

ington, Va. These changes provide for the filing of multiple dependent claims and for later submission of drawings in applications where such drawings are not necessary for the understanding of the subject matter sought to be patented. This rule change promulgation directed to only those portions of the proposed rule changes relating to 1.75, 1.81 and 1.83 which are required on January 24, 1978, due to the coming into force of Pub. L. 94-131. The other proposed rules relating to implementation of the Patent Cooperation Treaty will be promulgated later. Good cause is found for the publication of this notice less than 30 days before the effective date of these rules, since it would be in the public interest for the amended rules to take effect on the same date as the statute. Paragraph (c) of § 1.75 differs from the proposal in that two additional sentences have been added indicating how fees will be calculated for multiple dependent claims and claims depending therefrom. No comments were received concerning this rule as originally proposed.

Paragraph (c) of § 1.81 has been rewritten to adopt a revision suggested by one of the two persons who submitted comments. Paragraph (d) is a quote from revised 35 U.S.C. 113 and is added to include the restrictions relating to additional drawings. The proposed amendments to paragraphs (a) and (b) of § 1.83 were opposed by both persons who commented and they have not been adopted. A new paragraph (c) is added in view of those comments. Accordingly, 37 CFR Part 1 is amended as follows:

1. By amending § 1.75 by revising paragraph (c) and adding paragraphs and (g) to read as follows:

1.75 Claims(s)

(c) One or more claims may be presented in dependent form, referring back to and further limiting another claim or claims in the same application. Any dependent claim which refers to more than one other claim shall be construed to include all of the other claims in the alternative only. A multiple dependent claim shall not serve as a basis for any other multiple dependent claim. For calculation purposes, a multiple dependent claim will be considered to be that number of claims to which direct reference is made therein. For calculation purposes, also, any claim depending from a multiple dependent claim will be considered to be that number of claims to which direct reference is made in that multiple dependent claim. Claims in dependent form shall be construed to include all limitations of the claim incorpo-

rated by reference into the dependent claim. A multiple dependent claim shall be construed to incorporate by reference all the limitations of each of the particular claims in relation to which it is being considered.

(f) If there are several claims, they shall be numbered consecutively in Arabic numerals.

(g) All dependent claims should be grouped together with the claim or claims to which they refer to the extent possible.

2. By revising § 1.81 to read as follows:

§ 1.81 Drawings required.

(a) The applicant for a patent is required to furnish a drawing of his invention where necessary for the understanding of the subject matter sought to be patented; this drawing must be filed with the application.

(b) Drawings may include illustrations which facilitate an understanding of the invention (for example, flow sheets in cases of processes, and diagrammatic views).

(c) Whenever the nature of the subject matter sought to be patented admits of illustration by a drawing without its being necessary for the understanding of the subject matter and the applicant has not furnished such a drawing, the examiner will require its submission within a time period of not less than two months from the date of the sending of a notice thereof.

(d) Drawings submitted after the filing date of the application may not be used to overcome any insufficiency of the specification due to lack of an enabling disclosure or otherwise inadequate disclosure therein, or to supplement the original disclosure thereof for the purpose of interpretation of the scope of any claim.

3. By adding a new paragraph (c) to § 1.83 to read as follows:

§ 1.83 Content of drawing.

(c) Where the drawings do not comply with the requirements of paragraphs (a) and (b) of this section, the examiner shall require such additional illustration within a time period of not less than two months from the date of the sending of a notice thereof. Such corrections are subject to the requirements of section 1.81(d).

NOTE.—The Patent and Trademark Office has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Orders 11821 and 11949 and OMB Circular A-107.

Dated: January 12, 1978.

LUTELLE F. PARKER,  
Acting Commissioner of  
Patents and Trademarks.

Approved:

JORDAN J. BARUCH,  
Assistant Secretary for  
Science and Technology.

FFR Doc. 78-2607 Filed 1-30-78; 8:45 am

[6560-01]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION  
AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION  
OF IMPLEMENTATION PLANS

Revision to the Virgin Islands Implementation  
Plan

AGENCY: Environmental Protection  
Agency.

ACTION: Final rule.

SUMMARY: This notice announces that the Environmental Protection Agency is approving a revision to the Virgin Islands Implementation Plan. This approval action has the effect of allowing relaxation of the sulfur-in-fuel-oil limitation applicable to the Virgin Islands Water and Power Authority's Christiansted Power Plant on the island of St. Croix. Prior to this action, this facility was limited under the Implementation Plan to the use of oil with a sulfur content of 0.5 percent, by weight. This relaxation will permit the use of oil with a sulfur content of 1.5 percent, by weight. Receipt of a revision request from the Virgin Islands was announced in the FEDERAL REGISTER on November 9, 1977, at 42 FR 58415, where a full description of the proposed revision is contained.

EFFECTIVE DATE: January 31, 1978.

FOR FURTHER INFORMATION  
CONTACT:

William S. Baker, Chief, Air Programs Branch, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, N.Y. 10007, 212-264-2517.

SUPPLEMENTAL INFORMATION:

On January 19, 1976, the Virgin Islands adopted a revision to 12 V.I.R. & R. 9:204-26, an air pollution control regulation dealing with "Sulfur Compounds Emission Control." This revised regulation was submitted to the Environmental Protection Agency (EPA) for approval as a part of the Virgin Islands Implementation Plan (SIP) on January 21, 1976. In a series of actions appearing in the FEDERAL REGISTER, EPA approved the revised regulation with the exception of a part concerning a revision to the sulfur content of oil allowable for use on the

## RULES AND REGULATIONS

island of St. Croix. On August 29, 1977, the Virgin Islands again submitted the revised regulation with a request that it be approved only to the extent as it applies to one source on St. Croix. Approval of this proposal therefore has the effect of relaxing the allowable sulfur-in-fuel-oil limitation for the Virgin Islands Water and Power Authority's Christiansted Power Plant from 0.5 percent to a maximum of 1.5 percent, by weight. The sulfur-in-fuel-oil limitation for other sources on St. Croix remains at 0.5 percent.

The revision request was submitted in accordance with all applicable EPA requirements under 40 CFR Part 51, including public hearings which were held on June 21, 24, and 25, 1974. The proposed revision to the SIP was announced in the FEDERAL REGISTER on November 9, 1977 (42 FR 58415), where a detailed description of the revision was provided. In this announcement EPA advised the public that comments would be accepted as to whether the proposed revision to the Virgin Islands Implementation Plan should be approved or disapproved. No comments were received.

EPA has reviewed the Virgin Islands control strategy demonstration and is in agreement with its conclusion that, if implemented, the proposed plan revision would not be expected to cause or exacerbate contraventions of any national ambient air quality standard on St. Croix. Thus, EPA approves this revision to the Virgin Islands Implementation Plan. In addition, this action is effective immediately because it imposes no hardship on the affected source, and no purpose is served by delaying the effective date.

Dated: January 26, 1978.

DOUGLAS M. COSTLE,  
Administrator, Environmental  
Protection Agency.

Part 52 of Chapter I, Title 40 Code of Federal Regulations is amended as follows:

Subpart CCC—Virgin Islands

1. In § 52.2770, paragraph (c) is amended by adding new subparagraph (9) as follows:

§ 52.2770 Identification of plan.

(c) The plan revisions listed below were submitted on the dates specified.

(9) Revision submitted on August 29, 1977, by the Governor of the Virgin Islands which allows, under provisions of 12 V.I.R. & R. 9:204-26, the relaxation of the sulfur-in-fuel-oil limitation to 1.5 percent, by weight, for the Virgin Islands Water and Power Authority's Christiansted Power Plant.

2. In § 52.2780, paragraph (b) is revised as follows:

§ 52.2780 Control strategy for sulfur oxides.

(b) The following parts of regulation 12 V.I.R. & R. 9:204-26, "Sulfur Compounds Emission Control," as submitted to EPA on January 21, 1976 and as amended and resubmitted to EPA on June 3, 1976 are approved:

(1) The entire regulation as it applies to the islands of St. Thomas and St. John.

(2) The entire regulation as it applies to the Virgin Islands Water and Power Authority's Christiansted Power Plant on the island of St. Croix.

(3) The entire regulation excluding subsection (a)(2) as it applies to the remaining sources on the island of St. Croix.

Subsection (a)(2) of the regulation is not approved as it applies to the remaining sources on St. Croix because of the inadequacy of the control strategy demonstration noted in paragraph (a) of this section. Accordingly, all sources on St. Croix with the exception of the Virgin Islands Water and Power Authority's Christiansted Power Plant are required to conform to the sulfur-in-fuel-oil limitations contained in 12 V.I.R. & R. 9:204-26 as originally submitted to EPA on January 31, 1972.

(Secs. 110 and 301 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7601).)

[FR Doc. 78-2700 Filed 1-30-78; 8:45 am]

[4110-12]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE, (ASSISTANCE PROGRAMS) DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 223—SOCIAL SERVICES PROGRAMS FOR INDIVIDUALS AND FAMILIES, TITLE XX

PART 229—STANDARD SETTING REQUIREMENTS FOR MEDICAL AND NONMEDICAL FACILITIES WHERE SSI RECIPIENTS RESIDE

Publication of Materials on These Standards in the State's Proposed and Final Services Plans

AGENCY: Administration for Public Services (APS), Office of Human Development Services (OHDS), Department of Health, Education, and Welfare.

ACTION: Final regulations.

SUMMARY: These regulations: (1) Require States to designate one or more State or local authorities to establish and enforce standards for residential facilities where significant numbers of SSI recipients reside or are likely to reside. (An SSI recipient who resides in such a facility that is found

in violation of the standards is subject to a reduction in his SSI payment by the Social Security Administration to the extent, if any, that a State supplementary payment or other State payment is made for medical or remedial care provided to him by the facility); and (2) Require that the title XX agency in each State make available for public review, certain information about the standards and their enforcement in the State's proposed and final annual services plans.

The basis for the amendments to Part 228 and the new Part 229 are the provisions of section 505(d) of Pub. L. 94-566, enacted October 20, 1976. In addition to codifying the statutory requirements of the law (which amends title XVI (SSI) of the Social Security Act), the purposes of the proposed regulations are: (a) To encourage development of safe and appropriate residential settings as an alternative to institutional living for appropriate elderly individuals and handicapped children and adults; (b) to limit the use of SSI funds for substandard facilities for such persons; and (c) to publicize the standards and their enforcement procedures through the public review process of the title XX annual services plan.

DATES: October 1, 1977 is the effective date for Part 229. Under the amended Part 228, publication dates for the title XX proposed and final services plans are those specified by the title XX statute, relative to the first title XX program year of each State commencing after October 1, 1977. The Department finds that there is good cause to dispense with Notice of Proposed Rulemaking since the law is already in effect and the time period required for the Notice of Proposed Rulemaking would further delay the prompt and complete implementation of the law in some States. Accordingly, in light of the immediacy and urgency of the situation, these regulations take effect immediately. However, comments will be considered within a 90-day comment period and any changes found necessary will be made. Consideration will be given to written comments or suggestions received on or before May 1, 1978. When commenting please refer to APS-1. Agencies and organizations are requested to submit their comments in duplicate.

ADDRESS: Address comments to: Commissioner, Administration for Public Services, Department of Health, Education, and Welfare, P.O. Box 1923, Washington, D.C. 20013. Comments will be available for public inspection, beginning approximately two weeks after publication, in room 2225 of the Department's offices at 330 C Street SW., Washington, D.C., on Monday through Friday of each