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 Expeditious 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.

SUPPLEMENTARY INFORMATION:

Applicability

The rules being approved into the California SIP include: EDCAPCD Rule 231 ''Graphic Arts Operations''; KCAPCD Rule 410.7, ''Graphic Arts''; PCAPCD Rule 239, ''Graphic Arts Operations''; SBCAPCD Rule 354, ''Graphic Arts''; and SCAQMD Rule 1130.1, ''Screen Printing Operations''. These rules were submitted by the California Air Resources Board (CARB) to EPA on the following dates in respective order: November 30, 1994, May 30, 1991, October 13, 1995, July 13, 1994, and November 18, 1993. All of these rules are in effect throughout their respective districts, except PCAPCD Rule 239. This rule is applicable only within that part of Placer County that lies within the Sacramento Valley Air Basin.

Background

On March 3, 1978, EPA promulgated a list of ozone nonattainment areas under the provisions of the Clean Air Act, as amended in 1977 (1977 Act or pre-amended Act), that included the Southeast Desert Modified Air Quality Management Area, Santa Barbara—Santa Maria—Lompoc Area, Sacramento Metro Area (which includes portions of El Dorado County and Placer County), and the Los Angeles—South Coast Air Basin. 43 FR 8964, 40 CFR 81.305. On May 26, 1988, EPA notified the Governor of California, pursuant to section 110(a)(2)(H) of the 1977 Act, that the EDCAPCD, KCAPCD, PCAPCD, SBCAPCD, and the SCAQMD portions of the California SIP were inadequate to attain and maintain the ozone standard and requested that deficiencies in the existing SIP be corrected (EPA's SIP-Call). On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted. Pub. L. 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q. In amended section 182(a)(2)(A) of the CAA, Congress statutorily adopted the requirement that nonattainment areas fix their deficient reasonably available control technology (RACT) rules for ozone and established a deadline of May 15, 1991 for states to submit corrections of those deficiencies.

Section 182(a)(2)(A) applies to areas designated as nonattainment prior to enactment of the amendments and classified as marginal or above as of the date of enactment. It requires such areas to adopt and correct RACT rules pursuant to pre-amended section 172(b) as interpreted in pre-amendment guidance.[1] EPA's SIP-Call used that guidance to indicate the necessary corrections for specific nonattainment areas. The Los Angeles—South Coast Air Basin is classified as extreme. The Sacramento Metro Area is classified as severe. The Santa Barbara—Santa Maria—Lompoc Area is classified as moderate;[2] therefore, these areas were subject to the RACT fix-up requirement and the May 15, 1991 deadline.[3]

The State of California submitted many RACT rules for incorporation into its SIP on the rule submittal dates listed in the Applicability section above, including the rules being acted on in this document. This document addresses EPA's direct-final action for EDCAPCD Rule 231 ''Graphic Arts Operations''; KCAPCD Rule 410.7, ''Graphic Arts''; PCAPCD Rule 239 ''Graphic Arts Operations''; SBCAPCD Rule 354, ''Graphic Arts''; and SCAQMD Rule 1130.1, ''Screen Printing Operations''. EDCAPCD adopted Rule 231 on September 27, 1994. KCAPCD adopted Rule 410.7 on May 6, 1991. PCAPCD adopted Rule 239 on June 8, 1995. SBCAPCD adopted Rule 354 on June 28, 1994. SCAQMD adopted Rule 1130.1 on July 9, 1993.

These submitted rules were found to be complete on the following respective dates: January 30, 1995 (Rule 231); July 10, 1991 (Rule 410.7); November 28, 1995 (Rule 239); July 22, 1994 (Rule 354); and December 23, 1993 (Rule 1130.1). The completeness determinations were made pursuant to EPA's completeness criteria that are set forth in 40 CFR part 51 Appendix V.[4]

These rules control VOC emissions from graphic arts operations such as screen printing, flexography, rotogravure, and others. VOCs contribute to the production of ground level ozone and smog. These rules were originally adopted as part of their air pollution control agencies' efforts to achieve the National Ambient Air Quality Standard (NAAQS) for ozone and in response to EPA's SIP-Call and the section 182(a)(2)(A) CAA requirement. The following is EPA's evaluation and final action for this rule.

EPA Evaluation and Action

In determining the approvability of a VOC rule, EPA must evaluate the rule for consistency with the requirements of the CAA and EPA regulations, as found in section 110 and part D of the CAA and 40 CFR part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans). The EPA interpretation of these requirements, which forms the basis for today's action, appears in the various EPA policy guidance documents listed in footnote 1. Among those provisions is the requirement that a VOC rule must, at a minimum, provide for the implementation of RACT for stationary sources of VOC emissions. This requirement was carried forth from the pre-amended Act.

For the purpose of assisting state and local agencies in developing RACT rules, EPA prepared a series of Control Technique Guideline (CTG) documents. The CTGs are based on the underlying requirements of the Act and specify the presumptive norms for what is RACT for specific source categories. Under the CAA, Congress ratified EPA's use of these documents, as well as other Agency policy, for requiring States to ''fix-up'' their RACT rules. See section 182(a)(2)(A). The CTG applicable to all of these rules, except SCAQMD Rule 1130.1, ''Screen Printing Operations'', is entitled, *OAQPS Guideline Series—Control of Volatile Organic Emissions from Existing Stationary Sources—Volume VII: Graphic Arts—Rotogravure and Flexography* (Document Number EPA–450/2–78–033). No CTG applies to SCAQMD Rule 1130.1. Accordingly, Rule 1130.1 was evaluated against interpretations of EPA policy found in the Blue Book, referred to in footnote 1. The CTG and the Blue Book have been set forth to ensure that VOC rules are fully enforceable and strengthen or maintain the SIP.

EDCAPCD Rule 231 ''Graphic Arts Operations''; PCAPCD Rule 239 ''Graphic Arts Operations''; SBCAPCD Rule 354, ''Graphic Arts''; and SCAQMD Rule 1130.1, ''Screen Printing

[1] Among other things, the pre-amendment guidance consists of those portions of the proposed post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044 (November 24, 1987); ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations, Clarification to Appendix D of November 24, 1987 Federal Register Notice'' (Blue Book) (notice of availability was published in the Federal Register on May 25, 1988); and the existing control technique guidelines (CTGs).

[2] The Los Angeles—South Coast Air Basin, Sacramento Metro Area, and the Santa Barbara—Santa Maria—Lompoc Area retained their designation of nonattainment and were classified by operation of law pursuant to sections 107(d) and 181(a) upon the date of enactment of the CAA. See 55 FR 56694 (November 6, 1991). However, on April 25, 1995, EPA published a final rule granting the State's request to reclassify the Sacramento Metro Area to severe from serious (60 CFR 20237). This reclassification became effective on June 1, 1995.

[3] Note Bene: KCAPCD Rule 410.7 applies to that portion of Kern County which falls outside the San Joaquin Valley Unified Air Pollution Control District. This area is known as the Southeast Desert Non-Air Quality Management Area, and its ozone designation is unclassified.

[4] EPA adopted the completeness criteria on February 16, 1990 (55 FR 5830) and, pursuant to section 110(k)(1)(A) of the CAA, revised the criteria on August 26, 1991 (56 FR 42216).

Operations'', are new rules being approved into the SIP for the first time. These rules have the following significant features:

- Control emissions of VOC from rotogravure and flexography printing and coating equipment (except SCAQMD Rule 1130.1);
- Option of using emission control equipment or using reduced VOC content inks and coatings;
- Test methods for VOC content of coatings and inks;
- Test methods for determining capture efficiency of an emission control device;
- Rule exemptions for firms emitting small quantities of VOC.

In addition to the features listed above, SCAQMD Rule 1130.1 has the following additional features:

- Control of VOC emissions from screen printing operations;
- Test methods for metal content of inks;

KCAPCD's submitted Rule 410.7 ''Graphic Arts,'' includes the following significant changes from the current SIP:

- Comprehensive revision of rule definitions;
- Extension of the rule's applicability to include letterpress, lithography, and screen printing;
- Addition of recordkeeping requirements;
- Addition of test methods;
- Requirement to reduce VOC emissions from cleanup operations;
- Modified control device efficiency standards to require more stringent controls.

EPA has evaluated the submitted rules and has determined that they are consistent with the CAA, EPA regulations, and EPA policy. Therefore, the following district rules are being approved under section 110(k)(3) of the CAA as meeting the requirements of section 110(a) and Part D: EDCAPCD Rule 231 ''Graphic Arts Operations''; KCAPCD Rule 410.7, ''Graphic Arts''; PCAPCD Rule 239 ''Graphic Arts Operations''; SBCAPCD Rule 354, ''Graphic Arts''; and SCAQMD Rule 1130.1, ''Screen Printing Operations''.

Therefore, if this direct final action is not withdrawn, on August 12, 1996, the FIP clock associated with SBCAPCD Rule 354 is stopped.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

EPA is publishing this document without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this Federal Register publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective August 12, 1996, unless, by July 12, 1996, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective August 12, 1996.

Regulatory Process

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et. seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under sections 110 and 301(a) and subchapter I, Part D of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. E.P.A.*, 427 U.S. 246, 256–66 (S. Ct. 1976); 42 U.S.C. 7410 (a)(2).

Unfunded Mandates

Under Sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of $100 million or more to the private sector or to State, local, or tribal governments in the aggregate.

Through submission of this state implementation plan or plan revision, the State and any affected local or tribal governments have elected to adopt the program provided for under Part D of the Clean Air Act. These rules may bind State, local, and tribal governments to perform certain actions and also require the private sector to perform certain duties. The rules being approved by this action will impose no new requirements because affected sources are already subject to these regulations under State law. Therefore, no additional costs to State, local, or tribal governments or to the private sector result from this action. EPA has also determined that this final action does not include a mandate that may result in estimated costs of $100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214–2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this action from review under Executive Order 12866.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Note: Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the Federal Register on July 1, 1982.

Dated: April 13, 1996.

Felicia Marcus,

Regional Administrator.

Subpart F of 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 F—California

2. Section 52.220 is amended by adding paragraphs (c)(185)(i)(A)(*9*), (194)(i)(G), (198)(i)(K), (207)(i)(B)(*2*), and (225)(i)(B)(*3*) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(185) * * *

(i) * * *

(A) * * *

(*9*) Rule 410.7, adopted May 6, 1991.

* * * * *

(194) * * *

(i) * * *

(G) South Coast Air Quality Management District.

(*1*) Rule 1130.1, adopted July 9, 1993.

* * * * *

(198) * * *

(i) * * *

(K) Santa Barbara County Air Pollution Control District.

(*1*) Rule 354, adopted June 28, 1994.

* * * * *

(207) * * *

(i) * * *

(B) * * *

(*2*) Rule 231, adopted September 27, 1994.

* * * * *

(225) * * *

(i) * * *

(B) * * *

(*3*) Rule 239, adopted June 8, 1995.

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[FR Doc. 96–14784 Filed 6–11–96; 8:45 am]

BILLING CODE 6560–50–W

40 CFR Part 52

[OH91–2; FRL–5506–5]

Approval and Promulgation of Implementation Plans; Ohio

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On November 3, 1995, Ohio submitted revisions to its particulate matter plans for the Cleveland and Steubenville nonattainment areas. These revisions were submitted to address plan deficiencies that were identified by EPA in a final limited disapproval of the particulate matter plans published in the Federal Register on May 27, 1994. For the Cleveland area, these revisions provide earlier attainment of the air quality standard and correct the deficient test method disapproved in that rulemaking. For the Steubenville area, these revisions include an administrative order for tightening controls at Wheeling-Pittsburgh Steel's basic oxygen furnace, and provide a fully updated modeling analysis demonstrating that the plan assures attainment. EPA is approving these revisions and terminating the potential for sanctions based on the deficiencies identified in the rulemaking of May 27, 1994.

EFFECTIVE DATE: This action is effective July 12, 1996.

ADDRESSES: Copies of the SIP revision and USEPA's analysis are available for public inspection during normal business hours at the following addresses:

United States Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard (AR–18J), Chicago, Illinois 60604; and

Office of Air and Radiation (OAR), Docket and Information Center (Air Docket 6102) Room M1500, United States Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: John Summerhays, Regulation Development Section, Air Programs Branch (AR–18J), United States Environmental Protection, Region 5, Chicago, Illinois 60604, (312) 886–6067.

SUPPLEMENTARY INFORMATION:

I. Background

Ohio submitted major revisions to its particulate matter regulations on November 14, 1991, with supplemental submittals on December 4, 1991, and January 8, 1992. EPA proposed rulemaking on these submittals on August 3, 1993, at 58 FR 41218, and published a notice of final rulemaking on May 27, 1994, at 59 FR 27464, granting limited approval/limited disapproval of these submittals. Although EPA approved most of Ohio's regulations, EPA concluded that Ohio had not satisfied selected requirements of the Clean Air Act applicable to its two particulate matter nonattainment areas, i.e., Cuyahoga County (including Cleveland) and the Steubenville area. This represented a disapproval finding under Section 179(a)(2), thus initiating an 18-month period after which sanctions were to be imposed in these areas under Section 179(b) unless or until the deficiencies are remedied.

On November 3, 1995, Ohio submitted further revisions to its particulate matter plans, seeking to remedy the deficiencies identified in EPA's May 1994 rulemaking. On January 23, 1996 (at 61 FR 1727), EPA proposed to approve the State's submittal and proposed to conclude that all particulate matter SIP requirements were satisfied (except for new source review requirements, which were not addressed in either the January 1996 or the May 1994 rulemaking and are being addressed separately). Simultaneously, EPA issued an interim final determination that the deficiencies had been remedied (at 61 FR 1720), thereby staying application of sanctions.

In brief, for Cuyahoga County, the deficiencies were (1) failure to satisfy requirements for Reasonably Available Control Measures (RACM) by December 1992; and (2) failure to assure attainment due to deficiencies in the test method applicable to coke quenching. EPA proposed to find that these deficiencies were addressed when Ohio revised its rules to require a control strategy adequate to satisfy RACM requirements by December 1993 and improved the test method for coke quenching. For the Steubenville area, the deficiency was an inadequate attainment demonstration due to, among other factors, inadequate accounting for emissions from Wheeling-Pittsburgh Steel's basic oxygen furnace. EPA proposed to find this deficiency remedied by submittal of Findings and Orders issued by Ohio to Wheeling-Pittsburgh Steel requiring tightened control of basic oxygen furnace emissions and a revised attainment demonstration. A more detailed discussion of the prior deficiencies is provided in the Federal Register of May 27, 1994 (59 FR 27464), and a summary of that discussion and a more extensive discussion of Ohio's submittal which remedied those deficiencies is provided in the notice of proposed rulemaking of January 23, 1996 (61 FR 1727). Today's rule is final action on Ohio's November 1995 submittal and final action with respect to the previously identified deficiencies.

At the time of the proposed rulemaking, Ohio had conducted a public hearing in connection with its Cuyahoga County rule revisions but had not yet held and submitted documentation of a public hearing with respect to revisions to the Steubenville area attainment demonstration. The State held a public hearing on the Steubenville area revisions on January 22, 1996, and provided materials to EPA documenting this hearing and demonstrating satisfaction of related public comment requirements in its December 21, 1995, and March 13, 1996, submittals. EPA has evaluated these materials and has concluded that the relevant procedural requirements have been satisfied.