

**§ 7.11 Requirements for international application originating from the United States.**

(a) \* \* \*

(2) The name and entity of the international applicant that is identical to the name and entity of the applicant or registrant in the basic application or basic registration, and the applicant's current address;

\* \* \* \* \*

■ 61. Revise § 7.14(e) to read as follows:

**§ 7.14 Correcting irregularities in international application.**

\* \* \* \* \*

(e) *Procedure for response.* To be considered timely, a response must be received by the International Bureau before the end of the response period set forth in the International Bureau's notice. Receipt in the Office does not fulfill this requirement. Any response submitted through the Office for forwarding to the International Bureau should be submitted as soon as possible, but at least one month before the end of the response period in the International Bureau's notice. The Office will not process any response received in the Office after the International Bureau's response deadline.

■ 62. Revise § 7.25(a) to read as follows:

**§ 7.25 Sections of part 2 applicable to extension of protection.**

(a) Except for §§ 2.22–2.23, 2.130–2.131, 2.160–2.166, 2.168, 2.173, and 2.181–2.186, all sections in parts 2, 10, and 11 of this chapter shall apply to an extension of protection of an international registration to the United States, including sections related to proceedings before the Trademark Trial and Appeal Board, unless otherwise stated.

\* \* \* \* \*

■ 63. Revise § 7.39(b) to read as follows:

**§ 7.39 Acknowledgment of receipt of affidavit or declaration of use in commerce or excusable nonuse.**

\* \* \* \* \*

(b) A response to a refusal under paragraph (a) of this section must be filed within six months of the date of issuance of the Office action, or before the end of the filing period set forth in section 71(a) of the Act, whichever is later. The Office will cancel the extension of protection if no response is filed within this time period.

■ 64. Revise § 7.40(b) to read as follows:

**§ 7.40 Petition to Director to review refusal.**

\* \* \* \* \*

(b) If the examiner maintains the refusal of the affidavit or declaration,

the holder may file a petition to the Director to review the examiner's action. The petition must be filed within six months of the date of issuance of the action maintaining the refusal, or the Office will cancel the registration.

\* \* \* \* \*

Dated: November 10, 2008.

Jon W. Dudas,

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

[FR Doc. E8–27222 Filed 11–14–08; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[EPA–R03–OAR–2007–0453; FRL–8741–5]

**Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; 2002 Base Year Inventory for the Pittsburgh-Beaver Valley 8-Hour Ozone Nonattainment Area**

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

**ACTION:** Final rule.

**SUMMARY:** EPA is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania. This revision establishes a 2002 base year inventory for the Pittsburgh-Beaver Valley, Pennsylvania, ozone nonattainment area (the Pittsburgh Area). The intended effect of this action is to approve a 2002 base year inventory for the Pittsburgh Area. This action is being taken under the Clean Air Act.

**DATES:** *Effective Date:* This final rule is effective on December 17, 2008.

**ADDRESSES:** EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2007–0453. All documents in the docket are listed in the [www.regulations.gov](http://www.regulations.gov) Web site. Although listed in the electronic docket, some information is not publicly available, i.e., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through [www.regulations.gov](http://www.regulations.gov) or in hard copy 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. Copies of the State submittal are available at 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:**

Christopher Cripps, (215) 814–2179, or by e-mail at [cripps.christopher@epa.gov](mailto:cripps.christopher@epa.gov).

**SUPPLEMENTARY INFORMATION:**

Throughout this document whenever “we”, “us”, or “our” is used, we mean EPA.

**I. Background**

On July 11, 2007 (72 FR 37683), EPA published a notice of proposed rulemaking (NPR) for the Commonwealth of Pennsylvania (the July 11, 2007 NPR). The July 11, 2007 NPR proposed approval of a request submitted by the Pennsylvania Department of Environmental Protection (PADEP) that the Pittsburgh Area be redesignated as attainment for the 0.08 parts per million (ppm) 8-hour ozone national ambient air quality standard (NAAQS) that was promulgated on July 18, 1997 (62 FR 38856) (the “1997 8-hour ozone NAAQS”).<sup>1</sup> The July 11, 2007 NPR proposed approval of a SIP revision comprising a maintenance plan for the Pittsburgh Area that provides for continued attainment of the 1997 8-hour ozone NAAQS for at least 10 years after redesignation and the motor vehicle emission budgets (MVEBs) that were identified in this maintenance plan for purposes of transportation conformity. The July 11, 2007 NPR also proposed approval of a 2002 base year inventory for the Pittsburgh Area as a SIP revision.

The PADEP submitted the formal SIP revisions and the request that the Pittsburgh Area be redesignated to attainment of the 1997 8-hour ozone NAAQS (the “redesignation request”) on April 26, 2007.

On May 29, 2008, the PADEP submitted a letter to formally withdraw the redesignation request and the maintenance plan SIP revision. On August 1, 2008, PADEP affirmed that the Commonwealth was not withdrawing the 2002 base year emissions inventory SIP revision submitted on April 26, 2007, and submitted an amended SIP revision document which struck-out the maintenance plan elements, leaving only the 2002 base year emissions inventory. The Commonwealth of

<sup>1</sup> On March 27, 2008 (73 FR 16436), EPA revised the level of the primary and secondary 8-hour ozone NAAQS to 0.075 ppm, but the Pittsburgh area has not been designated under this revision to the NAAQS.

Pennsylvania has withdrawn the redesignation request and the maintenance plan SIP revision from our consideration. In a separate action, we are withdrawing our proposed actions on the redesignation request and on the maintenance plan and the MVEBs identified therein.

As discussed in the July 11, 2007 NPR, we proposed to approve the 2002

base year emissions inventory for the Pittsburgh Area to fulfill the inventory requirements, as necessary, of both section 172(c)(3) and section 182(a)(1) of the Clean Air Act. *See*, 72 FR 37863 at 37688, July 11, 2007.

## II. Summary of SIP Revision

The 2002 base year inventory establishes a comprehensive inventory

for both volatile organic compounds (VOC), nitrogen oxides (NO<sub>x</sub>) and carbon monoxide (CO) emissions in the Pittsburgh Area, including point, area, mobile on-road, and mobile non-road sources for a base year of 2002. A summary of the VOC and NO<sub>x</sub> emissions in tons per year (tpy) and in tons per day (tpd) by sector are presented in Table 1.

TABLE 1—PITTSBURGH AREA 2002 BASE YEAR INVENTORY

| Source sector                | VOC emissions |       | NO <sub>x</sub> emissions |       | CO emissions |        |
|------------------------------|---------------|-------|---------------------------|-------|--------------|--------|
|                              | tpy           | tpd   | tpy                       | tpd   | tpy          | tpd    |
| Point Sources .....          | 6134.0        | 16.5  | 92842.2                   | 250.4 | 50966.0      | 134.5  |
| Nonpoint Sources .....       | 40162.6       | 100.3 | 33052.2                   | 11.5  | 33052.2      | 61.6   |
| Onroad Mobile Sources .....  | 29285.5       | 86.4  | 493445.8                  | 173.9 | 493445.8     | 630.1  |
| Nonroad Mobile Sources ..... | 15193.1       | 51.5  | 174583.3                  | 86.1  | 174583.3     | 1105.6 |
| Total Emissions .....        | 90775.2       | 254.7 | 793923.5                  | 521.9 | 752047.3     | 1931.8 |

Other specific requirements for the 2002 base year inventory and the rationale for EPA's proposed action are explained in the July 11, 2007 NPR and will not be restated here. No public comments were received on the July 11, 2007 NPR.

## III. Final Action

EPA is approving the 2002 base year inventory for the Pittsburgh Area as a revision to the Pennsylvania SIP.

## IV. Statutory and Executive Order Reviews

### A. General Requirements

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);

- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

- Is certified as not having a significant economic impact on a substantial number of small entities

under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);

- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and

- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

### B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

### C. 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 16, 2009. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action 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 to approve a 2002 base year inventory for the Pittsburgh Area 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, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Volatile organic compounds.

Dated: November 7, 2008.

**Donald S. Welsh,**

*Regional Administrator, Region III.*

■ 40 CFR part 52 is amended as follows:

**PART 52—[AMENDED]**

■ 1. The authority citation for part 52 continues to read as follows:

**Authority:** 42 U.S.C. 7401 *et seq.*

**Subpart NN—Pennsylvania**

■ 2. In § 52.2020, the table in paragraph (e)(1) is amended by adding an entry for the 2002 Base Year Emissions Inventory for the Pittsburgh-Beaver Valley

Nonattainment Area at the end of the table to read as follows:

**§ 52.2020 Identification of plan.**

\* \* \* \* \*

(e) \* \* \*

(1) \* \* \*

| Name of non-regulatory SIP revision | Applicable geographic area                                                                                                         | State submittal date | EPA approval date                                        | Additional explanation |
|-------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|----------------------|----------------------------------------------------------|------------------------|
| * * * * *                           | * * * * *                                                                                                                          | * * * * *            | * * * * *                                                | * * * * *              |
| 2002 Base Year Emissions Inventory. | Pittsburgh-Beaver Valley Nonattainment Area: Allegheny, Armstrong, Beaver, Butler, Fayette, Washington, and Westmoreland counties. | 4/26/07              | 11/17/08 [Insert page number where the document begins]. |                        |

\* \* \* \* \*

[FR Doc. E8-27210 Filed 11-14-08; 8:45 am]

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**DEPARTMENT OF THE INTERIOR****Bureau of Reclamation****43 CFR Part 404**

**RIN 1006-AA54**

**Reclamation Rural Water Supply Program**

**AGENCY:** Bureau of Reclamation, Interior.

**ACTION:** Interim final rule.

**SUMMARY:** Reclamation is issuing this interim final rule to establish programmatic criteria for the Reclamation Rural Water Supply Program (Rural Water Supply Program), including criteria governing prioritization, eligibility, and the evaluation of appraisal investigations and feasibility studies. Title I of the Reclamation Rural Water Supply Act of 2006, Public Law 109-451 (Act), authorized Reclamation to establish the Rural Water Supply Program and requires publication of programmatic criteria in the **Federal Register**. This rule is intended to define for potential participants how the Rural Water Supply Program authorized by the Act will be administered.

**DATES:** This rule is effective December 17, 2008. Submit comments on the rule by January 16, 2009. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of December 17, 2008. This interim final

rule serves as a 60-day **Federal Register** notice to the public allowing them to comment on our information collection. Comments on the information collection must be received by January 16, 2009.

**ADDRESSES:** You may submit comments on this rule, identified by the number 1006-AA54, by one of the following methods:

—*Use of the Federal rulemaking Web site:* <http://www.regulations.gov>. Follow the instructions for submitting comments. This rule has been assigned Docket Identification number BOR-2008-0002.

—*By mail to:* Bureau of Reclamation, Denver Federal Center, P.O. Box 25007, Building 67, Denver, CO 80225, Attention: Avra Morgan, Mail Code 84-52000. Please include the number 1006-AA54 in your correspondence.

The Office of Management and Budget (OMB) has approved the information collection requirements contained in this rule under an emergency submission. The assigned OMB control number is 1006-0029. Please submit comments on the information collection to the Bureau of Reclamation, Attention: Avra Morgan, P.O. Box 25007, Denver, CO 80225 or by e-mail to [RuralWaterProgram@do.usbr.gov](mailto:RuralWaterProgram@do.usbr.gov).

**FOR FURTHER INFORMATION CONTACT:** Avra Morgan at 303-445-2906 or James Hess at 202-513-0543.

**SUPPLEMENTARY INFORMATION:****I. Background***The Rural Water Supply Program*

Title I of the Act authorizes the Secretary of the Interior (Secretary) to create the Rural Water Supply Program to address rural water needs in the

Reclamation States. Authority and responsibility for implementing the provisions of the Act are delegated to Reclamation. Reclamation's rulemaking will establish comprehensive criteria and program requirements governing the implementation of the Rural Water Supply Program.

Reclamation has significant experience in the development of rural water projects. Since 1980, Congress has directed Reclamation to undertake 10 specific rural water projects, and Reclamation has a century of experience developing and managing water delivery systems in the West. However, prior to the passage of the Act in 2006, Reclamation did not have a formal rural water program. The program to be implemented by this rule will allow Reclamation to be involved in planning and prioritizing rural water projects to ensure that the projects selected are cost-effective and that they are in the Federal interest.

The Act specifically authorizes the Secretary to undertake the following activities in implementing the Rural Water Supply Program: (a) Investigate opportunities to ensure safe and adequate rural water supply projects for domestic, municipal, and industrial use in small communities and rural areas of the Reclamation States; (b) plan the design and construction of rural water supply projects through the conduct of appraisal investigations and feasibility studies; and (c) oversee, as appropriate, the construction of rural water supply projects that are recommended for construction by Reclamation in a feasibility report developed under the Rural Water Supply Program, and subsequently authorized by Congress.