Section 401.5(f)(2) is being amended to refer to patent application number rather than serial number by replacing the term "serial" with "patent application" in order to conform to the change made by the PTO to the title and paragraph (a) of 37 CFR 1.53 as indicated in the **Federal Register**, 60 FR 20195, April 25, 1995.

Section 401.13(c)(2) has been editorially amended to refer to a patent application rather than just an application.

Finally, current § 401.16 is being redesignated as § 401.17 and the address to where any submissions or inquiries should be sent is being updated since the Federal Technology Management Policy Division is now the Technology Competitiveness Staff which is part of the Office of Technology Policy (OTP)/ Technology Administration.

Pursuant to section 553 of the Administrative Procedure Act (5 U.S.C. 553) (APA), the Assistant Secretary of Commerce for Technology Policy finds that there is good cause for waiving, as impracticable, unnecessary, and contrary to public interest, the prior notice of proposed rulemaking and the required 30-day delay in the effective date because: (1) This interim rule provides a contractor or grantee the opportunity to report electronically inventions and respective election of title to the funding agency using an agency-approved electronic system which may result in cost savings to the contractor, grantee and/or the funding agency; (2) These changes are not considered substantive; and (3) This interim rule provides a 30-day comment period and any comments received will be considered prior to finalization of this interim rule.

This interim rule has been determined to be significant for purposes of E.O. 12866 (58 FR 51735, October 4, 1993).

This interim rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under E.O. 12612.

Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by section 553 of the APA (5 U.S.C. 553) or by any other law, under sections 3(a) of the Regulatory Flexibility Act (5 U.S.C. 603(a) and 604(a)) no initial or final Regulatory Flexibility Analysis has to be or will be prepared.

This interim rule involves a collection of information which has approval under the Paperwork Reduction Act. The control number is 9000–0095.

List of Subjects in 37 CFR Part 401

Inventions, Patents, Nonprofit organizations, Small business firms.

For the reasons set forth in the preamble, 37 CFR part 401 is amended as follows:

PART 401—RIGHTS TO INVENTIONS MADE BY NONPROFIT ORGANIZATIONS AND SMALL BUSINESS FIRMS UNDER GOVERNMENT GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS

1. The authority citation for 37 CFR part 401 continues to read as follows:

Authority: 35 U.S.C. 206 and the delegation of authority by the Secretary of Commerce to the Assistant Secretary of Commerce for Technology Policy at sec. 3(g) of DOO 10–18.

2. Section 401.2 is amended by revising paragraph (j) to read as follows:

§401.2 Definitions.

*

*

(j) The term "Secretary" means the Assistant Secretary of Commerce for Technology Policy.

3. New paragraphs (k), (l), (m) and (n) are added to § 401.2 to read as follows:

§401.2 Definitions.

*

*

*

(k) The term *electronically filed* means any submission of information transmitted by an electronic or opticalelectronic system.

*

(l) The term *electronic or optical-electronic system* means a softwarebased system approved by the agency for the transmission of information.

(m) The term *patent application* or "application for patent" includes a provisional or nonprovisional U.S. national application for patent as defined in 37 CFR 1.9 (a)(2) and (a)(3), respectively, or an application for patent in a foreign country or in an international patent office.

(n) The term *initial patent application* means a nonprovisional U.S. national application for patent as defined in 37 CFR 1.9(a)(3).

4. Section 401.5 is amended by revising paragraph (f)(2) to read as follows:

§401.5 Modification and tailoring of clauses.

* * * (f) * * *

(2) Provide, upon request, the filing date, patent application number and title; a copy of the patent application; and patent number and issue date for any subject invention in any country in which the contractor has applied for a patent.

5. Section 401.13 is amended by revising paragraph (c)(2) to read as follows:

§401.13 Administration of patent rights clauses.

* * * * * (c) * * *

(C)

(2) In accordance with 35 U.S.C. 205, agencies shall not disclose or release for a period of 18 months from the filing date of the patent application to third parties pursuant to requests under the Freedom of Information Act, or otherwise, copies of any document which the agency obtained under this clause which is part of an application for patent with the U.S. Patent and Trademark Office or any foreign patent office filed by the contractor (or its assignees, licensees, or employees) on a subject invention to which the contractor has elected to retain title. This prohibition does not extend to disclosure to other government agencies or contractors of government agencies under an obligation to maintain such information in confidence.

6. Section § 401.16 is redesignated as § 401.17 and revised to read as follows:

§401.17 Submissions and inquiries.

All submissions or inquiries should be directed to Director, Technology Competitiveness Staff, Office of Technology Policy, Technology Administration, telephone number 202– 482–2100, Room H4418, U.S. Department of Commerce, Washington, D.C. 20230.

7. A new § 401.16 is added to read as follows:

§401.16 Electronic filing.

Unless otherwise requested or directed by the agency,

(a) the written report required in (c)(1) of the standard clause in § 401.14(a) may be electronically filed;

(b) the written election required in (c)(2) of the standard clause in § 401.14(a) may be electronically filed; and

(c) the close-out report in (f)(1) and the information identified in (f)(2) and (f)(3) of § 401.5 may be electronically filed.

Dated: August 7, 1995.

Graham Mitchell,

Assistant Secretary of Commerce for Technology Policy.

[FR Doc. 95–20023 Filed 8–11–95; 8:45 am] BILLING CODE 3510–18–P