sensitive but unclassified data for almost all IRS computer systems. Although generally the people who monitor such logs are information system administrators, there may be exceptions where personnel from another IRS function monitor the logs.

The commenter also expressed concern that government and non-law enforcement personnel will have access to and use of the system, and that the system should only exempt certain records depending on whether the information is being used for law enforcement purposes. All of the information is being used for law enforcement purposes, specifically to detect violations of applicable statutes, including 18 U.S.C. 1030(a)(2)(B) and 26 U.S.C. 6103, 7213, 7213A. Therefore, the entire system is entitled to the law enforcement exemption. The final concern expressed by the commenter was a lack of description of the specific records to be covered. This system is broad because it would be burdensome and confusing to the public to create multiple systems with corresponding multiple notices for the purpose of printing the same description of audit logs and security records used to monitor access.

Accordingly, the Department of the Treasury is hereby giving notice that the system of records entitled ''IRS Audit Trail and Security Records System—Treasury/IRS 34.037,'' is exempt from certain provisions of the Privacy Act. The provisions of the Privacy Act from which exemption is claimed pursuant to 5 U.S.C. 552a(k)(2) are as follows: 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G) , (H) and (f).

As required by Executive Order 12866, it has been determined that this proposed rule is not a significant regulatory action, and therefore, does not require a regulatory impact analysis.

The regulation will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

Pursuant to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601–612, it is hereby certified that these regulations will not significantly affect a substantial number of small entities. The proposed rule imposes no duties or obligations on small entities.

In accordance with the provisions of the Paperwork Reduction Act of 1995, the Department of the Treasury has determined that this final rule would not impose new record keeping, application, reporting, or other types of information collection requirements.

List of Subjects in 31 CFR Part 1

Privacy.

Part 1 of Title 31 of the Code of Federal Regulations is amended as follows:

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

Authority: 5 U.S.C. 301 and 31 U.S.C. 321. Subpart A also issued under 5 U.S.C. 552, as amended. Subpart C also issued under 5 U.S.C. 552a.

§ 1.36 [Amended]

2. Section 1.36 of Subpart C is amended by adding the following text in numerical order in paragraph (b)(1) under the heading THE INTERNAL REVENUE SERVICE:

* * * * *

(b) * * *

(1) * * *

Name of system	No.
* * * * *	
IRS Audit Trail and Security Records System	34.037
* * * * *	

* * * * *

Dated: September 13, 2000.

W. Earl Wright, Jr.,

Chief Management and Administrative Programs Officer.

[FR Doc. 00–24167 Filed 9–19–00; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD05–00–042]

Drawbridge Operation Regulations; Milford Haven, VA

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Fifth Coast Guard District, has approved a temporary deviation from the regulations governing the operation of the Gwynns Island Drawbridge across Milford Haven, mile 0.1, in Grimstead, Virginia. Beginning at 6 a.m. on September 25, through 6 p.m. on November 23, 2000, the bridge may remain in the closed position. This closure is necessary to encapsulate the entire bridge structure for painting.

DATES: This deviation is effective from 6 a.m. on September 25 until 6 p.m. on November 23, 2000.

FOR FURTHER INFORMATION CONTACT: Ann B. Deaton, Bridge Administrator, Fifth Coast Guard District, at (757) 398–6222.

SUPPLEMENTARY INFORMATION: The Coast Guard received an electronic e-mail from the Virginia Department of Transportation July 28, 2000, requesting a temporary deviation from the current operating schedule of the Gwynns Island drawbridge. Presently, the draw is required to open on signal at all times. This requirement is included in the general operating regulations at 33 CFR 117.5. The work to be performed on the Gwynns Island Drawbridge primarily consists of encapsulating the entire structure with a canvas shroud, sand blasting the old paint off, then applying several coats of fresh paint.

This work requires completely immobilizing the operation of the swing span. In accordance with 33 CFR 117.35, the District Commander approved VDOT's request for a temporary deviation from the governing regulations in a letter dated August 23, 2000.

The Coast Guard has informed the known users of the waterway of the bridge closure so that these vessels can arrange their transits to minimize any impact caused by the temporary deviation.

The temporary deviation allows the Gwynns Island Drawbridge across the Milford Haven, mile 0.1, in Grimstead, Virginia to remain closed from 6 a.m. on September 25, until 6 p.m. on November 23, 2000.

Dated: September 11, 2000.

J. E. Shkor,

U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 00–24168 Filed 9–19–00; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

37 CFR Chapter I and Part 1

RIN 0651–AB15

Simplification of Certain Requirements in Patent Interference Practice

September 15, 2000.

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Interim rule with request for comments.

SUMMARY: The United States Patent and Trademark Office (USPTO) amends its rules of practice in patent interferences to simplify certain requirements relating to the declaration of interferences and the presentation of evidence. USPTO is also revising its CFR chapter heading to reflect its new name.

DATES: *Effective Date:* October 20, 2000.

Comment Date: Submit comments on or before October 20, 2000.

ADDRESSES: Send all comments:

1. Electronically to ''Interference.Rules@uspto.gov,'' Subject: ''Interference Simplification''; or

2. By mail to Director of the United States Patent and Trademark Office, BOX INTERFERENCE, Washington, D.C. 20231, ATTN: ''Interference Simplification''; or

3. By facsimile to 703–305–9373, ATTN: ''Interference Simplification.''

FOR FURTHER INFORMATION CONTACT: Fred McKelvey or Richard Torczon at 703–308–9797.

SUPPLEMENTARY INFORMATION:

Comment Format

The USPTO prefers to receive comments in electronic form, either via the Internet or on a 3¼-inch diskette. Comments submitted in electronic form should be submitted as ASCII text. Special characters and encryption should not be used.

Background

The USPTO is amending 37 CFR §§ 1.601(f) and 1.606 and is deleting 37 CFR § 1.609 because the requirements being eliminated presented obstacles to the efficient declaration of interferences without corresponding benefits. In particular, Rules 601(f) and 606 create a presumption about the scope of the interfering subject matter that often is not supported by the record. The change eliminates that presumption. The changes in sections 1.601(f) and 1.606, as well as changes in the process of proposing an interference in the examining corps, have made section 1.609 unnecessary. Now an administrative patent judge meets with a representative from the technology center to ensure that the record contains adequate bases for declaring an interference.

The USPTO is amending 37 CFR § 1.671 to provide that all evidence is presented in the form of an exhibit. This simplifying amendment to § 1.671 makes the more complex requirements of 37 CFR §§ 1.682, 1.683, and 1.688 unnecessary, so they are being deleted. An interim rule is appropriate because the rulemaking is not substantive and the elimination of these requirements provides relief from unnecessary requirements. The USPTO appreciates that other changes to the rules of practice in patent interferences may be appropriate, but this interim rule is not an appropriate vehicle for such changes, which will have to be addressed in future rulemaking. These rule changes will apply to any interference declared after the effective date of this rulemaking and to any interference in which these changes are adopted by order.

Regulatory Flexibility Act

This rulemaking is procedural and is not subject to the requirements of 5 U.S.C. 553 so no initial regulatory flexibility analysis is required under 5 U.S.C. 603.

Executive Order 13132: Federalism Assessment

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

Executive Order 12866

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

Paperwork Reduction Act

This interim rule creates no information collection requirements subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 37 CFR Part 1

Administrative practice and procedure, Inventions and patents.

For the reasons stated in the preamble, the United States Patent and Trademark Office amends 37 CFR Chapter I as follows:

1. The heading of Chapter I is revised to read as follows:

CHAPTER I—UNITED STATES PATENT AND TRADEMARK OFFICE, DEPARTMENT OF COMMERCE

PART 1—RULES OF PRACTICE IN PATENT CASES

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

Authority: 35 U.S.C. 6, unless otherwise noted.

2. Amend § 1.601 by revising paragraph (f) to read as follows:

§ 1.601 Scope of rules, definitions.

* * * * *

(f) A *count* defines the interfering subject matter between two or more applications or between one or more applications and one or more patents. When there is more than one count, each count shall define a separate patentable invention. Any claim of an application or patent that is designated to correspond to a count is a claim involved in the interference within the meaning of 35 U.S.C. 135(a). A claim of a patent or application that is designated to correspond to a count and is identical to the count is said to correspond exactly to the count. A claim of a patent or application that is designated to correspond to a count but is not identical to the count is said to correspond substantially to the count. When a count is broader in scope than all claims which correspond to the count, the count is a phantom count.

* * * * *

3. Revise § 1.606 to read as follows:

§ 1.606 Interference between an application and a patent; subject matter of the interference.

Before an interference is declared between an application and an unexpired patent, an examiner must determine that there is interfering subject matter claimed in the application and the patent which is patentable to the applicant subject to a judgment in the interference. The interfering subject matter will be defined by one or more counts. The application must contain, or be amended to contain, at least one claim that is patentable over the prior art and corresponds to each count. The claim in the application need not be, and most often will not be, identical to a claim in the patent. All claims in the application and patent which define the same patentable invention as a count shall be designated to correspond to the count.

§ 1.609 [Removed and Reserved]

4. Remove and reserve § 1.609.

5. Amend § 1.671 by revising paragraph (a) to read as follows:

§ 1.671 Evidence must comply with rules.

(a) Evidence consists of affidavits, transcripts of depositions, documents and things.

* * * * *

§§ 1.682, 1.683, and 1.688 [Removed and Reserved]

6. Remove and reserve § 1.682, 1.683, and 1.688.

Dated: September 13, 2000.

Q. Todd Dickinson,

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

[FR Doc. 00–24120 Filed 9–19–00; 8:45 am]

BILLING CODE 3510–16–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TN–233–1–20021a; FRL–6872–2]

Approval and Promulgation of the Implementation Plan for the Shelby County, Tennessee Lead Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving the lead state implementation plan (SIP) for the Shelby County, Tennessee, lead nonattainment area. The State of Tennessee submitted the lead SIP on March 17, 2000, pursuant to sections 110(a)(2) and 172(c) of the Clean Air Act (CAA). This SIP submittal meets all EPA and CAA requirements for lead SIPs.

DATES: This direct final rule is effective November 20, 2000 without further notice, unless EPA receives adverse comment by October 20, 2000. If adverse comments are 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: Comments on this action should be addressed to Kimberly Bingham, EPA Region 4, Air Planning Branch, Sam Nunn Atlanta Federal Center, 61 Forsyth Street, SW, Atlanta, Georgia 30303–3104.

Copies of all materials considered in this rulemaking may be examined during normal business hours at the following locations: EPA Region 4, Sam Nunn Atlanta Federal Center, 61 Forsyth Street, SW, Atlanta, Georgia 30303–3104, Tennessee Air Pollution Control Board, 9th Floor, L & C Annex, 401 Church Street, Nashville, Tennessee 37243–1531.

FOR FURTHER INFORMATION CONTACT: Kimberly Bingham, Air, Pesticides and Toxics Management Division, Region 4, Environmental Protection Agency at (404) 562–9038 or bingham.kimberly@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background—Lead SIP

Section 107(d)(5) of the CAA provides for areas to be designated as attainment, nonattainment, or unclassifiable with respect to the lead national ambient air quality standard (NAAQS). Governors are required to submit recommended designations for areas within their states. When an area is designated nonattainment, the state must prepare and submit a SIP that meets the requirements of sections 110(a)(2) and 172(c) of the CAA demonstrating how the area will be brought into attainment. The EPA designated the portion of Memphis in Shelby County, Tennessee, around the Refined Metals Corporation secondary lead smelter as a lead nonattainment area on January 6, 1992. This nonattainment designation was based on lead NAAQS violations recorded by monitors near the Refined Metals Corporation facility in 1990 and 1991.

On December 1, 1994, the Memphis and Shelby County Health Department (MSCHD) through the Tennessee Department of Environment and Conservation submitted a SIP to bring the Shelby County lead nonattainment area into attainment with the lead NAAQS. EPA found the December 1, 1994, SIP to be inadequate because it did not meet all of the requirements of section 172(c) of the CAA. EPA requested that MSCHD make the necessary corrections and submit supplemental information to address the deficiencies. Due to several violations of the lead NAAQS in 1996, Region 4 requested that MSCHD also submit an analysis of the control measures in place at the facility to ensure that they were adequate to prevent future violations. The SIP also contained language in the lead chapter that granted Director's discretion to change emission limits at any given time. Because a requirement of the CAA is that the submittal includes specific enforceable emission limits, the Region could not approve the submittal with the Director's discretion clause. The EPA conducted an inspection of the Refined Metals facility and found that the violations were not a result of an inadequate SIP. Instead, they were due to compliance issues (*i.e.,* poor housekeeping methods). The MSCHD submitted additional information to demonstrate that the controls in place would prevent future violations and met CAA requirements. The Region decided to conditionally approve this submittal contingent on the State removing the Director's discretion language from their lead rule.

During the second quarter of 1998, a violation of the lead NAAQS occurred in the Shelby County nonattainment area. Subsequently, the MSCHD issued a Notice of Violation giving Refined Metals, Inc. options to surrender all of its permits or pay a fine and conduct extensive remodeling of the facility. Refined Metals, Inc. chose to surrender all of its permits and shutdown permanently on December 22, 1998. As a result, the 1994 submittal was no longer applicable and MSCHD withdrew and replaced it with a new submittal dated March 17, 2000.

II. Analysis of the State Submittal

The lead SIP for Shelby County, Tennessee was reviewed using the criteria established by the CAA in sections 110(a)(2) and 172(c). Section 110(a)(2) contains general requirements for all SIPs, and section 172(c) of the CAA contains specific provisions applicable to areas designated as nonattainment for any of the NAAQS. EPA also issued a General Preamble describing how we will review SIPs and SIP revisions submitted under Title I of the CAA, including those state submittals containing lead nonattainment area SIP requirements (see generally 57 FR 13498 (April 16, 1992) and 57 FR 18070 (April 28, 1992)). Because the EPA is describing its interpretations here only in broad terms, the reader should refer to the General Preamble for a more detailed discussion of the interpretations of Title I advanced in today's approval and the supporting rationale (57 FR 13549, April 16, 1992).

A. Attainment Demonstration

Section 192(a) of the CAA requires that SIPs must provide for attainment of the lead NAAQS as expeditiously as practicable but not later than five years from the date of an area's nonattainment designation. The lead nonattainment designation for the Shelby County area was effective on January 6, 1992; therefore, the latest attainment date permissible by the statute was January 6, 1997. The Shelby County area did not meet this date because of violations in 1996 and 1998. Enforcement actions were taken against Refined Metals Corporation that led to the owners of the facility surrendering the operating permits and permanently closing the facility. Since this action, the air quality monitor in the Shelby County area has recorded seven consecutive quarters of air quality data that meet the lead NAAQS for the years 1998, 1999, and to date for 2000. MSCHD can request redesignation to attainment after the area has recorded eight consecutive quarters of air quality data that meet the lead NAAQS.