SUMMARY: The United States Patent and Trademark Office (USPTO or ''Office'') implements an interpretation of certain regulatory provisions. These provisions concern the composition and operations of the Committee on Discipline and representation of the Director in disciplinary cases. The interpretation is necessary in view of the recent creation of the Office of General Counsel at the USPTO. The Patent and Trademark Office Efficiency Act (PTOEA) reestablished the Patent and Trademark Office as the United States Patent and Trademark Office, a performance-based organization with responsibility for its own operations. Consequently, the Office has responsibility for many functions formerly provided by the Department of Commerce.

EFFECTIVE DATE: The interpretation is issued August 24, 2001.

ADDRESSES: Director of the United States Patent and Trademark Office, Washington, D.C. 20231

FOR FURTHER INFORMATION CONTACT: Harry Moatz, by mail addressed to United States Patent and Trademark Office, Box OED, Washington, DC 20231, (Attn: OED Director) or by facsimile transmission to (703) 305–4631, or by electronic mail at harry.moatz@uspto.gov.

SUPPLEMENTARY INFORMATION: 37 CFR 10.140(b) relates to whom within the USPTO represents the Director of Enrollment and Discipline (OED Director) in disciplinary proceedings, and who shall be available as counsel to the Director of the United States Patent and Trademark Office (USPTO Director) in deciding such proceedings. For example, it states that at least two associate solicitors shall be designated to represent the OED Director. It also states that the Solicitor and Deputy Solicitor shall advise the USPTO Director.

Additionally, the last sentence of 37 CFR 10.4(b) identifies the USPTO employees that shall not participate in rendering a decision on disciplinary changes. Among those identified as not participating in rendering decisions are associate and assistant solicitors of the Office of the Solicitor. In addition, the PTOEA designated the head of the USPTO as Under Secretary of Commerce for Intellectual Property and Director of the USPTO. 35 U.S.C. 3(a)(1).

As a result, it is necessary and appropriate to interpret the last sentence of § 10.4(b) and § 10.140(b) in view of this reorganization. Because these are interpretive statements of rules, they are exempt from notice and comment rulemaking under 5 U.S.C. 553(b)(3)(A). For the reasons set forth in the preamble, the United States Patent and Trademark Office interprets §§ 10.4(b) and 10.140(b) as follows:

The last sentence of § 10.4(b) provides, ''When charges are brought against a practitioner, no member of the Committee on Discipline, employee under the direction of the Director, or associate solicitor or assistant solicitor in the Office of the Solicitor shall participate in rendering a decision on the charges.'' This sentence is construed as providing that when charges are brought against a practitioner, the designated attorneys in the Office of General Counsel (including assistant and associate solicitors, and associate counsel) shall not participate in rendering a decision on the charges.

The first sentence of § 10.140(b) provides, ''The Commissioner shall designate at least two associate solicitors in the Office of the Solicitor to act as representatives for the Director in disciplinary proceedings.'' This sentence is construed as authorizing the USPTO Director to designate at least two attorneys (including assistant and associate solicitors, and associate counsel) in the Office of General Counsel to act as representatives for the OED Director in disciplinary proceedings.

The second sentence of § 10.140(b) provides, ''In prosecuting disciplinary proceedings, the designated associate solicitors shall not involve the Solicitor or the Deputy Solicitor.'' This sentence is construed as providing that in prosecuting disciplinary proceedings, the designated attorneys in the Office of General Counsel (including assistant and associate solicitors, and associate counsel) shall not involve the General Counsel or the Deputy General Counsel for General Law.

The third sentence of § 10.140(b) provides, ''The Solicitor and the Deputy Solicitor shall remain insulated from the investigation and prosecution of all disciplinary proceedings in order that they shall be available as counsel to the Commissioner in deciding disciplinary proceedings.'' This is construed as providing that the General Counsel and the Deputy General Counsel for General Law shall remain insulated from the investigation and prosecution of all disciplinary proceedings in order that they shall be available as counsel to the USPTO Director in deciding disciplinary proceedings. However, the Deputy General Counsel for Intellectual Property Law and Solicitor shall not remain insulated from the investigation and prosecution of disciplinary proceedings, and thus shall not be available to counsel the USPTO Director in deciding such proceedings.

Dated: August 20, 2001.

Nicholas P. Godici,

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

[FR Doc. 01–21480 Filed 8–23–01; 8:45 am]

BILLING CODE 3510–16–U

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900–AK96

Certification for Eligibility for Adaptive Equipment for Automobiles or Other Conveyances

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the Department of Veterans Affairs (VA) adjudication regulations concerning the criteria for certification for eligibility for financial assistance for adaptive equipment for automobiles or other conveyances by updating cross-references to pertinent medical regulations that have been recodified. These changes are made for clarity and accuracy.

DATES: Effective Date: August 24, 2001.

FOR FURTHER INFORMATION CONTACT: Randy A. McKevitt, Consultant, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, telephone (202) 273–7138.

SUPPLEMENTARY INFORMATION: This final rule consists of 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 regulatory amendment will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. This rule merely consists of nonsubstantive changes. Therefore, pursuant to 5 U.S.C. 605(b), this amendment is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

The Catalog of Federal Domestic Assistance program number is 64.100.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Disability benefits, Health care, Pensions, Radioactive materials, Veterans, Vietnam.

Approved: August 17, 2001.

Anthony J. Principi,

Secretary of Veterans Affairs.

For the reasons set forth in the preamble, 38 CFR part 3 is amended as follows:

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

1. The authority citation for part 3, subpart A continues to read as follows:

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

§ 3.808 [Amended]

2. In § 3.808, paragraph (d) is amended by removing ''17.119a through 17.119c'' and adding, in its place, ''17.156, 17.157, and 17.158''

[FR Doc. 01–21499 Filed 8–23–01; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA–4136a; FRL–7035–8]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; VOC RACT Determinations for Nine Sources in the Pittsburgh-Beaver Valley Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve revisions to the Commonwealth of Pennsylvania's State Implementation Plan (SIP). The revisions were submitted by the Pennsylvania Department of Environmental Protection (PADEP) to establish and require reasonably available control technology (RACT) for nine major sources of volatile organic compounds (VOC). These sources are located in the Pittsburgh-Beaver Valley ozone nonattainment area (the Pittsburgh area). EPA is approving these revisions to establish RACT requirements in the SIP in accordance with the Clean Air Act (CAA).

DATES: This rule is effective on October 9, 2001 without further notice, unless EPA receives adverse written comment by September 24, 2001. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Written comments should be mailed to David L. Arnold, Chief, Air Quality Planning & Information Services Branch, Air Protection Division, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; Allegheny County Health Department, Bureau of Environmental Quality, Division of Air Quality, 301 39th Street, Pittsburgh, Pennsylvania 15201 and the Pennsylvania Department of Environmental Protection, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Rose Quinto at (215) 814–2182, the EPA Region III address above or by e-mail at *quinto.rose@epa.gov*. Please note that while questions may be posed via telephone and e-mail, formal comments must be submitted, in writing, as indicated in the **ADDRESSES** section of this document.

SUPPLEMENTARY INFORMATION:

I. Background

Pursuant to sections 182(b)(2) and 182(f) of the Clean Air Act (CAA), the Commonwealth of Pennsylvania (the Commonwealth or Pennsylvania) is required to establish and implement RACT for all major VOC and NO_X sources. The major source size is determined by its location, the classification of that area and whether it is located in the ozone transport region (OTR). Under section 184 of the CAA, RACT as specified in sections 182(b)(2) and 182(f)) applies throughout the OTR. The entire Commonwealth is located within the OTR. Therefore, RACT is applicable statewide in Pennsylvania.

State implementation plan revisions imposing reasonably available control technology (RACT) for three classes of VOC sources are required under section 182(b)(2). The categories are:

(1) All sources covered by a Control Technique Guideline (CTG) document issued between November 15, 1990 and the date of attainment;

(2) all sources covered by a CTG issued prior to November 15, 1990; and

(3) all major non-CTG sources. The regulations imposing RACT for these non-CTG major sources were to be submitted to EPA as SIP revisions by November 15, 1992 and compliance required by May of 1995.

The Pennsylvania SIP already includes approved RACT regulations for all sources and source categories covered by the CTGs. On February 4, 1994, PADEP submitted a revision to its SIP to require major sources of NO_X and additional major sources of VOC emissions (not covered by a CTG) to implement RACT. The February 4, 1994 submittal was amended on May 3, 1994 to correct and clarify certain presumptive NO_X RACT requirements. In the Pittsburgh area, a major source of VOC is defined as one having the potential to emit 50 tons per year (tpy) or more, and a major source of NO_X is defined as one having the potential to emit 100 tpy or more. Pennsylvania's RACT regulations require sources, in the Pittsburgh area, that have the potential to emit 50 tpy or more of VOC and sources which have the potential to emit 100 tpy or more of NO_X comply with RACT by May 31, 1995. The regulations contain technology-based or operational ''presumptive RACT emission limitations'' for certain major NO_X sources. For other major NO_X sources, and all major non-CTG VOC sources (not otherwise already subject to RACT under the Pennsylvania SIP), the regulations contain a ''generic'' RACT provision. A generic RACT regulation is one that does not, itself, specifically define RACT for a source or source categories but instead allows for case-by-case RACT determinations. The generic provisions of Pennsylvania's regulations allow for PADEP to make case-by case RACT determinations that are then to be submitted to EPA as revisions to the Pennsylvania SIP.

On March 23, 1998 EPA granted conditional limited approval to the Commonwealth's generic VOC and NO_X RACT regulations (63 FR 13789). In that action, EPA stated that the conditions of its approval would be satisfied once the Commonwealth either (1) certifies that it has submitted case-by-case RACT proposals for all sources subject to the RACT requirements currently known to PADEP; *or* (2) demonstrate that the emissions from any remaining subject sources represent a de minimis level of emissions as defined in the March 23, 1998 rulemaking. On April 22, 1999, PADEP made the required submittal to EPA certifying that it had met the terms and conditions imposed by EPA in its March 23, 1998 conditional limited approval of its VOC and NO_X RACT regulations by submitting 485 case-by-case VOC/ NO_X RACT determinations as SIP revisions and making the