

Civil Justice Reform

This rule meets the applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

The Coast Guard has analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Environment

We have considered the environmental impact of this rule and concluded that, under figure 2-1, paragraph 34(g) of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation. A written categorical exclusion determination is available in the docket for inspection or copying where indicated under **ADDRESSES**.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action.

List of Subjects in 33 CFR Part 165

Harbors, Marine Safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191, 33 CFR 1.05-1(g), 6.04-1, 6.04-6, 160.5; 49 CFR 1.46.

2. A new temporary § 165.T09-993 is added to read as follows:

§ 165.T09-993 Safety Zones; Port Huron Tall Ship Celebration, St. Clair River, MI.

(a) *Location.* The Coast Guard will establish temporary moving safety zones that will encompass all waters 100 yards ahead, 100 yards behind, and 50 yards on either side of the sailing vessels, *Norfolk Rebel*, *Cape Rose*, *Larinda*, *Highlander Sea*, *Pride of Baltimore II*, which will be participating in the Port Huron Parade of Tall Ships. These individual temporary moving safety zones will ensure safe navigation of vessels officially participating in the parade. The moving safety zones will be enforced from the north starting point at Lake Huron Cut Light #7 (LLN 10065), in position 43°03'36" N, 082°25'06" W, and to the south, ending at Port Huron Terminal, in position 42°57'32" N, 082°25'38" W. These coordinates are based upon North American Datum 1983 (NAD 83).

(b) *Effective time and date.* This section is effective 5 p.m. until 7 p.m. on August 30, 2001. The designated on-scene Patrol Commander may be contacted via VHF Channel 16.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into the safety zones is prohibited unless authorized by the Coast Guard Captain of the Port Detroit, or his designated on-scene representative.

Dated: August 24, 2001.

P.G. Gerrity,

Commander, U.S. Coast Guard, Captain of the Port Detroit.

[FR Doc. 01-21957 Filed 8-29-01; 8:45 am]

BILLING CODE 4910-15-P

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

37 CFR Part 1

[Docket No.: 010815207]

RIN 0651-AB41

Timing of National Stage Commencement in the United States for Patent Cooperation Treaty Applications

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Temporary rule.

SUMMARY: The United States Patent and Trademark Office (Office) is amending the regulations to include the current statutory provisions that define when national stage commencement occurs in an application filed under the Patent Cooperation Treaty (PCT). The Office is making this change due to a possible change in the patent statute to provide that the time period for commencement of the national stage that is currently set forth by statute will be set forth in the regulations.

DATES: *Effective Date:* August 30, 2001 through June 3, 2002.

Applicability Date: The change to 37 CFR 1.491 applies to any international application pending before, on, or after August 30, 2001.

FOR FURTHER INFORMATION CONTACT:

Charles A. Pearson, Director, Office of PCT Legal Administration, by telephone at (703) 306-4145, or Boris Milef, Legal Examiner, Office of PCT Legal Administration, by telephone at (703) 308-3659, or by mail addressed to: Box PCT—Patents, Commissioner for Patents, Washington, DC 20231, or by facsimile to (703) 308-6459, marked to the attention of Boris Milef.

SUPPLEMENTARY INFORMATION: 35 U.S.C. 371(b) currently sets forth the time period for commencement of the national stage in an application filed under the PCT. Due to a possible statutory revision of 35 U.S.C. 371(b) to provide that the time period for commencement of the national stage will be set forth in the regulations, the Office is amending 37 CFR 1.491 (§ 1.491) such that the regulations set forth the current language of 35 U.S.C. 371(b) (as amended by Pub. L. 99-616, section 7(b), 100 Stat. 3485, 3485 (1986)) that defines when national stage commencement occurs. Certain U.S. statutes and regulations provide for requirements that are tied to the date of national stage "commencement" (e.g., the date of national stage

commencement is relevant to the due date for the national fee, an oath or declaration, and any required translation of the international application or amendments under PCT Article 19 (35 U.S.C. 371(d)), and in determining whether patentees are entitled to a patent term adjustment pursuant to 35 U.S.C. 154(b)(1)(B) (37 CFR 1.702(b)). Therefore, it is important that the regulations provide for a date of commencement of the national stage as to the United States in advance of any statutory revision to 35 U.S.C. 371(b).

The Office will publish in the near future a notice proposing changes to the time period for claiming the benefit of a prior-filed application in an application filed under the PCT, and making other technical corrections to the rules of practice related to eighteen-month publication. The Office is also including the change to § 1.491 in this temporary rule in the notice of proposed rulemaking to be published in the near future. Comments on this change to § 1.491 may be submitted in response to that notice of proposed rulemaking, and the Office will take such comments into consideration before publishing a final rule resulting from the notice of proposed rulemaking.

Discussion of Specific Rules

Title 37 of the Code of Federal Regulations, Part 1, is amended as follows:

Section 1.491: Section 1.491 is amended to define both commencement of the national stage and entry into the national stage. Because these two events (commencement of the national stage and entry into the national stage) may not take place at the same time, the Office is amending § 1.491 to clarify when each of these two events takes place. Section 1.491(a) specifically indicates that, subject to 35 U.S.C. 371(f), the national stage shall commence with the expiration of the applicable time limit under PCT Article 22(1) or (2), or under PCT Article 39(1)(a). Thus, § 1.491(a) merely incorporates the statutory language contained in 35 U.S.C. 371(b) (as amended by Pub. L. 99-616, section 7(b), 100 Stat. 3485, 3485 (1986)). Section 1.491(b) contains the provisions of former § 1.491, and provides that an international application enters the national stage when the applicant has filed the documents and fees required by 35 U.S.C. 371(c) within the period set in § 1.494 or § 1.495.

Classification

Administrative Procedure Act

This temporary rule simply amends § 1.491 to include the current provisions in 35 U.S.C. 371(b) that define when national stage commencement occurs in an application filed under the PCT. This amendment to § 1.491 does not change the current time limits for entering the national phase in the United States and does not alter any applicant's substantive rights. In addition, this amendment to § 1.491 is of an exigent nature because there is an impending change to 35 U.S.C. 371(b) that if enacted before the Office amends § 1.491 would result in a period of time during which the timing of national stage commencement in an application filed under the PCT would be undefined. Therefore, prior notice and an opportunity for public comment are not required pursuant to 5 U.S.C. 553(b)(A) (or any other law), and thirty-day advance publication is not required pursuant to 5 U.S.C. 553(d) (or any other law).

Regulatory Flexibility Act

As prior notice and an opportunity for public comment are not required pursuant to 5 U.S.C. 553 (or any other law), an initial regulatory flexibility analysis under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) is not required. *See* 5 U.S.C. 603.

Executive Order 13132

This rulemaking does not contain policies with federalism implications sufficient to warrant preparation of a Federalism Assessment under Executive Order 13132 (Aug. 4, 1999).

Executive Order 12866

This rulemaking has been determined to be not significant for purposes of Executive Order 12866 (Sept. 30, 1993).

Paperwork Reduction Act

This temporary rule involves information collection requirements that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The collection of information involved in this temporary rule has been reviewed and previously approved by OMB under the control number 0651-0021. The Office is not resubmitting an information collection package to OMB for its review and approval because the changes in this temporary rule do not affect the information collection requirements associated with the information collection under OMB control number 0651-0021.

The title, description and respondent description of the information collection is shown below with an estimate of the annual reporting burdens. Included in the estimate is the time for reviewing instructions, gathering and maintaining the data needed, and completing and reviewing the collection of information.

OMB Number: 0651-0021.

Title: Patent Cooperation Treaty.

Form Numbers: PCT/RO/101, ANNEX/134/144, PTO-1382, PCT/IPEA/401, PCT/IB/328.

Type of Review: Approved through December of 2003.

Affected Public: Individuals or Households, Business or Other For-Profit Institutions, Federal Agencies or Employees, Not-for-Profit Institutions, Small Businesses or Organizations.

Estimated Number of Respondents: 331,288.

Estimated Time Per Response: Between 15 minutes and 4 hours.

Estimated Total Annual Burden Hours: 401,083.

Needs and Uses: The information collected is required by the Patent Cooperation Treaty (PCT). The general purpose of the PCT is to simplify the filing of patent applications on the same invention in different countries. It provides for a centralized filing procedure and a standardized application format.

Comments are invited on: (1) Whether the collection of information is necessary for proper performance of the functions of the agency; (2) the accuracy of the agency's estimate of the burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information to respondents.

Interested persons are requested to send comments regarding these information collections, including suggestions for reducing this burden, to Robert J. Spar, Director, Office of Patent Legal Administration, United States Patent and Trademark Office, Washington, D.C. 20231, or to the Office of Information and Regulatory Affairs of OMB, New Executive Office Building, 725 17th Street, NW., Room 10235, Washington, DC 20503, Attention: Desk Officer for the United States Patent and Trademark Office.

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 unless that collection of information displays a currently valid OMB control number.

List of Subjects in 37 CFR Part 1

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

For the reasons set forth in the preamble, 37 CFR Part 1 is amended as follows:

PART 1—RULES OF PRACTICE IN PATENT CASES

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

Authority: 35 U.S.C. 2(b)(2).

2. Section 1.491 is revised to read as follows:

§ 1.491. National stage commencement and entry.

(a) Subject to 35 U.S.C. 371(f), the national stage shall commence with the expiration of the applicable time limit under PCT Article 22(1) or (2), or under PCT Article 39(1)(a).

(b) An international application enters the national stage when the applicant has filed the documents and fees required by 35 U.S.C. 371(c) within the period set in § 1.494 or § 1.495.

Dated: August 24, 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. 01-21879 Filed 8-29-01; 8:45 am]

BILLING CODE 3510-16-P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 86**

[FRL-7046-8]

Notice of Availability: Response Document Denying the Ethyl Corporation Petitions To Reconsider Three EPA Regulations: CAP 2000, Heavy Duty Gasoline, and OBD/IM

AGENCY: Environmental Protection Agency (EPA).

ACTION: Availability of EPA decision denying the Ethyl Corporation petitions to reconsider CAP 2000 regulation, heavy-duty gasoline regulation, and OBD/IM regulation.

SUMMARY: The Ethyl Corporation has submitted three petitions to the EPA Administrator to reconsider three separate Agency rulemakings. The first petition is regarding the compliance procedures for new motor vehicles known as "CAP 2000". 64 FR 23,906.

The second petition pertains to emission standards and compliance procedures for new heavy-duty gasoline engines. 65 FR 59896. The third petition pertains to the use of on-board diagnostics for vehicle inspection and maintenance programs. 66 FR 18156.

The Petitioner's issues with the heavy-duty rule are identical to those of the CAP 2000 rule, and EPA agreed that its response would cover both regulations. Although the issue for the OBD/IM rule is different, EPA's response is included in accordance with a commitment to do so made in that rulemaking.

This Notice serves to announce the availability of EPA's decision to deny Ethyl's petition to reconsider all three petitions.

ADDRESSES: Copies of EPA's decision document are available from the EPA Air Docket under the following three Docket numbers: A-96-50 (CAP 2000), A-2000-16 (OBD/IM) and A-98-32 (Heavy-Duty Highway). The address for the EPA Air Docket is: U.S. Environmental Protection Agency (EPA), Air Docket (6102), Room M-1500, 401 M Street, S.W., Washington, D.C. 20460. EPA's Air Docket makes materials related to the three regulations involved in the Ethyl Corporation petitions available for review at the above address (on the ground floor in Waterside Mall) from 8:00 a.m. to 5:30 p.m., Monday through Friday, except on government holidays. You can reach the Air Docket by telephone at (202) 260-7548 and by facsimile at (202) 260-4400. We may charge a reasonable fee for copying docket materials, as provided in 40 CFR part 2. You can also view or download a copy of the decision document via EPA's web site at the following address: <http://www.epa.gov/otaq/ld-hwy.htm#regs>.

FOR FURTHER INFORMATION CONTACT:

Linda Hormes, Office of Mobile Sources, Vehicle Programs and Compliance Division, 2000 Traverwood, Ann Arbor, MI 48105. Phone: (734) 214-4502. Email: lhormes@epa.gov.

Dated: August 23, 2001.

Christine Todd Whitman,
Administrator.

[FR Doc. 01-21932 Filed 8-29-01; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF TRANSPORTATION**National Highway Traffic Safety Administration****49 CFR Part 572**

[Docket No. NHTSA-00-7052]

RIN 2127-AI37

Anthropomorphic Test Devices; 12-Month-Old Child Dummy; Final Rule; Response to Petitions for Reconsideration

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Final rule; response to petitions for reconsideration.

SUMMARY: On March 31, 2000, NHTSA published a final rule adopting design and performance specifications for a new 12-month-old infant dummy. Four organizations filed petitions for reconsideration of this rule. In response to these petitions, this document makes several minor changes to the final rule, including: adding a channel frequency class specification if a rotary potentiometer is used for measuring head rotation; revising the impact probe specifications to include provisions for mounting suspension hardware if a cable system is used for impacts, adopt a lower minimum mass moment of inertia, and clarify the specification for free air resonant frequency; revising the material specifications in several drawings; and correcting several minor errors in these drawings, and in the Procedures for Assembly, Disassembly and Inspection (PADI) Document. This document also denies a request to add a provision for post-test calibration of the dummy.

DATES: The amendments made in this final rule are effective October 29, 2001. If you wish to submit a petition for reconsideration for this rule, your petition must be received by October 15, 2001.

ADDRESSES: Petitions for reconsideration should refer to the docket number and be submitted to: Administrator, Rm. 5220, National Highway Traffic Safety Administration, 400 Seventh St., SW., Washington, DC 20590. The drawings and PADI will be available in the NHTSA Docket.

FOR FURTHER INFORMATION CONTACT: For nonlegal issues, Stan Backaitis, Office of Crashworthiness Standards at 202-366-4912. For legal issues, Dion Casey, Office of the Chief Counsel, at 202-366-2992. Both can be reached by mail at the National Highway Traffic Safety