

| Category of records                                          | Other federal agency                         |
|--------------------------------------------------------------|----------------------------------------------|
| Formal Complaints/Appeals of Adverse Personnel Actions ..... | Merit Systems Protection Board. <sup>5</sup> |

<sup>1</sup> Other than systems of records noticed by the Department of Commerce. Where the system of records applies only to USPTO, these regulations apply. Where the system of records applies generally to components of the Department of Commerce, the regulations of that department attach at the point of any denial for access or for correction or amendment.

<sup>2</sup> The provisions of this part do not apply to these records covered by notices of systems of records published by the Office of Personnel Management for all agencies. The regulations of OPM alone apply.

<sup>3</sup> The provisions of this part apply only initially to these records covered by notices of systems of records published by the U.S. Department of Labor for all agencies. The regulations of that department attach at the point of any denial for access or for correction or amendment.

<sup>4</sup> The provisions of this part do not apply to these records covered by notices of systems of records published by the Equal Employment Opportunity Commission for all agencies. The regulations of the Commission alone apply.

<sup>5</sup> The provisions of this part do not apply to these records covered by notices of systems of records published by the Merit Systems Protection Board for all agencies. The regulations of the Board alone apply.

Dated: August 25, 2000.

**Q. Todd Dickinson,**

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

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[FRL-6862-9]

#### Notice of Availability of Responses to Comments on Proposed Rulemaking for Section 126 Petitions for Purposes of Reducing Interstate Ozone Transport

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of availability.

**SUMMARY:** The EPA conducted an extensive rulemaking on petitions filed by eight Northeastern States under section 126 of the Clean Air Act (CAA). These petitions sought to reduce interstate transport of nitrogen oxides (NO<sub>x</sub>), one of the precursors of ground-level ozone. During part of the rulemaking process and after EPA had taken one final action on the petitions (64 FR 28250, May 25, 1999), EPA issued a proposal (64 FR 33962, June 24, 1999) and solicited comments on a set of discrete issues. In response, a number of comments were submitted that were outside the scope of the June 24, 1999 proposal and that, effectively, sought reconsideration of issues on which EPA had already taken final action. On January 18, 2000, the Agency took final action on the June 24, 1999 proposal, and noted that it would respond to those comments at a later date. This notice informs the public that EPA has responded separately to those comments and that the responses are now available in the docket (Docket Number A-97-43).

**ADDRESSES:** Documents relevant to this action are available for inspection at the Air and Radiation Docket and Information Center (6102), Attention: Docket No. A-97-43, U.S. Environmental Protection Agency, 401 M Street SW, room M-1500, Washington, DC 20460, telephone (202) 260-7548 between 8:00 a.m. and 5:30 p.m., Monday through Friday, excluding legal holidays. A reasonable fee may be charged for copying.

#### FOR FURTHER INFORMATION CONTACT:

Questions concerning today's action should be addressed to David Cole, Office of Air Quality Planning and Standards, Air Quality Strategies and Standards Division, MD-15, Research Triangle Park, NC, 27711, telephone (919) 541-5565, e-mail at [cole.david@epa.gov](mailto:cole.david@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Availability of Related Information

The official record for the section 126 rulemaking, as well as the public version of the record, has been established under docket number A-97-43. The public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as confidential business information, is available for inspection from 8:00 a.m. to 5:30 p.m., Monday through Friday, excluding legal holidays. The official rulemaking record is located at the address in **ADDRESSES** at the beginning of this document. In addition, the **Federal Register** rulemakings and associated documents are located on EPA's websites at <http://www.epa.gov/ttn/rto/126> and at <http://www.epa.gov/acidrain/modlrule/main.html#126>.

##### Background

On May 25, 1999 (64 FR 28250), EPA made final determinations that portions of the petitions filed by eight Northeastern States under section 126 of the CAA are technically meritorious. The petitions sought to mitigate what they described as significant transport of one of the main precursors of ground-

level ozone, NO<sub>x</sub>, across State boundaries. Each petition specifically requested that EPA make a finding that certain stationary sources emit NO<sub>x</sub> in violation of the CAA's prohibition on emissions that significantly contribute to nonattainment problems in the petitioning State.

On June 24, 1999 (64 FR 33962), EPA proposed to revise two aspects of the May 25, 1999 final rule. The EPA proposed to stay indefinitely the affirmative technical determinations based on the 8-hour standard pending further developments in the litigation of that standard (see 64 FR 33956, June 24, 1999). The EPA also proposed to remove the trigger mechanism for making section 126 findings that was based on deadlines specified in a related EPA action to reduce interstate transport of ozone, the NO<sub>x</sub> State implementation plan (SIP) call, and to instead make the findings under the 1-hour standard.

The EPA finalized the revisions to the May 25, 1999 final rule on January 18, 2000 (65 FR 2674). In this revised rule, EPA noted that it received comments on the June 24, 1999 proposal that the Agency considers to be outside the scope of that proposal. These comments relate primarily to issues that have been addressed previously either in the NO<sub>x</sub> SIP call final rule, the NO<sub>x</sub> SIP call response to comments document, the May 25, 1999 final rule for the section 126 petitions, or the April 1999 response to comments document for the section 126 petitions. Although these comments were outside the scope of the rulemaking, EPA responded to most of them in the revised rule of January 18, 2000.

The EPA did not, in the revised rule, respond to certain comments that the Agency believes should be considered to be, in effect, petitions for reconsideration of the May 25, 1999 section 126 final rule. By today's action, EPA is notifying the public that EPA has responded to these comments separately in a document placed in the rulemaking docket for the section 126 petitions (A-97-43), document number XII-A-01.

Dated: August 24, 2000.

**Carol M. Browner,**  
Administrator.

[FR Doc. 00-22382 Filed 8-30-00; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 52 and 81

[Docket OR-84-7299a; FRL-6858-1]

### Approval and Promulgation of Implementation Plans; Oregon

**AGENCY:** Environmental Protection Agency.

**ACTION:** Direct final rule.

**SUMMARY:** Environmental Protection Agency (EPA) is approving the revisions to Oregon's State Implementation Plan which were submitted on November 10, 1999. These revisions consist of: approval of the 1993 carbon monoxide periodic emissions inventory for Grants Pass, Oregon; approval of the Grants Pass carbon monoxide maintenance plan; and redesignation of Grants Pass from nonattainment to attainment for carbon monoxide.

**DATES:** This direct final rule is effective on October 30, 2000 without further notice, unless EPA receives adverse comment by October 2, 2000. If adverse comment is received, EPA 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 addressed to: Debra Suzuki, EPA, Office of Air Quality (OAQ-107), 1200 Sixth Avenue, Seattle, Washington 98101.

Copies of the State's request and other information supporting this action are available for inspection during normal business hours at the following locations: EPA, Office of Air Quality (OAQ-107), 1200 Sixth Avenue, Seattle, Washington 98101, and State of Oregon Department of Environmental Quality, 811 SW Sixth Avenue, Portland, Oregon 97204-1390.

**FOR FURTHER INFORMATION CONTACT:** Debra Suzuki, Office of Air Quality (OAQ-107), EPA, Seattle, Washington, (206) 553-0985.

#### SUPPLEMENTARY INFORMATION:

##### Table of Contents

- I. Supplementary Information
  1. What is the purpose of this rule making?
  2. What is a State Implementation Plan?
  3. What National Ambient Air Quality Standards are considered in today's rulemaking?

4. What is the background information for this SIP action?
  5. What criteria did EPA use to evaluate the State's submittal?
  6. In summary, what are the results of EPA's evaluation?
  7. Has Grants Pass attained the carbon monoxide NAAQS?
  8. Does Grants Pass have a fully approved SIP?
  9. How does this action affect Transportation Conformity?
- Table 1—Central Business District Transportation Emissions Budget Through 2015 (pounds CO/Winter Day)
10. Has the State provided an adequate emissions inventory?
  11. Is the improvement in air quality in Grants Pass due to permanent and enforceable measures?
  12. Does the State provide a fully approvable maintenance plan?
  13. Did the State provide adequate attainment and maintenance year emissions inventories?
- Table 2—1993 CO Attainment Year and Recent Actual Emissions for the Grants Pass Nonattainment Area (CO tons/year)
- Table 3—Projected Maintenance Year Emissions for the Grants Pass Nonattainment Area (CO tons/year)
14. Has the State successfully demonstrated maintenance and provided a projected emissions inventory?
  15. How will this action affect the oxygenated fuels program in Grants Pass?
  16. How will the State continue to verify attainment?
  17. What contingency measures does the State provide?
  18. How will the State provide for subsequent maintenance plan revisions?
  19. How does this action affect specific rules?
  20. In conclusion, what is EPA approving and why?

#### III. Final Action

#### IV. Administrative Requirements

### I. Supplementary Information

#### 1. What Is the Purpose of This Rule Making?

Today's rule making announces three actions being taken by EPA related to air quality in the State of Oregon. These actions are taken at the request of the Governor of Oregon in response to Clean Air Act (Act) requirements and EPA regulations.

First, EPA approves the 1993 periodic carbon dioxide emissions inventory for Grants Pass. The 1993 inventory establishes a baseline characterization of emissions that EPA considers comprehensive and accurate. It provides the foundation for air quality planning in Grants Pass.

Second, EPA approves the carbon monoxide maintenance plan for the Grants Pass nonattainment area into the Oregon State Implementation Plan (SIP).

Third, EPA redesignates Grants Pass from nonattainment to attainment for

carbon monoxide. This redesignation is based on validated monitoring data and projections made in the maintenance plan's demonstration. EPA believes the area will continue to meet the National Ambient Air Quality Standards for CO for at least ten years beyond this redesignation, as required by the Act.

#### 2. What Is a State Implementation Plan?

The Clean Air Act requires States to keep ambient concentrations of specific air pollutants below certain thresholds to provide an adequate margin of safety for public health and welfare. These maximum concentrations are established by EPA based on current science and are known as the National Ambient Air Quality Standards, or NAAQS. The State's commitments for attaining the NAAQS are outlined in its State Implementation Plan, or SIP. The SIP is a planning document that, when implemented, is designed to ensure the achievement of the NAAQS. Each State currently has a SIP in place, and the Act requires that SIP revisions be made periodically.

A SIP includes the following: (1) inventories of emissions from point, area, and mobile sources; (2) statutes and regulations adopted by the state legislature and executive agencies; (3) air quality analyses that include demonstrations that adequate controls are in place to meet the NAAQS; (4) contingency measures to be undertaken if an area fails to attain or make reasonable progress toward attainment by the required date.

The SIP must be presented to the public in a hearing and approved by the Governor of the State or appointed designee prior to submittal to EPA. The approved SIP serves as the State's commitment to actions that will reduce or eliminate air quality problems. Once approved by EPA, the SIP becomes part of the Code of Federal Regulations and is federally enforceable. Any subsequent changes must go through the formal SIP revision process specified in the Act.

Oregon submitted their original section 110 SIP on January 25, 1972 and it was approved by EPA soon thereafter.

The Grants Pass CO maintenance plan and redesignation request was submitted as a revision to the SIP on November 10, 1999. This revision is the subject of today's action.

#### 3. What National Ambient Air Quality Standards Are Considered in Today's Rulemaking?

The standards considered in today's action are the primary and secondary carbon monoxide NAAQS. These standards were originally promulgated in 1985 and are as follows: (1) 9 parts