is prior art under 35 U.S.C. 102 (a) or (e) and which substantially shows or describes but does not claim the same patentable invention, as defined in 37 CFR 1.601(n), or on reference to a foreign patent or to a printed publication, the inventor of the subject matter of the rejected claim, the owner of the patent under reexamination, or the party qualified under 37 CFR 1.42, 1.43 or 1.47, may submit an appropriate oath or declaration to overcome the patent or publication. The oath or declaration must include facts showing a completion of the invention in this country or in a NAFTA or WTO member country before the filing date of the application on which the U.S. patent issued, or before the date of the foreign patent, or before the date of the printed publication. When an appropriate oath or declaration is made, the patent or publication cited shall not bar the grant of a patent to the inventor or the confirmation of the patentability of the claims of the patent, unless the date of such patent or printed publication is more than one year prior to the date on which the inventor's or patent owner's application was filed in this country.

(2) A date of completion of the invention may not be established under this section before December 8, 1993, in a NAFTA country, or before January 1, 1996, in a WTO Member country other than a NAFTA country.

Dated: March 21, 1995.

Bruce A. Lehman,

Assistant Secretary of Commerce and Commissioner of Patents and Trademarks. [FR Doc. 95–10501 Filed 4–28–95; 8:45 am] BILLING CODE 3510–16–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 122-1-6982a; FRL-5198-5]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Santa Barbara County Nonattainment Area, Transportation Control Measure Replacement

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to approve a revision to the California State Implementation Plan (SIP) for ozone for Santa Barbara County, which was submitted to EPA on November 14, 1994. This direct final approval action deletes a transportation control measure (TCM) from the federally-approved 1982 California ozone SIP and replaces it with a TCM from the state-adopted 1994 California ozone SIP. The intended effect of direct final approval of this SIP revision is to control emissions of ozone precursors in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or 1990 Act).

DATES: This direct final action is effective on June 30, 1995 unless adverse or critical comments are received by May 31, 1995. If the effective date is delayed, a timely notice will be published in the **Federal Register**.

ADDRESSES: Copies of the State submittal and EPA's technical support document are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted SIP revision are available for inspection at the following locations: Mobile Sources Section (A–2–1), Air and Toxics Division, U.S.
Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105
Environmental Protection Agency, Air

Docket (6102), ANR 443, 401 "M" Street SW., Washington, DC 20460 California Air Resources Board, 2020 "L" Street, Sacramento, CA 92123 Santa Barbara County Air Pollution Control District, 26 Castillian Drive B–23, Goleta, CA 93117

FOR FURTHER INFORMATION CONTACT: Deborah Schechter, Mobile Sources Section, Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744–1227.

SUPPLEMENTARY INFORMATION:

I. Background

On March 3, 1978, Santa Barbara County was designated an ozone nonattainment area by EPA under the provisions of the Clean Air Act, as amended in 1977. 43 FR 8964, 40 CFR 81.305. On December 31, 1982 the State of California submitted the 1982 ozone SIP for Santa Barbara County.

EPA approved California's 1982 ozone SIP for Santa Barbara County and published the **Federal Register** document on December 20, 1983 (48 FR 56215). The 1982 Santa Barbara County SIP, or Air Quality Attainment Plan (AQAP), submitted in 1982 included nine TCMs. One of these was the Goleta Transit Center, a transit center with limited park-and-ride capability in downtown Goleta. No emission

reduction credit was claimed for this TCM in the 1982 AQAP. According to the Santa Barbara County Association of Governments (SBCAG), the Goleta Transit Center and its ancillary parkand-ride lot were constructed in 1980 and operated until 1985. The facilities were closed and sold by the Santa Barbara Metropolitan Transit District (SBMTD) in October 1985 due to insufficient usage.

On November 15, 1990, the Clean Air Act Amendments of 1990 (1990 Act) were enacted. Pub. L. 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q. On November 14, 1994, the California Air Resources Board (CARB) submitted the 1994 ozone SIP to EPA. The portion of this SIP for the Santa Barbara County nonattainment area, the 1994 Clean Air Plan (CAP), stated that the TCMs in the 1994 CAP superseded those in the 1982 AQAP. The 1994 CAP was adopted by the Santa Barbara County Air Pollution Control District (SBAPCD) on November 2, 1994 and later by CARB on November 14, 1994.

On January 18, 1995, the SBAPCD provided a letter to EPA requesting expedited rulemaking action to replace the Goleta Transit Center TCM in the 1982 AQAP with TCM–5, Improve Commuter Public Transit Service, in the 1994 CAP.

In a letter to the State dated March 24, 1995, EPA found the submittal of TCM-5 complete.

II. Summary and Evaluation of SIP Revision

Section 176(c) of the Clean Air Act (CAA) prohibits any metropolitan planning organization (MPO) designated under section 134 of title 23 of the United States Code, from approving any transportation project, program, or plan which does not conform to a SIP approved under section 110 of the CAA. The federal transportation conformity regulation (40 CFR part 51, subpart T) implements the transportation-related requirements of section 176(c). Section 51.418 of the regulation requires the transportation plan and program to provide for the timely implementation of transportation control measures (TCMs) from the applicable federallyapproved implementation plan. A TCM is defined in section 51.392 as any measure that is specifically identified and committed to in the applicable implementation plan that is either one of the types listed in section 108 of the CAA, or any other measure for the purpose of reducing emissions or concentration of air pollutants from transportation sources by reducing vehicle use or changing traffic flow or congestion conditions.