

ACTION: Correcting amendment.

SUMMARY: This document contains a further correction to the final regulations which were published Friday, October 22, 1993 (58 FR 54494). The regulations related to the changes in signature and filing requirements for correspondence filed in the Patent and Trademark Office. The correction re-inserts part of a rule (37 CFR 1.741) that was inadvertently deleted when the rule was amended.

EFFECTIVE DATE: December 3, 1996.

FOR FURTHER INFORMATION CONTACT: Karin Tyson by telephone at (703) 305-9285; by mail marked to her attention and addressed to the Assistant Commissioner for Patents, Box COMMENTS—PATENTS, Washington, D.C. 20231; or by fax marked to her attention at (703) 308-6916.

SUPPLEMENTARY INFORMATION:

Background

The final regulation that is the subject of this correction was revised to change "Certificate of Mailing" to "Certificate of Mailing or Transmission" in 37 CFR 1.741(a) as published at 58 FR 54494 (October 22, 1993), corrected at 58 FR 64154 (December 6, 1993), and in the Official Gazette of the Patent and Trademark Office at 1156 Off. Gaz. Pat. Office 61 (November 16, 1993), corrected at 1157 Off. Gaz. Pat. Office 87 (December 28, 1993).

Need for Correction

As published, the final regulation inadvertently deleted the last sentence of the first paragraph of paragraph (a) of Rule 741 and paragraphs (a)(1)–(a)(6).

Paperwork Reduction Act Statement

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act (PRA) unless that collection of information displays a currently valid OMB control number.

OMB has approved the collection of the information required by this rule under OMB # 0651-0020.

List of Subjects in 37 CFR Part 1

Administrative practice and procedure, Freedom of Information, Inventions and patents, Reporting and record keeping requirements.

PART 1—RULES OF PRACTICE IN PATENT CASES

Accordingly, 37 CFR part 1 is corrected by making the following correcting amendment:

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

Authority: 35 U.S.C. 6, unless otherwise noted.

2. In § 1.741, paragraph (a) is revised to read as follows:

§ 1.741 Filing date of application.

(a) The filing date of an application for extension of a patent term is the date on which a complete application is received in the Patent and Trademark Office or filed pursuant to the "Certificate of Mailing or Transmission" procedures of 37 CFR 1.8 or "Express Mail" provisions of 37 CFR 1.10. A complete application shall include:

(1) An identification of the approved product;

(2) An identification of each Federal statute under which regulatory review occurred;

(3) An identification of the patent for which an extension is being sought;

(4) An identification of each claim of the patent which claims the approved product or a method of using or manufacturing the approved product;

(5) Sufficient information to enable the Commissioner to determine under 35 U.S.C. 156 subsections (a) and (b) the eligibility of a patent for extension and the rights that will be derived from the extension and information to enable the Commissioner and the Secretary of Health and Human Services or the Secretary of Agriculture to determine the length of the regulatory review period; and

(6) A brief description of the activities undertaken by the marketing applicant during the applicable regulatory review period with respect to the approved product and the significant dates applicable to such activities.

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Dated: November 26, 1996.

Bruce A. Lehman,

Assistant Secretary of Commerce and Commissioner of Patents and Trademarks.

[FR Doc. 96-30751 Filed 12-2-96; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MD033-7157; FRL-5650-8]

Approval and Promulgation of Air Quality Implementation Plans; Maryland 1990 Base Year Emission Inventory; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule; correcting amendment.

SUMMARY: This action corrects the citation of a direct final rule, which was published on Friday, September 27, 1996 (61 FR 50715). This action pertains to the Maryland 1990 base year emission inventory for ozone.

EFFECTIVE DATE: December 3, 1996.

FOR FURTHER INFORMATION CONTACT: Rose Quinto, (215) 566-2182.

SUPPLEMENTARY INFORMATION:

Background

On October 31, 1995 (60 FR 55321) EPA published a direct final rule approving a State Implementation Plan (SIP) revision submitted by Maryland pertaining to the 1990 base year emission inventory for carbon monoxide for the Baltimore Metropolitan Statistical Area (40 CFR 52.1075(a)).

On January 30, 1996 (61 FR 2931) EPA published a direct final rule approving a SIP revision submitted by Maryland pertaining to the 1990 base year emission inventory for carbon monoxide for the Washington Metropolitan Statistical Area (§ 52.1075(b)).

On September 27, 1996 (61 FR 50715) EPA published a direct final rule approving a SIP revision submitted by Maryland pertaining to the Maryland 1990 base year emission inventory for ozone.

Need for Correction

As published, the direct final rule contains errors which may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication on September 27, 1996 (61 FR 50717, FR Doc. 96-24524), Part 52, § 52.1075 is being amended by revising the section heading to "1990 Base Year Emission Inventory" and adding a third paragraph (c).

Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and, is therefore not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4), or require prior consultation with State officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993), or involve special consideration of environmental justice related issues as required by

Executive Order 12898 (59 FR 7629, February 16, 1994).

Because this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of this rule in today's Federal Register. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

Dated: October 31, 1996.

Stanley L. Laskowski,

Acting Regional Administrator, Region III.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Part 52, Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart V—Maryland

2. Section 52.1075 is amended by revising the heading and adding paragraph (c) to read as follows:

§ 52.1075 1990 base year emission inventory.

* * * * *

(c) EPA approves as a revision to the Maryland State Implementation Plan the 1990 base year emission inventories for the Maryland ozone nonattainment areas: Baltimore nonattainment areas, Cecil County, and Kent and Queen Anne's Counties submitted by the Secretary of Maryland Department of Environment on March 21, 1994. This submittal consists of the 1990 base year point, area, non-road mobile, biogenic and on-road mobile source emission inventories for the following pollutants: volatile organic compounds (VOC), carbon monoxide (CO), and oxides of nitrogen (NO_x).

[FR Doc. 96–30476 Filed 12–2–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 52

[Region II Docket No. 144, NY21–1–6732(c); FRL–5657–8]

Approval and Promulgation of Implementation Plans; New York; Withdrawal of Direct Final Rule Regarding Transportation Control Measures

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On October 1, 1996, EPA published approval of a State Implementation Plan (SIP) revision submitted by New York (61 FR 51214), which addressed the need for transportation control measures (TCMs) to offset growth in emissions from growth in vehicle miles traveled as required by the Clean Air Act. This action was published without prior proposal because EPA anticipated no adverse comments. Because EPA received adverse comments on this action, EPA is withdrawing the approval of New York's request to revise its SIP for ozone, announced in the October 1, 1996 direct final rule. EPA will now proceed with rulemaking based on a proposed rule pertaining to the same TCMs, which was published on the same date (61 FR 51257).

EFFECTIVE DATE: This action is effective December 3, 1996.

FOR FURTHER INFORMATION CONTACT: Linda Kareff, Environmental Protection Agency, Region 2 Office, 290 Broadway, New York, New York 10007–1866, (212) 637–3741 or kareff.linda@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: On October 1, 1996, EPA published direct final approval of a revision to New York's SIP for ozone, submitted by New York on November 15, 1992 and supplemented on November 5, 1993 (61 FR 51215). The intended effect of this action was to address the need for TCMs to offset growth in emissions from growth in vehicle miles traveled as required by the Clean Air Act. EPA published this direct final rulemaking without prior proposal because the Agency viewed it as a noncontroversial revision and anticipated no adverse comments. The direct final rule was published in the Federal Register with a provision for a 30 day comment period.

A proposed rule pertaining to the same TCMs for New York was also published in the Federal Register on October 1, 1996 (61 FR 51257). EPA announced that the direct final rule would be withdrawn in the event that

adverse comments were submitted to EPA within 30 days of publication of the rule in the Federal Register (61 FR 51214). EPA received adverse comments. Therefore, EPA is withdrawing the October 1, 1996 direct final approval of New York's SIP revision. Comments received during the 30 days after October 1, 1996 will be addressed in a subsequent rulemaking action based on the proposed rule. As stated in the October 1, 1996 notice, this withdrawal action does not establish an additional comment period.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Nitrogen Oxides, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: November 20, 1996.

Herbert Barrack,

Acting Regional Administrator.

For the reasons set out in the preamble, 40 CFR Part 52 is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart HH—New York

§ 52.1683 [Amended]

2. Section 52.1683 is amended by removing paragraph (c).
[FR Doc. 96–30750 Filed 12–2–96; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[OST Docket No. 1; Amdt. 1–279]

Organization and Delegation of Powers and Duties Delegations of Authority to the Maritime Administrator

AGENCY: Office of the Secretary, DOT.

ACTION: Final Rule.

SUMMARY: The Secretary of Transportation (Secretary) hereby delegates to the Maritime Administrator authority of the Secretary from the Maritime Security Act of 1996, Public Law 104–239. This amendment adds a new paragraph 1.66(v) to reflect this delegation of authority.

EFFECTIVE DATE: This rule becomes effective December 6, 1996.