation Plans; Texas; Revisions to Regulations for Control of Air Pollution by Permits for New Sources and Modifications Including Incorporation of Marine Vessel Emissions in Applicability Determinations**

**AGENCY:** Environmental Protection Agency (EPA).  
**ACTION:** Final rule.

**SUMMARY:** EPA is taking final action to approve revisions to the Texas State Implementation Plan (SIP). This includes revisions that the Texas Commission on Environmental Quality (TCEQ) submitted to EPA on September 16, 2002, to revise the definitions of "building, structure, facility, or installation" and "secondary emissions." This also includes revisions to incorporate updated Federal regulation citations. This action is being taken under section 110 of the Federal Clean Air Act, as amended (the Act or CAA).

**DATES:** This rule is effective on September 20, 2004.

**ADDRESSES:** Copies of the documents relevant to this action are in the official file which is available at the Air Planning Section (6PD-L), Environmental Protection Agency, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733. The file will be made

available by appointment for public inspection in the Region 6 FOIA Review Room between the hours of 8:30 a.m. and 4:30 p.m. weekdays except for legal holidays. Contact the person listed in the **FOR FURTHER INFORMATION CONTACT** paragraph below or Mr. Bill Deese at (214) 665-7253 to make an appointment. If possible, please make the appointment at least two working days in advance of your visit. There will be a 15 cent per page fee for making photocopies of documents. On the day of the visit, please check in at the EPA Region 6 reception area at 1445 Ross Avenue, Suite 700, Dallas, Texas.

Copies of any State submittals and EPA's technical support document are also available for public inspection at the State Air Agency listed below during official business hours by appointment: Texas Commission on Environmental Quality, Office of Air Quality, 12124 Park 35 Circle, Austin, Texas 78753.

**FOR FURTHER INFORMATION CONTACT:** Stephanie Kordzi, Air Permits Section (6PD-R), Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733, telephone (214) 665-7520; fax number (214) 665-6762; e-mail address [kordzi.stephanie@epa.gov](mailto:kordzi.stephanie@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document "we," "us," or "our" means EPA.  
*Outline:*

- I. What State Rules Are Being Addressed in the Document?
- II. What Is the Legal Basis for EPA's Proposed Approval of These State Rules?
- III. Have the Requirements for Approval of a SIP Revision Been Met?
- IV. Final Action
- V. Statutory and Executive Order Reviews

**I. What State Rules Are Being Addressed in This Document?**

In today's action we are approving into the Texas SIP revisions to Title 30 of the Texas Administrative Code (30 TAC) sections 116.12, Nonattainment Review Definitions; 116.160, Prevention of Significant Deterioration Requirements; and 116.162, Evaluation of Air Quality Impacts. The TCEQ adopted these revisions on October 10, 2001, and submitted the revisions to us for approval as a revision to the SIP on September 16, 2002.

*30 TAC Section 116.12—Nonattainment Review.* The previous State version of this section, which is the existing SIP-approved version (see 65 FR 43994, July 17, 2000), excludes the "activities of any vessel" from the definition of "building, structure, facility, or installation." The revised