

Mariners to publicize the decision to resume normal operations.

## PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

4. The authority for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

5. Add a new temporary section § 165–T11–0551 to read as follows:

### § 165–T11–0551 Safety Zone; America's Cup Sailing Events.

(a) *Definitions.* (1) *America's Cup Racing Vessel.* As used in this section, "America's Cup Racing Vessel" means an official competing vessel of the 34th America's Cup.

(2) *Patrol Commander.* As used in this section, "Patrol Commander" means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer, or a Federal, State, or local officer designated by the Captain of the Port San Francisco (COTP) to assist in the enforcement of the safety zone.

(b) *Location and enforcement period.* A safety zone extends 100 yards around America's Cup Racing Vessels between noon and 5 p.m. on the race days during the following dates: between August 11, 2012, and September 2, 2012; and between July 4, 2013, and September 24, 2013. Notice of the specific race dates will be issued via Broadcast Notice to Mariners and published by the Coast Guard in the **Federal Register**.

(c) *Regulations.* (1) The provisions of 33 CFR 165.23 apply to this safety zone. No person or vessel underway may enter or remain within 100 yards of an America's Cup Racing Vessel unless authorized by the Patrol Commander.

(2) This safety zone shall not relieve any vessel, including America's Cup Racing Vessels, from the observance of the Navigation Rules.

(3) To request authorization to operate within 100 yards of an America's Cup Racing Vessel, contact the Patrol Commander on VHF–FM Channel 23A.

(4) When conditions permit, the Patrol Commander should:

(i) Permit vessels constrained by their navigational draft or restricted in their ability to maneuver to pass within 100 yards of America's Cup Racing Vessels in order to ensure a safe passage in accordance with the Navigation Rules; and

(ii) Permit vessels anchored in a designated anchorage area to remain at anchor when within 100 yards of a passing America's Cup Racing Vessel.

Dated: January 23, 2012.

**Cynthia L. Stowe,**

*Captain, U.S. Coast Guard, Captain of the Port San Francisco.*

[FR Doc. 2012–1907 Filed 1–27–12; 8:45 am]

**BILLING CODE 9110–04–P**

## DEPARTMENT OF COMMERCE

### United States Patent and Trademark Office

#### 37 CFR Chapter I

[Docket No.: PTO–P–2012–0002]

### Patent Public Advisory Committee Public Hearings on the Proposed Patent Fee Schedule

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

**ACTION:** Notice of Public Hearings.

**SUMMARY:** Under Section 10 of the America Invents Act (AIA), the United States Patent and Trademark Office (USPTO) may set or adjust by rule any patent or trademark fee established, authorized, or charged under Title 35 of the United States Code or the Trademark Act of 1946, respectively. The USPTO currently is planning to set or adjust patent fees pursuant to its Section 10 fee setting authority. As part of the rulemaking process to set or adjust patent fees, the Patent Public Advisory Committee (PPAC) is required under Section 10 of the AIA to hold a public hearing about any proposed patent fees, and the USPTO is required to assist PPAC in carrying out that hearing. To that end, the USPTO will make its proposed patent fees available as set forth in the Supplementary Information section of this Notice before any PPAC hearing and will help the PPAC to notify the public about the hearing. Accordingly, this document announces the dates and logistics for two PPAC public hearings regarding USPTO proposed patent fees. Interested members of the public are invited to testify at the hearing and/or submit written comments about the proposed patent fees and the questions posed on PPAC's Web site about the proposed fees.

**DATES:** *Public hearings:* February 15 and 23, 2012.

*Comments:* For those wishing to submit written comments, but not requesting an opportunity to testify at either public hearing, the deadline for receipt of those written comments is February 29, 2012.

*Oral testimony:* Those wishing to present oral testimony at either hearing

must request an opportunity to do so in writing no later than February 8, 2012.

*Pre-scheduled speakers:* Pre-scheduled speakers providing testimony at the hearings should submit a written copy of their testimony for inclusion in the record of the proceedings no later than February 29, 2012.

**ADDRESSES:** *Public hearings:* The PPAC will hold public hearings on Wednesday, February 15, 2012, beginning at 8 a.m., Eastern Standard Time (EST), and ending at 3 p.m., EST, at the USPTO, Madison Auditorium, Concourse Level, Madison Building, 600 Dulany Street, Alexandria, Virginia 22314, and on Thursday, February 23, 2012, beginning at 8 a.m., Pacific Standard Time (PST), and ending at 3 p.m., PST, at the Sunnyvale Public Library, 665 W. Olive Avenue, Sunnyvale, California 94086.

*Email:* Written comments should be sent by email addressed to [fee.setting@uspto.gov](mailto:fee.setting@uspto.gov).

*Postal mail:* Comments may also be submitted by postal mail addressed to: United States Patent and Trademark Office, Mail Stop CFO, P.O. Box 1450, Alexandria, VA 22313–1450, ATTN: Michelle Picard. Although comments may be submitted by postal mail, the USPTO prefers to receive comments via email. Written comments should be identified in the subject line of the email or postal mailing as "Fee Setting." Because comments will be made available for public inspection, information that is not desired to be made public, such as an address or telephone number, should not be included in the comments.

*Web cast:* The public hearings will be available via Web cast. Information about the Web cast will be posted on the USPTO's Internet Web site (address: [www.uspto.gov/americaninventsact](http://www.uspto.gov/americaninventsact)) before the public hearing.

*Transcripts:* Transcripts of the hearings will be available on the USPTO Internet Web site ([www.uspto.gov/americaninventsact](http://www.uspto.gov/americaninventsact)) shortly after the hearings.

**FOR FURTHER INFORMATION CONTACT:** Michelle Picard, Office of the Chief Financial Officer, by phone (571) 272–6354, or by email at [michelle.picard@uspto.gov](mailto:michelle.picard@uspto.gov); or Janet Gongola, Office of the Under Secretary and Director, by phone at (571) 272–8734, or by email at [janet.gongola@uspto.gov](mailto:janet.gongola@uspto.gov).

**SUPPLEMENTARY INFORMATION:** Requests to testify should indicate the following: (1) The name of the person wishing to testify; (2) the person's contact information (telephone number and email address); (3) the organization(s)

the person represents, if any; and (4) an indication of the amount of time needed for the testimony. Requests to testify must be submitted by email to Jennifer Lo at [Jennifer.Lo@uspto.gov](mailto:Jennifer.Lo@uspto.gov). Based upon the requests received, an agenda for witness testimony will be sent to testifying requesters and posted on the USPTO Internet Web site (address: [www.uspto.gov/americaninventsact](http://www.uspto.gov/americaninventsact)). If time permits, the PPAC may permit unscheduled testimony as well.

Effective September 16, 2011, with the passage of the AIA, the USPTO is authorized under Section 10 of the AIA to set or adjust by rule all patent and trademark fees established, authorized, or charged under Title 35 of the United States Code and the Trademark Act of 1946, respectively. Patent and trademark fees set or adjusted by rule under Section 10 of the AIA may only recover the aggregate estimated costs to the Office for processing, activities, services, and materials relating to patents and trademarks, respectively, including administrative costs of the Office with respect to each as the case may be.

Congress set forth the process for the USPTO to follow in setting or adjusting patent and trademark fees by rule under Section 10 of the AIA. Congress requires the relevant advisory committee to hold a public hearing about the USPTO fee proposals after receiving them from the agency. Congress likewise requires the relevant advisory committee to prepare a written report on the proposed fees and the USPTO to consider the relevant advisory committee's report before finally setting or adjusting the fees. Further, Congress requires the USPTO to publish its proposed fees and supporting rationale in the **Federal Register** and give the public not less than 45 days in which to submit comments on the proposed change in fees. Finally, Congress requires the USPTO to publish its final rule setting or adjusting fees also in the **Federal Register**.

Presently, the USPTO is planning to exercise its fee setting authority to set or adjust patent fees. The USPTO will publish a proposed patent fee schedule and related supplementary information for public viewing no later than February 7, 2012, on the USPTO Internet Web site (address: [www.uspto.gov/americaninventsact](http://www.uspto.gov/americaninventsact)). In turn, the PPAC will hold two public hearings about the proposed patent fee schedule on the dates indicated herein. The USPTO will assist the PPAC in holding those hearings by providing resources to organize the hearings and by notifying the public about the

hearings, such as through this **Federal Register** Notice.

To gather information from the public about the USPTO's proposed patent fees, the PPAC will post specific questions for the public's consideration on the PPAC's Internet Web site (address: <http://www.uspto.gov/about/advisory/ppac>) after the USPTO publishes its proposed patent fee schedule. The public may wish to address those questions in its hearing testimony and/or in written comments submitted to PPAC as described herein.

Following the PPAC public hearing, the USPTO will publish a Notice of Proposed Rulemaking in the **Federal Register**, setting forth its proposed patent fees. The publication of that Notice will open a comment window through which the public may provide written comments directly to the USPTO. Additional information about public comment to the USPTO will be provided in the USPTO's Notice of Proposed Rulemaking.

Dated: January 24, 2012.

**David J. Kappos**,

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

[FR Doc. 2012-1939 Filed 1-27-12; 8:45 am]

**BILLING CODE 3510-16-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 52 and 81

[EPA-R04-OAR-2010-0255-201116; FRL-9624-2]

#### Air Quality Implementation Plans; Kentucky; Attainment Plan for the Kentucky Portion of the Huntington-Ashland 1997 Annual PM<sub>2.5</sub> Nonattainment Area

**AGENCY:** Environmental Protection Agency (EPA or Agency).

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve a state implementation plan (SIP) revision submitted by the Commonwealth of Kentucky, through the Kentucky Energy and Environment Cabinet, Division for Air Quality (DAQ), to EPA on December 3, 2008, for the purpose of providing for attainment of the 1997 fine particulate matter (PM<sub>2.5</sub>) national ambient air quality standards (NAAQS) in the Kentucky portion of the Huntington-Ashland, West Virginia-Kentucky-Ohio PM<sub>2.5</sub> nonattainment area (hereafter referred to as the "Huntington-Ashland Area" or "Area"). The Huntington-Ashland Area is

comprised of Boyd County and a portion of Lawrence County in Kentucky; Cabell and Wayne Counties and a portion of Mason County in West Virginia; and Lawrence and Scioto Counties and portions of Adams and Gallia Counties in Ohio. The Kentucky plan (hereafter referred to as the "attainment plan") pertains only to the Kentucky portion of the Huntington-Ashland Area. EPA is now proposing to approve Kentucky's submittal regarding reasonably available control technology (RACT) and reasonably available control measures (RACM); reasonable further progress (RFP); base-year and attainment-year emissions inventories; contingency measures; and, for transportation conformity purposes, an insignificance determination for PM<sub>2.5</sub> and nitrogen oxides (NO<sub>x</sub>) for the mobile source contribution to ambient PM<sub>2.5</sub> levels for the Commonwealth's portion of the Huntington-Ashland Area. This action is being taken in accordance with the Clean Air Act (CAA or Act) and the "Clean Air Fine Particle Implementation Rule," hereafter referred to as the "PM<sub>2.5</sub> Implementation Rule," issued by EPA on April 25, 2007. The States of West Virginia and Ohio have provided separate SIP revisions with attainment plans for their portions of the Huntington-Ashland Area. EPA will act on those SIP revisions in rulemaking separate from today's rulemaking.

**DATES:** Written comments must be received on or before February 29, 2012.

**ADDRESSES:** Submit your comments, identified by Docket ID Number EPA-R04-OAR-2010-0255 by one of the following methods:

1. *www.regulations.gov*: Follow the on-line instructions for submitting comments.
2. *Email*: [benjamin.lynora@epa.gov](mailto:benjamin.lynora@epa.gov).
3. *Fax*: (404) 562-9019.
4. *Mail*: EPA-R04-OAR-2010-0255, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303-8960.

5. *Hand Delivery or Courier*: Ms. Lynora Benjamin, Chief, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303-8960. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through