

February 26, 1979). The Coast Guard expects the economic impact of this regulation to be so minimal that a full Regulatory evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. Because the impact is expected to be minimal, the Coast Guard certifies that it will not have a significant economic impact on a substantial number of small entities.

Collection of Information

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

Federalism

The Coast Guard has analyzed this regulation under the principles and criteria contained in Executive Order 12612 and has determined that this regulation does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard has considered the environmental impact of this regulation and concluded that under section 2.B.2 of Commandant Instruction M16475.1b it will have no significant environmental impact and it is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 165

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

Regulation

In consideration of the foregoing, Subpart F of Part 165 of Title 33, Code of Federal Regulations, is amended as follows:

PART 165—[AMENDED]

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; 49 CFR 1.46.

2. A new section 165.T11–074 is added to read as follows:

§ 165.T11–074 Safety Zone: San Francisco Bay, CA

(a) *Location.* The following area is a safety zone: the waters of San Francisco Bay, California around the Coast Guard Cutter *Boutwell* which will be moored at the Coast Guard Island Pier, Alameda. The zone will encompass a water area extending 25 yards forward, aft, and to the outboard side of the ship which will be moored at the following location:

Latitude: 37°46'50"N, Longitude: 122°15'01"W. [Datum: NAD 83].

(b) *Effective Date.* This safety zone will be in effect on June 12, 1996, between 9:30 a.m., PDT, and 1:30 p.m., PDT, unless canceled earlier by the Captain of the Port.

(c) *Regulations.* In accordance with the general regulations in Section 164.23 of this part, entry into, transit through, or anchoring within this zone is prohibited unless authorized by the Captain of the Port.

Dated: May 28, 1996.
D.P. Montoro,
Captain, U.S. Coast Guard, Captain of the Port.
[FR Doc. 96–14862 Filed 6–11–96; 8:45 am]
BILLING CODE 4910–14–M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 1

RIN 2900–AI03

Inventions by Employees of Department of Veterans Affairs

AGENCY: Department of Veterans Affairs.
ACTION: Final rule.

SUMMARY: This document amends the regulations concerning inventions developed by employees of the Department of Veterans Affairs (VA). It adds the Federal Technology Transfer Act (FTTA) of the 1986 as an authority for these regulations. Also, it reflects changes in delegations of authority made by the Department of Commerce (DOC), the lead agency concerning patents and inventions. Further, it removes language in the VA regulations that is also set forth in DOC regulations. The DOC regulations are applicable to the Department without restatement in VA regulations. In addition, it makes changes to VA delegations of authority. Lastly, the amendments clarify procedures to be followed by VA employees in reporting inventions.
EFFECTIVE DATE: July 12, 1996.

FOR FURTHER INFORMATION CONTACT: Chuck Delobe, Deputy Assistant General Counsel (024B), Department of Veterans Affairs, 810 Vermont Ave., NW., Washington, DC 20420, (202) 273–6383.

SUPPLEMENTARY INFORMATION: Executive Order 10096, dated January 23, 1950, as amended by Executive Order 10930, dated March 24, 1961, set forth the criteria Federal agencies are to utilize in making determinations of ownership rights to inventions developed by Federal employees. The E.O. also required that each Federal agency take

all necessary steps, including the promulgation of regulations, to effectuate the order. The VA's regulations implementing the executive order are found at 38 CFR 1.650–666.

DOC was given lead agency authority to implement the provisions of the E.O. DOC's regulations, applicable to all Federal agencies, set forth a uniform patent policy and are found at 37 CFR part 501. The amendments reflect more recent changes in the delegations of authority within DOC. It adds the Federal Technology Transfer Act (FTTA) of the 1986 as an authority for these regulations. Also, it reflects changes in delegations of authority made by the Department of Commerce (DOC), the lead agency concerning patents and inventions. Further, it removes language in the VA regulations that is also set forth in DOC regulations. The DOC regulations are applicable to the Department without restatement in VA regulations. In addition, it makes changes to VA delegations of authority. Lastly, the amendments clarify procedures to be followed by VA employees in reporting inventions.

This final rule consists of agency procedures and nonsubstantive changes and, therefore, is not subject to the notice-and-comment and effective date provisions of 5 U.S.C. 553.

The Secretary hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. This final rule would not have any impact on individuals or small entities. Therefore, pursuant to 5 U.S.C. 605(B), this final rule is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

There is no Catalog of Federal Domestic Assistance number for the program affected by this final rule.

List of Subjects in 38 CFR Part 1

Administrative practice and procedure, Archives and records, Cemeteries, Claims, Courts, Flags, Freedom of information, Government contracts, Government employees, Government property, Infants and children, Inventions and patents, Investigation, Parking, Penalties, Postal service, Privacy reporting and record keeping requirements, Seals and insignia security measures, Wages.

Approved: May 5, 1996.

Jesse Brown,
Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 1 is amended as set forth below:

PART 1—GENERAL PROVISIONS

1. The authority citation for part 1 sections 1.650–1.666 is revised to read as follows:

Authority: sections 1.650 to 1.666 issued under sect. 1, 66 Stat. 811, 72 Stat. 1114; 35 U.S.C. 266; 15 U.S.C. 3710a; 38 U.S.C. 501; E.O. 10096, E.O. 10930, 15 FR 389; 3 CFR 1949–1953 Comp.

2. Section 1.650 is amended by removing “the regulations” and adding, in its place, “these regulations”, and by removing “concerning inventions by employees of the Department of Veterans Affairs.”

(Authority: 38 U.S.C. (501(a), unless otherwise noted.)

3. In § 1.651, paragraphs (b) and (c) are revised to read as follows:

§ 1.651 Definitions.

* * * * *

(b) The term *employee or Government employee* means any officer or employee, civilian or military, of the Department of Veterans Affairs. Part-time, without compensation (WOC) employees and part-time consultants are included.

(c) The term Secretary of Commerce means the Under Secretary of Commerce for Technology.

4. Section 1.652 is revised to read as follows:

§ 1.652 Criteria for determining rights to employee inventions.

(a) The criteria to be applied in determining the respective rights of the Government and of the employee-inventor in and to any invention subject to these provisions shall be in accordance with the Uniform Patent Policy regulations found at 37 CFR 501.6 and 501.7.

(b) Ownership in and to inventions arising under Cooperative Research and Development Agreements (CRADAs) pursuant to 15 USC 3710a shall be governed by the provisions of the pertinent CRADA, as authorized by the Federal Technology Transfer Act.

(Authority: 15 U.S.C. 3710a; 37 CFR part 501)

5. Section 1.653 is revised to read as follows:

§ 1.653 Delegation of authority.

(a) The General Counsel or Deputy General Counsel is authorized to act for the Secretary of Veterans Affairs in matters concerning patents and inventions, unless otherwise required by law. The determination of rights to an invention as between the Government and the employee where there is no cooperative research and development agreement shall be made

by the General Counsel or Deputy General Counsel, in accordance with 37 CFR part 500.

(b) The Directors of VA Medical Centers are delegated the authority to enter into cooperative research and development and license agreements under the Federal Technology Transfer Act of 1986, Pub. L. 99–502.

(Authority: E.O. 12591; 15 U.S.C. 3710a)

6. Section 1.654 is amended by removing “given in paragraph 1(a) of Executive Order 10096 (15 FR 389, 3 CFR, 1949–1953 comp., p. 292) shall” and adding, in its place, “as set forth in 37 CFR 501.6 should”; by removing “inventor (employee)” and adding, in its place, “employee inventor”; by removing “Commissioner” and adding, in its place, “Secretary of Commerce”; and the section heading is revised to read as follows:

§ 1.654 Patenting of Inventions.

* * * * *

7. Section 1.655 is revised to read as follows:

§ 1.655 Government license in invention of employee.

If an invention is made by an employee and it is determined that the employee inventor is entitled to full ownership under 37 CFR 501.6, subject to a nonexclusive, irrevocable, royalty-free license in the Government with power to grant sublicenses for all Governmental purposes, it shall be the duty of the employee inventor to notify the Office of General Counsel of the status of the patent application, including the patent application number, so that the Department may protect the interests reserved to the Government under 37 CFR 501.6.

8. Section 1.656 is revised to read as follows:

§ 1.656 Information to be submitted by inventor.

(a) In the case of an invention or believed invention, the inventor will prepare a statement for submission to his or her immediate superior. It will be submitted regardless of where the ownership is believed to exist. The statement will consist of two parts:

(1) One part of the statement will be a disclosure of the invention sufficient to permit the preparation of a patent applicant. It shall consist of a description, including where applicable, of the parts or components of the invention as shown on the drawings or blueprints, accompanied further by a description of the construction and operation of the invention. Photographs of the invention may be included. The inventor should state pertinent prior art

known to him or her, and set forth in detail as clearly as possible the respects which his or her invention differs.

(2) The other part of the statement will set forth the circumstances attending the making of the invention. It will include the full name and address of the inventor; the grade and title of his or her position; whether full time or part time; his or her duties at the time the invention was made; the facts pertinent to a determination whether the invention bore a direct relation to or was made in consequence of such official duties; whether there was, and if so, the terms of any special agreement or understanding with respect to use or manufacture of his or her invention; date of the invention; when and where it was conceived, constructed and tested; whether it was made entirely during working hours; whether, and to what extent there was a contribution by the Government of any of the following: Facilities; equipment; materials or supplies; funds; information; time or services of other Government employees on duty. When the invention is disclosed through publication, or in consultation with a manufacturer or attorney, simultaneous notification of the publication shall be given to the Office of General Counsel. A copy of the article will accompany the notification.

(b) The inventor's immediate superior shall promptly review the statement of the employee inventor for completeness and accuracy, and shall certify that the employee's statement of circumstances attending the invention is or is not correct, giving reasons if pertinent. The file should then be submitted through the facility head (or administration heads or top staff officials in the case of Central Office employees) to the General Counsel together with any comments or recommendations.

§ 1.657 [Removed]

9. Section 1.657 is removed.

§ 1.658 [Redesignated as § 1.657]

10. Section 1.658 is redesignated as

11. Newly redesignated § 1.657 is revised to read as follows:

§ 1.657 Determination of rights.

The General Counsel will make a determination of rights subject to review where required by the Secretary of Commerce. The determination will be in accordance with 37 CFR 501.7.

12. A new § 1.658 is added to read as follows:

§ 1.658 Right of appeal.

In accordance with 37 CFR 501.8, the employee has a right of appeal to the

Secretary of Commerce within 30 days of receipt of the Department's determination of ownership rights. The decision reached by the Secretary of Commerce will be communicated to the employee.

13. Section 1.659 is amended by removing "patentability" and adding, in its place, "a determination of ownership rights"; by removing "may" and adding, in its place, "will"; by removing "patent consideration." and adding, in its place, "an ownership determination where the employee idea or suggestion involves an invention. The employee shall be directed to submit a disclosure of invention in accordance with these regulations if such has not been previously submitted."

§ 1.660 [Removed]

14. Section 1.660 is removed.

§ 1.661 [Redesignated as § 1.660]

15. Section 1.661 is redesignated as § 1.660.

16. Newly redesignated § 1.660 is revised to read as follows:

§ 1.660 Expedient handling.

No patent may be granted where the invention has been in public use or publicly disclosed for more than one year before filing of a patent application. Hence, submissions involving inventions should be made as promptly as possible in order to avoid delay which might jeopardize title to the invention or impair the rights of the inventor or the Government.

§ 1.662 [Redesignated as § 1.661]

17. Section 1.662 is redesignated as § 1.661.

§ 1.663 [Redesignated as § 1.662]

18. Section 1.663 is redesignated as § 1.662.

§ 1.666 [Redesignated as § 1.663]

19. Section 1.666 is redesignated as § 1.663.

20. Newly redesignated § 1.663 is revised to read as follows:

§ 1.663 Licensing of Government-owned inventions.

(a) The licensing of Government-owned inventions under VA control and custody will be conducted pursuant to the regulations on the licensing of Government-owned inventions contained in 37 CFR part 404, and 15 U.S.C. 3710a, as appropriate.

(b) Any person whose application for a license in an invention under VA control and custody has been denied; whose license in such an invention has been modified or terminated, in whole or in part; or who timely filed a written

objection in response to a proposal to grant an exclusive or partially exclusive license in an invention under VA control or custody, may, if damaged, appeal any decision or determination concerning the grant, denial, interpretation, modification, or termination of a license to the Secretary of Veterans Affairs. Such appeal shall be in writing; shall set forth with specificity the basis of the appeal; and shall be postmarked not later than 60 days after the action being appealed. Upon request of the appellant, such appeal may be considered by one to three persons appointed on a case-by-case basis by the Secretary of Veterans Affairs. Such a request will be granted only if it accompanies the written appeal. Appellant may appear and be represented by counsel before such a panel, which will sit in Washington, DC. If the appeal challenges a decision to grant an exclusive or partially exclusive license in an invention under VA control or custody, the licensee shall be furnished a copy of the appeal, shall be given the opportunity to respond in writing, may appear and be represented by counsel at any hearing requested by appellant, and may request a hearing if appellant has not, under the same terms and conditions, at which the appellant may also appear and be represented by counsel.

[FR Doc. 96-14844 Filed 6-11-96; 8:45 am]
BILLING CODE 8320-01-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 014-0003a FRL-5464-4]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Five Local Air Pollution Control Districts

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action on revisions to the California State Implementation Plan. The revisions concern rules from the following: El Dorado County Air Pollution Control District (EDCAPCD), Kern County Air Pollution Control District (KCAPCD), Placer County Air Pollution Control District (PCAPCD), Santa Barbara County Air Pollution Control District (SBCAPCD), and South Coast Air Quality Management District (SCAQMD). These new and revised rules control VOC emissions from

graphic arts operations. This approval action will incorporate these rules into the federally approved SIP. The intended effect of approving these rules is to regulate emissions of volatile organic compounds (VOCs) in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). In addition, the final action on the SBCAPCD rule serves as a final determination that the finding of nonsubmittal for this rule has been corrected and that on the effective date of this action, the Federal Implementation Plan (FIP) clocks is stopped. Thus, EPA is finalizing the approval of these revisions into the California SIP under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas.

DATES: This action is effective on August 12, 1996, unless adverse or critical comments are received by July 12, 1996. If the effective date is delayed, a timely notice will be published in the Federal Register.

ADDRESSES: Copies of the rules and EPA's evaluation report for each rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rules are available for inspection at the following locations:

Rulemaking Section (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105

Environmental Protection Agency, Air Docket (6102), 401 "M" Street, SW., Washington, DC 20460

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95814

El Dorado County APCD, 2850 Fairlane Court, Placerville, CA 95667

Kern County APCD, 2700 M. Street, Suite 290, Bakersfield, CA 93301

Placer County APCD, 11464 B. Avenue, Auburn, CA 95603

Santa Barbara County APCD, 26 Castilian Drive, B-23 Goleta, CA 93117

South Coast AQMD, 21865 E. Copley Drive, Diamond Bar, CA 91765-4182.

FOR FURTHER INFORMATION CONTACT: Erik H. Beck, Rulemaking Section (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744-1190. Internet E-mail: beck.erik@epamail.epa.gov.