

§ 1.292 Public use proceedings.

(a) When a petition for the institution of public use proceedings, supported by affidavits or declarations is found, on reference to the examiner, to make a *prima facie* showing that the invention claimed in an application believed to be on file had been in public use or on sale more than one year before the filing of the application, a hearing may be had before the Commissioner to determine whether a public use proceeding should be instituted. If instituted, the Commissioner may designate an appropriate official to conduct the public use proceeding, including the setting of times for taking testimony, which shall be taken as provided by §§ 1.671 through 1.685. The petitioner will be heard in the proceedings but after decision therein will not be heard further in the prosecution of the application for patent.

(b) The petition and accompanying papers, or a notice that such a petition has been filed, shall be entered in the application file if:

(1) The petition is accompanied by the fee set forth in § 1.17(j);

(2) The petition is served on the applicant in accordance with § 1.248, or filed with the Office in duplicate in the event service is not possible; and

(3) The petition is submitted prior to the mailing of a notice of allowance under § 1.311.

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25. Section 1.315 is revised to read as follows:

§ 1.315 Delivery of patent.

The patent will be delivered or mailed upon issuance to the correspondence address of record. See § 1.33(a).

26. Section 1.321 is amended by revising paragraph (c) to read as follows:

§ 1.321 Statutory disclaimers, including terminal disclaimers.

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(c) A terminal disclaimer, when filed to obviate a judicially created double patenting rejection in a patent application or in a reexamination proceeding, must:

(1) Comply with the provisions of paragraphs (b)(2) through (b)(4) of this section;

(2) Be signed in accordance with paragraph (b)(1) of this section if filed in a patent application or in accordance with paragraph (a)(1) of this section if filed in a reexamination proceeding; and

(3) Include a provision that any patent granted on that application or any patent subject to the reexamination proceeding shall be enforceable only for and during such period that said patent is commonly owned with the

application or patent which formed the basis for the rejection.

27. Section 1.497 is revised to read as follows:

§ 1.497 Oath or declaration under 35 U.S.C. 371(c)(4).

(a) When an applicant of an international application desires to enter the national stage under 35 U.S.C. 371 pursuant to §§ 1.494 or 1.495, he or she must file an oath or declaration that:

(1) Is executed in accordance with either §§ 1.66 or 1.68;

(2) Identifies the specification to which it is directed;

(3) Identifies each inventor and the country of citizenship of each inventor; and

(4) States that the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

(b)(1) The oath or declaration must be made by all of the actual inventors except as provided for in §§ 1.42, 1.43 or 1.47.

(2) If the person making the oath or declaration is not the inventor, the oath or declaration shall state the relationship of the person to the inventor, the facts required by §§ 1.42, 1.43 or 1.47, and, upon information and belief, the facts which the inventor would have been required to state.

(c) If the oath or declaration meets the requirements of paragraphs (a) and (b) of this section, the oath or declaration will be accepted as complying with 35 U.S.C. 371(c)(4) and §§ 1.494(c) or 1.495(c). However, if the oath or declaration does not also meet the requirements of § 1.63, a supplemental oath or declaration in compliance with § 1.63 will be required in accordance with § 1.67.

Dated: August 13, 1996.

Bruce A. Lehman,

*Assistant Secretary of Commerce and
Commissioner of Patents and Trademarks.*

[FR Doc. 96-21073 Filed 8-16-96; 8:45 am]

BILLING CODE 3510-16-P

37 CFR Parts 15 and 15a

[Docket No. 960722200-6200-01]

RIN 0651-XX07

Service of Process; Testimony by Employees and the Production of Documents in Legal Proceedings

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Final rule.

SUMMARY: This final rule removes parts dealing with service of process on Patent and Trademark Office (PTO) employees in their official capacity and with testimony by employees and production of documents in legal proceedings. The PTO will rely on analogous Commerce Department regulations found in title 15 of the Code of Federal Regulations.

EFFECTIVE DATE: August 19, 1996.

FOR FURTHER INFORMATION CONTACT: Kenneth Corsello by telephone at (703) 305-9041; by mail marked to his attention and addressed to the Office of the Solicitor, Box 8, Washington, D.C. 20231; by electronic mail to corsello@uspto.gov; or by fax marked to his attention at (703) 305-9373.

SUPPLEMENTARY INFORMATION: In March 1995, President Clinton issued a directive to Federal agencies regarding their responsibilities under his Regulatory Reform Initiative. This initiative is part of the National Performance Review and calls for immediate, comprehensive regulatory reform. The President directed all agencies to undertake, as part of this initiative, an exhaustive review of all of their regulations—with an emphasis on eliminating or modifying those that are obsolete or otherwise in need of reform. This final rule is part of the Regulatory Reform Initiative.

The Department of Commerce regulations dealing with service of process (15 CFR Part 15) and with employee testimony and the production of documents (15 CFR Part 15a) apply to the PTO. Therefore, the PTO is removing 37 CFR Parts 15 and 15a because they are unnecessary and duplicative.

This rule is not a significant rule for the purposes of Executive Order 12866. Notice and comment is not required for this rulemaking because it relates to agency management or personnel, 5 U.S.C. 553(a)(2), and thus no regulatory flexibility analysis is required, 5 U.S.C. 603(a). This rule does not change the paperwork burden imposed on the public. See 44 U.S.C. 3501 *et seq.*

List of Subjects

37 CFR Part 15

Administrative practice and procedure, Attorneys, Courts, Government employees.

37 CFR Part 15a

Administrative practice and procedure, Attorneys, Courts, Government employees.

For the reasons set forth in the preamble, and pursuant to the authority

contained in 35 U.S.C. 6, 37 CFR Chapter I is amended as follows:

PART 15—[REMOVED AND RESERVED]

1. Part 15 is removed and reserved.

PART 15a—[REMOVED AND RESERVED]

1. Part 15a is removed and reserved.

Dated: August 13, 1996.

Bruce A. Lehman,

*Assistant Secretary of Commerce and
Commissioner of Patents and Trademarks.*

[FR Doc. 96-21067 Filed 8-16-96; 8:45 am]

BILLING CODE 3510-16-M

**ENVIRONMENTAL PROTECTION
AGENCY**

40 CFR Part 60

[FRL-5553-3]

**New Stationary Sources; Supplemental
Delegation of Authority to Alabama,
Florida, Georgia, Kentucky,
Mississippi, North Carolina, South
Carolina, Nashville-Davidson County,
Tennessee and Knox County,
Tennessee**

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Delegation of authority.

SUMMARY: The States or Local Agencies of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Nashville-Davidson County, Tennessee and Knox County, Tennessee requested that EPA delegate authority for implementation and enforcement of additional categories of New Source Performance Standards (NSPS). The EPA's review of their pertinent laws, rules, and regulations prove to be adequate and effective procedures for the implementation and enforcement of these Federal standards. This document was written to inform the public of delegations that were made to the above mentioned Agencies for which a document was not previously written.

EFFECTIVE DATE: The effective date is listed as the date of delegation and can be found in the **SUPPLEMENTARY INFORMATION** Section of this action.

ADDRESSES: Copies of the request for delegation of authority and EPA's letter of delegation are available for public inspection during normal business hours at the following locations.

Environmental Protection Agency,
Region IV, Air Programs Branch, 345
Courtland Street, Atlanta, Georgia
30365.

Alabama Department of Environmental
Management, 1751 Congressman
W.L. Dickinson Drive, Montgomery,
Alabama 36109.

Florida Department of Environmental
Protection, Twin Towers Office
Building, 2600 Blair Stone Road,
Tallahassee, Florida 32399-2400.

Georgia Department of Natural
Resources, 4244 International
Parkway, Suite 120, Atlanta, Georgia
30354.

Kentucky Natural Resources and
Environmental Protection Cabinet,
803 Schenkel Lane, Frankfort,
Kentucky 40601.

Mississippi Department of
Environmental Quality, P.O. Box
10385, Jackson, Mississippi 39289-
0385.

North Carolina Department of
Environment, Health, and Natural
Resources, P.O. Box 29535, Raleigh,
North Carolina 27626-0535.

South Carolina Department of Health
and Environmental Control, 2600 Bull
Street, Columbia, South Carolina
29201.

Knox County Department of Air
Pollution Control, City/County
Building, Suite 339, 400 West Main
Street, Knoxville, Tennessee 37902-
2045.

Nashville-Davidson County
Metropolitan Health Department,
311-23rd Avenue, North, Nashville,
Tennessee 37203.

Effective immediately, all requests, applications, reports and other correspondence required pursuant to the delegated standards should not be submitted to the Region 4 office, but should instead be submitted to the following address:

Alabama Department of Environmental
Management, 1751 Congressman
W.L. Dickinson Drive, Montgomery,
Alabama 36109.

Florida Department of Environmental
Protection, Twin Towers Office
Building, 2600 Blair Stone Road,
Tallahassee, Florida 32399-2400.

Georgia Department of Natural
Resources, 4244 International
Parkway, Suite 120, Atlanta, Georgia
30354.

Kentucky Natural Resources and
Environmental Protection Cabinet,
803 Schenkel Lane, Frankfort,
Kentucky 40601.

Mississippi Department of
Environmental Quality, P.O. Box
10385, Jackson, Mississippi 39289-
0385.

North Carolina Department of
Environment, Health, and Natural
Resources, P.O. Box 29535, Raleigh,
North Carolina 27626-0535.

South Carolina Department of Health
and Environmental Control, 2600 Bull
Street, Columbia, South Carolina
29201.

Knox County Department of Air
Pollution Control, City/County
Building, Suite 339, 400 West Main
Street, Knoxville, Tennessee 37902-
2045.

Nashville-Davidson County
Metropolitan Health Department,
311-23rd Avenue, North, Nashville,
Tennessee 37203.

FOR FURTHER INFORMATION CONTACT:

Kimberly Bingham, Regulatory Planning
and Development Section, Air Programs
Branch, Environmental Protection
Agency, Region 4, 345 Courtland Street
N.E., Atlanta, Georgia 30365, (404) 347-
3555, x4195.

SUPPLEMENTARY INFORMATION: Section
301, in conjunction with Sections 110
and 111(c)(1) of the Clean Air Act as
amended November 15, 1990,
authorizes EPA to delegate authority to
implement and enforce the standards set
out in 40 CFR Part 60, New Source
Performance Standards (NSPS).

The EPA has already delegated the
authority for implementation and
enforcement of the NSPS programs to
the State or Local Agencies of Alabama,
Florida, Georgia, Kentucky, Mississippi,
North Carolina, South Carolina,
Nashville-Davidson County, Tennessee
and Knox County, Tennessee. These
Agencies have subsequently requested a
delegation of authority for
implementation and enforcement of the
following NSPS categories found in 40
CFR Part 60.

40 CFR Part 60

NSPS DELEGATION OF AUTHORITY FOR THE STATE OF ALABAMA

Category	Subpart	Date dele- gated
Fossil Fuel Fired Steam Generators	D	02/3/92
Electric Utility Steam Generating Units	Da	02/20/91
Industrial Boilers	Db	02/20/91