

TABLE 1.—OMB CONTROL NUMBERS—Continued

30 CFR Citation	OMB Control No.
77.1201 .....	1219-0073
77.1202 .....	1219-0073
77.1404 .....	1219-0034
77.1432 .....	1219-0034
77.1433 .....	1219-0034
77.1702 .....	1219-0078
77.1713 .....	1219-0083
77.1900 .....	1219-0019
77.1901 .....	1219-0082
77.1906 .....	1219-0034
77.1909-1 .....	1219-0025
90.201(c) .....	1219-0011
90.202 .....	1219-0011
90.204 .....	1219-0011
90.209 .....	1219-0011
90.220 .....	1219-0011
90.300 .....	1219-0011

TABLE 1.—OMB CONTROL NUMBERS—Continued

30 CFR Citation	OMB Control No.
90.301 .....	1219-0011

[FR Doc. 03-16352 Filed 6-27-03; 8:45 am]  
BILLING CODE 4510-43-P

**DEPARTMENT OF DEFENSE**

**Office of the Secretary**

**32 CFR Ch. I**

**Establishment of New Subchapter B—Military Commissions**

**AGENCY:** Department of Defense.

**ACTION:** Final rule.

**SUMMARY:** This rule is being published to establish a new Subchapter B—Military Commissions in chapter I of subtitle A of title 32 of the Code of Federal Regulations and to redesignate existing subchapters B through K.

**EFFECTIVE DATE:** This rule is effective June 30, 2003.

**FOR FURTHER INFORMATION CONTACT:** Patricia Toppings, 703-601-4731.

■ Accordingly, by the authority of 10 U.S.C. 301, title 32, subtitle A, chapter I, is amended as follows:

■ 1. Redesignate existing subchapters B through K as follows:

Existing subchapter	Re-designated subchapter
SUBCHAPTER B—DOD GRANT AND AGREEMENT REGULATIONS	SUBCHAPTER C—DOD GRANT AND AGREEMENT REGULATIONS
SUBCHAPTER C—PERSONNEL, MILITARY AND CIVILIAN	SUBCHAPTER D—PERSONNEL, MILITARY AND CIVILIAN
SUBCHAPTER D—REGULATIONS PERTAINING TO MILITARY JUSTICE.	SUBCHAPTER E—REGULATIONS PERTAINING TO MILITARY JUSTICE
SUBCHAPTER E—SECURITY	SUBCHAPTER F—SECURITY
SUBCHAPTER F—DEFENSE CONTRACTING	SUBCHAPTER G—DEFENSE CONTRACTING
SUBCHAPTER G—CLOSURES AND REALIGNMENT	SUBCHAPTER H—CLOSURES AND REALIGNMENT
SUBCHAPTER H—CIVIL DEFENSE	SUBCHAPTER I—CIVIL DEFENSE
SUBCHAPTERS I-K—[RESERVED]	SUBCHAPTERS J-K—[RESERVED]
SUBCHAPTER L—ENVIRONMENT	SUBCHAPTER L—ENVIRONMENT

■ 2. Remove parts 9 through 20 from Subchapter A.

■ 3. Add a new Subchapter B as follows:

**SUBCHAPTER B—MILITARY COMMISSIONS**

*Part*

- 9 Procedures for Trails by Military Commissions of Certain Non-United States Citizens in the War Against Terrorism
- 10 Military Commission Instructions
- 11 Crimes and Elements of Trails by Military Commission
- 12 Responsibilities of the Chief Prosecutor, Prosecutors, and Assistant Prosecutors
- 13 Responsibilities of the Chief Defense Counsel, Detailed Defense Counsel, and Civilian Defense Counsel
- 14 Qualification of Civilian Defense Counsel
- 15 Reporting Relationships for Military Commission Personnel
- 16 Sentencing
- 17 Administrative Procedures
- 18-20 [RESERVED]

Dated: June 24, 2003.

**Patricia L. Toppings,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 03-16389 Filed 6-27-03; 8:45 am]

BILLING CODE 5001-08-M

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 165**

[CGD09-03-223]

RIN 1625-AA00

**Safety Zone; Lake Michigan, Chicago, IL**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for the Taste of Chicago fireworks in Chicago, Illinois. This safety zone is necessary to protect vessels and spectators from potential airborne hazards during a planned fireworks display over Lake Michigan. The safety zone is intended to restrict vessels from a portion of Lake Michigan off Chicago, Illinois.

**DATES:** This rule is effective from 9 p.m. (local) to 10 p.m. (local), July 3, 2003.

**ADDRESSES:** Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket [CGD09-03-223] and are available for inspection or copying at

Marine Safety Office Chicago, 215 W. 83rd Street, Suite D, Burr Ridge, Illinois 60527, between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** MST2 Kenneth Brockhouse, U.S. Coast Guard Marine Safety Office Chicago, at (630) 986-2125.

**SUPPLEMENTARY INFORMATION:**

**Regulatory Information**

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. The permit application was not received in time to publish an NPRM followed by a final rule before the effective date. Delaying this rule would be contrary to the public interest of ensuring the safety of spectators and vessels during this event and immediate action is necessary to prevent possible loss of life or property. For the same reasons, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. The Coast Guard has not received any complaints or negative comments previously with regard to this event.

## Background and Purpose

This temporary safety zone is necessary to ensure the safety of vessels and spectators from hazards associated with a fireworks display. Based on recent accidents that have occurred in other Captain of the Port zones, and the explosive hazards of fireworks, the Captain of the Port Chicago has determined fireworks launches in close proximity to watercraft pose significant risk to public safety and property. The likely combination of large numbers of recreation vessels, congested waterways, darkness punctuated by bright flashes of light, alcohol use, and debris falling into the water could easily result in serious injuries or fatalities. Establishing a safety zone to control vessel movement around the location of the launch platform will help ensure the safety of persons and property at these events and help minimize the associated risks.

## Discussion of Rule

The safety zone for the Taste of Chicago Fireworks will encompass all waters of Lake Michigan bounded by the arc of a circle with a 1000-foot radius with its center in the approximate position 41°52'7" N, 087°35'65" W. These coordinates are based upon the North American Datum 1983 (NAD 83).

All persons shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Chicago, or his designated on scene representative may be contacted via VHF Channel 16.

## Regulatory Information

This temporary final rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. It is not "significant" under the regulatory policies and procedures of the Department of Homeland Security (DHS).

We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary.

This determination is based on the minimal time that vessels will be restricted from the zone and that the zone is an area where the Coast Guard expects insignificant adverse impact to mariners from the zones' activation.

## Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this temporary final rule would have a significant impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule would not have a significant economic impact on a substantial number of small entities.

This rule will affect the following entities: the owners or operators of vessels intending to transit or anchor in a portion of Lake Michigan from 9 p.m. to 10 p.m., July 3, 2003. This regulation would not have a significant economic impact for the following reasons. The regulation is only in effect for one hour on one day. The designated area is being established to allow for maximum use of the waterway for commercial vessels to enjoy the fireworks display in a safe manner. In addition, commercial vessels transiting the area can transit around the area. The Coast Guard will give notice to the public via a Broadcast to Mariners that the regulation is in effect.

## Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

## Collection of Information

This temporary final rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

## Federalism

We have analyzed this rule under Executive Order 13132, Federalism, and have determined that this rule does not

have implications for federalism under that Order.

## Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. Though this rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

## Taking of Private Property

This temporary final 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.

## Environment

We have considered the environmental impact of this rule and concluded that under figure 2–1, paragraph (34)(g), of Commandant Instruction Manual M16475.IC, this rule is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under **ADDRESSES**.

## Energy Effects

We have analyzed this temporary final 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. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

#### List of Subjects in 33 CFR Part 165

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

■ For the reasons set out 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. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.

■ 2. A new temporary § 165.T09–223 is added to read as follows:

#### § 165.T09–223 Safety Zone: Lake Michigan, Chicago, IL.

(a) *Location.* The following area is designated a safety zone: the waters of Lake Michigan within the arc of a circle with a 1000-foot radius with its center in the approximate position of 41°52'07" N, 087°35'65" W. (NAD 1983).

(b) *Effective period.* This section is effective from 9 p.m. (local) until 10 p.m. (local), on July 3, 2003.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Coast Guard Captain of the Port, Chicago, or the designated Patrol Commander.

Dated: June 12, 2003.

**Lynn M. Henderson,**  
Commander, U.S. Coast Guard, Acting  
Captain of the Port Chicago.

[FR Doc. 03–16458 Filed 6–27–03; 8:45 am]

BILLING CODE 4910–15–U

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

#### 37 CFR Part 1

[Docket No.: 2003–P–007]

RIN 0651–AB59

#### Changes To Implement Electronic Maintenance of Official Patent Application Records

**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 in patent cases as part of its 21st Century Strategic Plan to implement beginning-to-end electronic image processing of patent applications. Specifically, the changes adopted in this notice facilitate electronic image data capture and processing, streamline the patent application process, and simplify and clarify the pertinent provisions of the rules of practice.

**DATES:** *Effective Date:* July 30, 2003.

*Applicability date:* The changes apply to any paper filed in the Office on or after July 30, 2003. Further, the revisions to §§ 1.3, 1.14(a) through (d) and (f) through (h), 1.59 and 1.99 apply to all patent applications filed before, on, or after July 30, 2003.

**FOR FURTHER INFORMATION CONTACT:** Jay Lucas (703) 308–6868 or Robert Clarke (703) 305–9177, Senior Legal Advisors, or Robert J. Spar (703) 308–5107, Director, Office of Patent Legal Administration (OPLA), directly by phone. Questions may also be submitted in writing to Mail Stop Comments—Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313–1450; by electronic mail sent to [robert.clarke@uspto.gov](mailto:robert.clarke@uspto.gov); or by facsimile to (703) 872–9411.

**SUPPLEMENTARY INFORMATION:** The Office is increasing the integrity of its internal patent application record maintenance by adopting a new electronic data processing system for the storage and maintenance of all the records associated with patent applications. Because the system is consistent with the data processing system used by the European Patent Office (EPO), it will also improve information exchange among the intellectual property (IP) offices.

The system will use image technology to replace the standard paper processing of patent applications currently used in the Office. The paper components of the patent application file contents (including the specification, oath or declaration, drawings, information disclosure statements, amendments, Office actions, and file jacket notations) of pending applications will be scanned into electronic image files. Thereafter, all processing and examination by all Office personnel will be conducted with the electronic image files, instead of the paper source documents.

The system will affect applicants minimally during the patent application process, because the program affects internal operations and not external communications. Applicants may

continue to send and receive correspondence in paper form, although the Office encourages use of the existing alternative electronic filing system resources for application filings and certain information disclosure statement submissions. The changes to the rules of practice in title 37 of the Code of Federal Regulations (CFR) are designed to improve internal operation by the use of the electronic image format, primarily by easing the requirements upon applicants in amendment practice and information disclosure statement submissions. The electronic nature of patent records will permit their viewing by the public through the Patent Application Information Retrieval (PAIR) system, which has a number of advantages: (1) It provides notice to applicants of certain examination processing activities (e.g., mailing of Office actions); (2) it assures confidence in the integrity of the Office records; (3) it reduces the handling of the records; and (4) it allows parallel processing of the application by various parts of the Office.

The technology and procedures for the new system are similar to those used at the EPO, but adapted to the Office's legal requirements and existing computer systems. The Office announced a prototype program in December of 2002. See *USPTO Announces Prototype of Image Processing*, 1265 *Off. Gaz. Pat. Office* 87 (Dec. 17, 2002). The Office has incorporated the experience and lessons learned from this prototype program into a production system. See *Notification of United States Patent and Trademark Office Patent Application Records being Stored and Processed in Electronic Form*, 1271 *Off. Gaz. Pat. Office* 100 (June 17, 2003).

The electronic format of applications will reduce delays in moving information within the Office and between the Office, the applicant, other IP offices and other parties having authority to view the records. It will also reduce the potential for loss of records and misfiling, provide the capacity for multiple parties to access the records simultaneously, improve the efficiency of the publication process, and set the Office up for subsequent improvements in electronic communication related to applications between the Office, the applicant, and other parties.

It is also anticipated that the system will facilitate the sharing of information between the Office and other IP offices. The Office anticipates that agreements to electronically transmit priority documents to certain other IP offices as well as search results and other