

significant impact have been prepared and are available in the docket for inspection or copying where indicated under ADDRESSES. The Coast Guard has concluded that this proposed action would not significantly affect the quality of the human environment.

List of Subjects in 33 CFR Part 100

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

Proposed Regulations

In consideration of the foregoing, the Coast Guard is proposing to amend Part 100 of Title 33, Code of Federal Regulations, as follows:

PART 100—[AMENDED]

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

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. A new section § 100.718 is added to read as follows:

§ 100.718 Annual Suncoast Kilo Run; Sarasota Bay, Sarasota, FL.

(a) *Regulated area.* The regulated area is established in Sarasota Bay with the northwest corner pint at Whale Key, position 27°23'53" N, 82°37'46" W, extending to the northeast corner point at Bayshore Gardens Channel, position 27°25'11" N, 82°35'45" W, then extending to the southeast corner point at Whitaker Bayou, position 27°21'22" N, 82°33'14" W, and then to the southwest corner point at Quick Point, position 27°20'18" N, 82°34" W. All coordinates referenced use datum: NAD 83.

(b) *Special local regulations.* (1) In accordance with these regulations, the regulated area is designated as a "no wake" zone. Spectator craft are permitted into the area, but are prohibited from entering the race course areas described in (b)(2) of this section.

(2) Inside the "no wake" zone are two designated areas surrounding the primary and alternate race courses. Primary course "A" is bounded by a line connecting the northeast corner point at position 27°22'10" N, 82°36'09" W, a southeast corner point at position 27°21'31" N, 82°35'37" W, a southwest corner point at position 27°21'27" N, 82°35'48" W, and a northwest corner point at position 27°22'05" N, 82°36'16" W. Alternate course "B" is bounded by a line connecting the northeast corner point at position 27°23'11" N, 82°34'31" W, a southeast corner point at position 27°22'35" N, 82°34'03" W, a southwest corner point at position 27°22'31" N, 82°34'08" W, and northwest corner

point at position 27°23'09" N, 82°34'38" W. All coordinates referenced use datum: NAD 83.

(3) Entry into the regulated area shall be in accordance with this section.

(c) *Effective date.* This section is effective at 8 a.m. and terminates at 1 p.m. EDT, annually during the first Friday of July.

2. A new section § 100.719 is added to read as follows:

§ 100.719 Annual Suncoast Offshore Challenge; Gulf of Mexico, Sarasota, FL.

(a) *Regulated area.* The regulated area is established by a line drawn from the start/finish position 27°19.15' N, 82°35.90' W, thence to position 27°18.81' N, 82°34.90' W, thence to position 27°18.21' N, 82°34.48' W, thence to position 27°16.43' N, 82°34.99' W, thence to position 27°15.70' N, 82°34.29' W, thence to position 27°15.86' N, 82°33.44' W, thence to position 27°14.73' N, 82°32.37' W, thence to position 27°14.62' N, 82°32.54' W, thence to position 27°14.93' N, 82°35.25' W, thence to position 27°20.03' N, 82°37.38' W, thence to position 27°20.32' N, 82°37.16' W, thence back to the start/finish position. All coordinates referenced use datum: NAD 1983.

(b) *Special local regulations.* (1) No anchoring will be permitted seaward of the shoreside boundaries of the regulated area out to three nautical miles from shore, from 10 a.m. to 4 p.m. EDT, annually on the first Saturday of July.

(2) Anchoring for spectators will be permitted shoreward of the shoreside boundaries of the regulated area.

(3) All vessel traffic, not involved with the Suncoast Offshore Challenge, exiting New Pass between 11 a.m. and 4 p.m. EDT will exit at New Pass Channel daybeacon #3 (27°26.46' N, 82°41.7' W, LLNR 18100) and #4 (27°26.4' N, 82°41.68' W, LLNR 18105), and shall proceed in a northerly direction shoreward of spectator craft taking action to avoid a close-quarters situation until finally past and clear of the racecourse. All coordinates referenced use datum: NAD 1983.

(4) Big Sarasota Pass will be closed to all inbound and outbound vessel traffic, other than spectator craft, from 10 a.m. to 4 p.m. EDT.

(5) Entry into the regulated area shall be in accordance with this regulation. Spectator vessels will stay clear of race area at all times.

(c) *Effective date.* This section is effective at 10 a.m. and terminates at 4 p.m. EDT, annually during the first Saturday of July.

2. A new section § 100.720 is added to read as follows:

§ 100.720 Annual Suncoast Offshore Grand Prix; Gulf of Mexico, Sarasota, FL.

(a) *Regulated area.* The regulated area is established by a line drawn from the start/finish position 27°19.15' N, 82°35.90' W, thence to position 27°18.81' N, 82°34.90' W, thence to position 27°18.81' N, 82°34.48' W, thence to position 27°16.43' N, 82°34.99' W, thence to position 27°15.70' N, 82°34.29' W, thence to position 27°15.86' N, 82°33.44' W, thence to position 27°14.73' N, 82°32.37' W, thence to position 27°14.62' N, 82°32.54' W, thence to position 27°14.93' N, 82°35.25' W, thence to position 27°20.03' N, 82°37.38' W, thence to position 27°20.32' N, 82°37.16' W, thence back to the start/finish position. All coordinates referenced use datum: NAD 1983.

(b) *Special local regulations.* (1) No anchoring will be permitted seaward of the shoreside boundaries of the regulated area out to three nautical miles from shore, from 10 a.m. to 4 p.m. EDT.

(2) Anchoring for spectators will be permitted shoreward of the shoreside boundaries of the regulated area.

(3) All vessel traffic not involved with the Suncoast Offshore Grand Prix, exiting New Pass between 10 a.m. and 4 p.m. EDT will exit at New Pass Channel daybeacon #3 (27°26.46' N, 82°41.7' W, LLNR 18100) and #4 (27°26.4' N, 82°41.68' W, LLNR 18105), and shall proceed in a northerly direction shoreward of spectator craft taking action to avoid a close-quarters situation until finally past and clear of the racecourse. All coordinates referenced use datum: NAD 83.

(4) Big Sarasota Pass will be closed to all inbound and outbound vessel traffic, other than spectator craft, from 10 a.m. to 4 p.m. EDT.

(5) Entry into the regulated area shall be in accordance with this regulation. Spectator craft will stay clear of race area at all times.

(c) *Effective date.* This section is effective at 10 a.m. and terminates at 4 p.m. EDT, annually during the first Sunday of July.

Dated: April 23, 1996.

Roger T. Rufe, Jr.,

Commander, Seventh Coast Guard District.

[FR Doc. 96-10660 Filed 4-30-96; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 117**[CGD8-95-026]****RIN 2115-AE47****Drawbridge Operation Regulation;
Bonfouca Bayou, LA****AGENCY:** Coast Guard, DOT.**ACTION:** Notice of proposed rulemaking.

SUMMARY: At the request of the Louisiana Department of Transportation and Development (LDOTD), the Coast Guard is proposing a change to the regulation governing the operation of the swing span drawbridge across Bonfouca Bayou, mile 7.0, at Slidell, St. Tammany Parish, Louisiana. The proposed regulation would require that from 6 a.m. to 9 a.m. and from 3 p.m. to 6 p.m., peak vehicular traffic periods, Monday through Friday, except Federal holidays, the draw will remain closed to navigation. From 9 p.m. to 5 a.m. the bridge will be opened for vessel passage if at least 12 hours notice is given. Presently, the draw is required to open on signal; except that, from 6 a.m. to 9 a.m. and from 3 p.m. to 6 p.m., Monday through Friday except Federal holidays, the draw opens on the hour and half hour and the draw opens on demand from 9 p.m. to 5 a.m. if at least 12 hours advance notice is given. This change will relieve vehicular traffic congestion that has increased dramatically during recent years, and still provide for the reasonable needs of navigation.

DATES: Comments must be received on or before July 1, 1996.

ADDRESSES: Comments should be mailed to Commander (ob), Eighth Coast Guard District, 501 Magazine Street, New Orleans, Louisiana 70130-3396, or may be delivered to Room 1313 at the same address between 8:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. The telephone number is (504) 589-2965.

FOR FURTHER INFORMATION CONTACT: Mr. Phil Johnson, Bridge Administration Branch, at the address given above, telephone (504) 589-2965.

SUPPLEMENTARY INFORMATION:**Request for Comments**

Interested parties are invited to participate in the proposed rulemaking by submitting written views, comments, or arguments. Persons submitting comments should include their names and addresses, identify the bridge and give reasons for concurrence with or any recommended change in this proposal. Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Eighth Coast Guard District at the address under **ADDRESSES**. The request should include reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the Federal Register.

The Commander, Eighth Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal. The proposal regulation may be changed in the light of comments received.

Discussion of Proposed Rules

The present regulation requires that the bridge remain closed to navigation from 6 a.m. to 9 a.m. and 3 p.m. to 6 p.m., Monday through Friday except Federal holidays with the draw opening on the half hour during these periods. The Louisiana Department of Transportation and Development with the support of Congressman Robert L. Livingston and many other parish and city officials, has requested the elimination of the opening on the half hour in order to enhance vehicular traffic to cross the bridge during the peak vehicular traffic periods. Mariners will be able to adjust to the new closures with little or no inconvenience.

The Bonfouca Bayou, swingspan bridge at mile 7.0, at Slidell, St. Tammany Parish, Louisiana, has 3.5 feet vertical clearance above high tide in the closed to navigation position and 6.7 feet above low tide at the pivot pier, and 8.2 feet clearance above high tide and 11.4 feet above low tide at the rest pier. Navigation on the waterway consists of tugs with tows, fishing vessels, sailing vessels, and recreational craft. Data provided by LDOTD show that from September 1994 through September 1995, the number of vessels that passed the bridge during the proposed closure periods averaged 1.8 vessels per day.

Data provided also shows that approximately 1532 vehicles cross the bridge during the proposed 6 a.m. to 9 a.m. closure and approximately 2261 vehicles cross the bridge during the proposed 3 p.m. to 6 p.m. closure. Delays to this amount of vehicular traffic paralyze this section of the city for many hours.

Regulatory Evaluation

This proposal is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential cost

and benefits under section 6(a)(3) of that order. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979).

The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal, if adopted, will have a significant economic impact on a substantial number of small entities. "Small entities" may include (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000.

Since the proposed rule also considers the needs of local commercial fishing vessels, the economic impact is expected to be minimal. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This proposal contains no collection-of-information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism Implications

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this proposal and concluded that under paragraph 2.B.2. of Commandant Instruction M16475.1B, this proposal is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons set out in the preamble, the Coast Guard proposes to amend part 117 of title 33, Code of Federal Regulations, as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. Section 117.433 is revised to read as follows:

§ 117.433 Bonfouca Bayou.

The draw of the S433 bridge, mile 7.0, at Slidell, shall open on signal; except that, from 9 p.m. to 5 a.m., the draw shall open on signal if at least 12 hours notice is given. From 6 a.m. to 9 a.m. and from 3 p.m. to 6 p.m. Monday through Friday except Federal holidays, the draw need not be opened for the passage of vessels.

Dated: January 25, 1996.

R.C. North,

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

[FR Doc. 96–10821 Filed 4–30–96; 8:45 am]

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DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 1

[Docket No. 960417113–6113–01]

RIN 0651–AA82

Revision of Patent Fees for Fiscal Year 1997

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Patent and Trademark Office (PTO) is proposing to amend the rules of practice in patent cases, Part 1 of title 37, Code of Federal Regulations, to adjust certain patent fee amounts to reflect fluctuations in the Consumer Price Index (CPI) and to recover costs of operation.

DATES: Written comments must be submitted on or before June 5, 1996.

A public hearing will be held on Wednesday, June 5, 1996, at 9:00 a.m.

Requests to present oral testimony should be received on or before June 4, 1996.

ADDRESSES: Address written comments and requests to present oral testimony to the Commissioner of Patents and

Trademarks, Washington, DC 20231, Attention: Robert Kopson, suite 1107, Crystal Park 1, or by fax to (703) 305–8525.

The hearing will be held in suite 912 of Crystal Park 2, located at 2121 Crystal Drive, Arlington, Virginia.

Written comments and a transcript of the hearing will be available for public inspection in suite 1107 of Crystal Park 1, located at 2011 Crystal Drive, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Robert Kopson by telephone at (703) 305–8510, fax at (703) 305–8525, or by mail marked to his attention and addressed to the Commissioner of Patents and Trademarks, Washington, DC 20231.

SUPPLEMENTARY INFORMATION: This proposed rule change is designed to adjust PTO fees in accordance with the applicable provisions of title 35, United States Code; and section 10101 of the Omnibus Budget Reconciliation Act of 1990 (as amended by section 8001 of Public Law 103–66), all as amended by the Patent and Trademark Office Authorization Act of 1991 (Public Law 102–204).

Background

Statutory Provisions

Patent fees are authorized by 35 U.S.C. 41 and 35 U.S.C. 376. A fifty percent reduction in the fees paid under 35 U.S.C. 41(a) and (b) by independent inventors, small business concerns, and nonprofit organizations who meet prescribed definitions is required by 35 U.S.C. 41(h).

Subsection 41(f) of title 35, United States Code, provides that fees established under 35 U.S.C. 41(a) and (b) may be adjusted on October 1, 1992, and every year thereafter, to reflect fluctuations in the Consumer Price Index for all urban consumers (CPI-U) over the previous 12 months.

Section 10101 of the Omnibus Budget Reconciliation Act of 1990 (amended by section 8001 of Public Law 103–66) provides that there shall be a surcharge on all fees established under 35 U.S.C. 41(a) and (b) to collect \$115 million in fiscal year 1997.

Subsection 41(d) of title 35, United States Code, authorizes the Commissioner to establish fees for all other processing, services, or materials related to patents to recover the average cost of providing these services or materials, except for the fees for recording a document affecting title, for each photocopy, and for each black and white copy of a patent.

Section 376 of title 35, United States Code, authorizes the Commissioner to

set fees for patent applications filed under the Patent Cooperation Treaty (PCT).

Subsection 41(g) of title 35, United States Code, provides that new fee amounts established by the Commissioner under section 41 may take effect thirty days after notice in the Federal Register and the Official Gazette of the Patent and Trademark Office.

Recovery Level Determinations

This proposed rule adjusts patent fees for a planned recovery of \$716,723,000 in fiscal year 1997, as proposed in the Administration's budget request to the Congress.

The patent statutory fees established by 35 U.S.C. 41(a) and (b) are proposed to be adjusted on October 1, 1996, to reflect any fluctuations occurring during the previous 12 months in the Consumer Price Index for all urban consumers (CPI-U). In calculating these fluctuations, OMB has determined that the PTO should use CPI-U data as determined by the Secretary of Labor. However, the Department of Labor does not make public the CPI-U until approximately 21 days after the end of the month being calculated. Therefore, the latest CPI-U information available is for the month of February 1996. In accordance with previous rulemaking methodology, the PTO uses the Administration's projected CPI-U for the 12-month period ending September 30, 1996, which is 3.1 percent. Based on this projection, patent statutory fees are proposed to be adjusted by 3.1 percent. Before the final fee schedule is published, the fees may be adjusted slightly based on updated data available from the Department of Labor.

Certain non-statutory patent processing fees established under 35 U.S.C. 41(d) and PCT processing fees established under 35 U.S.C. 376 are proposed to be adjusted to recover their estimated average costs in fiscal year 1996. Three patent service fees that are set by statute will not be adjusted. The three fees that are not being adjusted are assignment recording fees, printed patent copy fees and photocopy charge fees.

The proposed fee amounts were rounded by applying standard arithmetic rules so that the amounts rounded would be convenient to the user. Fees of \$100 or more were rounded to the nearest \$10. Fees between \$2 and \$99 were rounded to an even number so that any comparable small entity fee would be a whole number.