sentence of this paragraph. The United States will reserve a nonexclusive, nontransferable, irrevocable, paid-up license to practice or have practiced for or on behalf of the United States any such intellectual property, but shall not, in the exercise of such license, publicly disclose proprietary information related to the license. Title to any such intellectual property shall not be transferred or passed, except to a company incorporated in the United States, until the expiration of the first patent obtained in connection with such intellectual property. Nothing in this paragraph shall be construed to prohibit the licensing to any company of intellectual property rights arising from assistance provided under this section.

(2) *Patent Procedures.* Each award by the Program shall include provisions assuring the retention of a governmental use license in each disclosed invention, and the government's retention of march-in rights. In addition, each award by the Program will contain procedures regarding reporting of subject inventions by the funding Recipient to the Program, including the subject inventions of members of the joint venture (if applicable) in which the funding Recipient is a participant, contractors and subcontractors of the funding Recipient. The funding Recipient shall disclose such subject inventions to the Program within two months after the inventor discloses it in writing to the Recipient's designated representative responsible for patent matters. The disclosure shall consist of a detailed, written report which provides the Program with the following: the title of the present invention; the names of all inventors; the name and address of the assignee (if any); an acknowledgment that the United States has rights in the subject invention; the filing date of the present invention, or, in the alternative, a statement identifying that the Recipient determined that filing was not feasible; an abstract of the disclosure; a description or summary of the present invention; the background of the present invention or the prior art; a description of the preferred embodiments; and what matter is claimed. Upon issuance of the patent, the funding Recipient or Recipients must notify the Program accordingly, providing it with the Serial Number of the patent as issued, the date of issuance, a copy of the disclosure as issued, and if appropriate, the name, address, and telephone number(s) of an assignee.

* * * * *

§§ 295.10 and 295.11 [Removed]

§§ 295.12 and 295.13 [Redesignated as sections 295.10 and 295.11]

9. Sections 295.10 and 295.11 are removed and §§ 295.12 and 295.13 are redesignated as §§ 295.10 and 295.11.

10. The newly redesignated § 295.11 is amended by revising the heading and by adding a new paragraph (c) to read as follows:

§ 295.11 Technical and educational services for ATP recipients.

* * * * *

(c) From time to time, ATP may conduct public workshops and undertake other educational activities to foster the collaboration of funding Recipients with other funding resources for purposes of further development and commercialization of ATP-related technologies. In no event will ATP provide recommendations, endorsements, or approvals of any ATP funding Recipients to any outside party.

11. Section 295.21 is revised to read as follows:

§ 295.21 Qualifications of proposers.

Subject to the limitations set out in § 295.3, assistance under this subpart is available only to industry-led joint research and development ventures. These ventures may include universities, independent research organizations, and governmental entities. Proposals for funding under this Subpart may be submitted on behalf of a joint venture by a for-profit company or an independent research organization that is a member of the joint venture. Proposals should include letters of commitment or excerpts of such letters from all proposed members of the joint venture, verifying the availability of cost-sharing funds, and authorizing the party submitting the proposal to act on behalf of the venture with the Program on all matters pertaining to the proposal. No costs shall be incurred under an ATP project by the joint venture members until such time as a joint venture agreement has been executed by all of the joint venture members and approved by NIST. NIST will withhold approval until it determines that a sufficient number of members have signed the joint venture agreement. Costs will only be allowed after the execution of the joint venture agreement and approval by NIST.

12. Section 295.24 is revised to read as follows:

§ 295.24 Registration.

Joint ventures selected for funding under the Program must notify the Department of Justice and the Federal Trade Commission under the National Cooperative Research Act of 1984. No funds will be released prior to receipt by the Program of copies of such notification.

[FR Doc. 98–30956 Filed 11–17–98; 2:55 pm]
BILLING CODE 3510–13–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[AZ–001–BU; FRL–6183–7]

Clean Air Act Reclassification; Arizona-Phoenix Nonattainment Area; Ozone; Extension of Plan Submittal Deadline

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On November 6, 1997, EPA published a rule announcing our finding that the Phoenix, Arizona, metropolitan area had failed to attain the 1-hour national ambient air quality standard for ozone as required by the Federal Clean Air Act (CAA or the Act). This finding resulted in the area being reclassified by operation of law from a ''moderate'' to a ''serious'' ozone nonattainment area. In the rule, we also set a deadline of December 8, 1998 for Arizona to submit the revisions to its implementation plan that are needed to meet the Act's requirements for serious ozone nonattainment areas. In this action, we are extending the submittal deadline to March 22, 1999.

DATES: This rule is effective on January 4, 1999 without further notice, unless EPA receives adverse comments by December 7, 1998. If EPA receives such comment, it will publish a timely withdrawal **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Please address comment to Frances Wicher, Office of Air Planning (AIR–2), U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, California 94105. We have also placed a copy of this document in the air programs section of our website at www.epa.gov/region09/air.

FOR FURTHER INFORMATION CONTACT: Frances Wicher at (415) 744–1248 or wicher.frances@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

What Action Is EPA Taking in This Rule?

EPA is extending by three and one-half months, until March 22, 1999, the

date by which the State of Arizona must submit the revisions to the Phoenix metropolitan area's state implementation plan (SIP) that are needed to meet the Clean Air Act's requirements for serious ozone nonattainment areas. These revisions include a demonstration that the area will meet the 1-hour ozone standard as expeditiously as practicable but no later than November 15, 1999; a demonstration that the plan provides for at least a 9 percent reduction in ozone precusors; a current, comprehensive, and accurate emissions inventory; an enhanced vehicle inspection and maintenance program; and contingency measures.[1]

The previous submittal deadline for the serious area plan was December 8, 1998. We set this date at the same time we found the Phoenix moderate ozone nonattainment area had failed to attain the ozone standard by its required deadline of November 15, 1996. See 62 FR 60001 (November 6, 1997).

What Is EPA's Authority To Set Submittal Dates?

When an area is reclassified, we have the authority under section 182(i) of the Act to adjust the Act's submittal deadlines for any new SIP revisions that are required as a result of the reclassification. If a State fails to submit a complete plan by the required deadline, the area is potentially subject to sanctions and a federally-imposed implementation plan under sections 179(a) and 110(c) of the Act.

Why Did EPA Originally Set the Submittal Deadline at December 8, 1998?

The Phoenix reclassification was proposed on September 2, 1997. See 62 FR 46229. At that time, we also proposed that the serious area plan be due twelve months from the effective date of the final reclassification. We selected the 12-month schedule instead of the more usual 18-month schedule for submittal of a revised plan in order to ensure that the revised air quality plan would be submitted before the beginning of the ''ozone season'' in 1999. The ozone season generally occurs during the summer months from mid-May to October when high temperatures and extended daylight hours create the conditions most conducive to ozone formation. Setting the submittal deadline before the beginning of the 1999 ozone season helps ensure that additional controls would be in place to reduce ozone concentrations during this season. The 1999 ozone season is the one that procedes the November 15, 1999 attainment deadline for serious ozone nonattainment areas.

For Phoenix, we received comments opposing the 12-month deadline as too short to develop the needed plan; however, none of the commenters proposed an alternative time frame. We, therefore, set a submittal deadline of 12 months from the effective date of the final reclassification. For Phoenix, this resulted in a December 8, 1998 submittal deadline.[2]

What Impact Will Extending the Deadline Have on the Area's Ability to Attain the 1-Hour Ozone Standard?

In Phoenix, high levels of ozone are most likely to occur during the ozone season from mid-May until late September. To reduce ozone concentrations in the upcoming 1999 ozone season, the State will need to implement additional controls prior to the beginning of this ozone season. The March 22 submittal deadline for the serious area plan is still well before the beginning of the Phoenix ozone season; therefore, extending that deadline should not affect the State's ability to implement needed controls by the beginning of the 1999 ozone season. However, the March 22 deadline still provides us with an approximately 60-day period prior to the start of the ozone season for determining that the State has submitted a complete plan. For this reason, we do not believe that the extension of the submittal deadline will adversely impact air quality in the Phoenix area.

II. What If I Want To Comment on This Action?

We are publishing this rule as a ''direct'' final action without first proposing the rule and providing an opportunity for public comment. We are finalizing this rule directly because we believe this is noncontroversial and do not expect to receive unfavorable comments on it. However, in the ''proposed rules'' section of this **Federal Register** publication, we are also publishing a separate document to serve as the proposal should adverse comments be received. This final rule will be effective January 4, 1999 without further notice from us unless we receive unfavorable comments by December 7, 1998.

If we do receive adverse comments, then we will publish a document in the **Federal Register** withdrawing this final rule and informing the public that the rule will not take effect. We will then address all public comments in a later final rule.

III. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order (E.O.) 12866, entitled ''Regulatory Planning and Review.''

B. Executive Order 12875

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected state, local, and tribal governments, the nature of their concerns, copies of written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires EPA to develop an effective process permitting elected officials and other representatives of state, local, and tribal governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.''

Today's action would simply extend the deadline for submittal of a plan required by the Clean Air Act; therefore, it will not create a new mandate on state, local or tribal governments. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

C. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) Is determined to be ''economically significant'' as defined under E.O. 12866, and (2) concerns an

[1] This extension of the submittal deadline does not affect the submittal dates for the enhanced ozone monitoring program elements that are required for serious ozone nonattainment areas by CAA section 182(c)(1). These dates are already required by regulations at 40 CFR part 58. The extension also does not affect the submittal date for the clean fuel vehicle program required by section 182(c)(4) which is established in section 246(a)(3) of the Act as 1 year from the effective date of the reclassification.

[2] The effective date was subsequently reset to February 13, 1998 because the original final action was not submitted to Congress prior to its original effective date as required by the Administrative Procedures Act. We issued a technical correction to the effective date on February 13, 1998; however, we retained the December 8, 1998 submittal deadline for submittal of the serious area plan.

environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, EPA must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to E.O. 13045 because it is neither economically significant nor does it involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This action will not have a significant impact on a substantial number of small entities because it simply extends the deadline for the State of Arizona to submit an already-mandated requirement. Because the State of Arizona is not a ''small entity'' under RFA and this action does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities.

F. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated annual costs to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under Section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that this action extending the deadline for submittal of an already-required plan does not include a Federal mandate that may result in estimated annual costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

G. Submission to Congress and the General Accounting Office

Under section 801(a)(1)(A) of the Administrative Procedures Act (APA) as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's **Federal Register**. This rule is not a ''major rule'' as defined by section 804(2) of the APA as amended.

H. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 19, 1999. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. See section 307(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, ozone.

Date: October 24, 1998.

Felicia Marcus,

Regional Administrator, Region IX.

[FR Doc. 98–29820 Filed 11–19–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 406

rain Mills Point Source Category

CFR Correction

In title 40 of the Code of Federal Regulations, part 400 to 424, revised as of July 1, 1998, on page 78, in the second column, § 406.22 is printed correctly as follows:

§ 406.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Except as provided in §§ 125.30 through 125.32, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of corn)	
BOD*5*	0.21	0.07
TSS	0.18	0.06
pH	(1)	(1)
	English units (pounds per 1,000 stdbu of corn)	
BOD*5*	12.0	4.0
TSS	10.5	3.5
pH	(1)	(1)

1 Within the range 6.0 to 9.0.

[39 FR 10513, Mar. 20, 1974, as amended at 60 FR 33936, June 29, 1995]