deliberations. Written findings of facts will be submitted to the General Counsel, sent by certified mail to the patentholder, and made available to all other interested parties.

(e) The NSF General Counsel will determine whether and how the Foundation should exercise a march-in right as provided in part 13.g. of OMB Circular A–124.

§ 650.15 Request for conveyance of title to NSF.

(a) The procedures established by this section apply to the exercise of the Foundation's right under paragraph d. of the Patent Rights clause in § 650.4(a) to request conveyance of title to a subject invention if certain conditions exist.

(b) The NSF Intellectual Property Attorney may request the recipient of an NSF award to convey to the Foundation or a designee title in one or more countries to any invention to which the awardee has elected not to retain title. The Intellectual Property Attorney may also request immediate conveyance of title to a subject invention if the awardee fails (1) to submit a timely invention disclosure, (2) to make a timely election to retain patent rights, or (3) to file a timely patent application; but only if he or she determines that such action is required to preserve patent rights.

(c) The NSF Intellectual Property Attorney will informally review any apparent failure by an awardee to comply with the requirements of paragraph c. of the Patent Rights clause in § 650.4(a). The interested institution, the inventor, the patentholder, and any other interested party will be given an opportunity to explain why a particular invention was not disclosed, why an election was not made, or why a patent application was not filed. If the Intellectual Property Attorney determines that a genuine dispute over material facts exists, a cross-directorate fact-finding panel will be appointed by the General Counsel. The panel will establish its own fact-finding procedures, within the requirements of part 13.e. of OMB Circular A–124, based on the dimensions of the particular dispute. Written findings of facts will be submitted to the Intellectual Property Attorney, sent by certified mail to the patentholder, and made available to all other interested parties.

(d) The NSF Intellectual Property Attorney will determine whether the Foundation should request conveyance of title or if it should retain title obtained under § 650.15(b).

§ 650.16 Appeals.

(a) All actions by the NSF Intellectual Property Attorney under § 650.8 denying a request for greater rights, under § 650.13 denying a request for waiver, under § 650.14(d) denying the existence of a material dispute, under § 650.15(e) requesting conveyance of title, or under § 650.19 refusing retroactive application of the Bayh-Dole Act may be appealed to the Director of the Foundation by an affected party within thirty days. A request under § 650.15(b) to immediately convey title to the Foundation may be appealed to the General Counsel by the titleholder within five days.

(b) In reviewing the actions of the NSF Intellectual Property Attorney, the Director, or his or her designee, will consider both the factual and legal basis for the action or determination and its consistency with the policies and objectives of the Foundation and, if applicable, the Bayh-Dole Act (35 USC 200 to 206) and OMB Circular A–124.

§ 650.17 Background rights.

The Foundation will acquire rights to a research performer's pre-existing technology only in exceptional circumstances where, due to the nature of the research being supported, the Foundation requires greater control over resulting inventions. The NSF Intellectual Property Attorney, with the concurrence of the cognizant Program Manager and Grants or Contracts Officer, will negotiate the background rights provision. If the affected awardee is a small business firm or nonprofit organization, the provision will conform to the requirements of the Bayh-Dole Act (35 USC 202(f)) as implemented by part 15. of OMB Circular A–124.

§650.18 Subcontracts.

Awardees should normally use the appropriate clause from §650.4 in any subcontracts. At the request of the awardee or on recommendation from NSF staff, the Intellectual Property Attorney, with the concurrence of the cognizant Program Manager and Grants or Contracts Officer, may direct the awardee to insert into subcontracts relating to scientific research a patent provision other than that called for in § 650.4 of this regulation. Special patent provisions may be negotiated for subcontracts under § 650.5.

§ 650.19 Retroactive application.

The provisions of § 650.8 apply to all inventions disclosed after the effective date of this regulation under funding agreements that contain a deferred determination clause, including those awarded before July 1, 1981, to small business firms and nonprofit organizations. At the request of the awardee, the Intellectual Property Attorney, with the concurrence of the cognizant Program Manager and Grants or Contracts Officer, may also apply those provisions to inventions disclosed under awards which contain special patent clauses or were covered by an Institutional Patent Agreement with the Foundation.

§ 650.20 Delegation of authority.

The General Counsel is responsible for implementing this regulation and is authorized to make any exceptions to or extensions of the NSF Patent Policy as may be required by particular circumstances. The General Counsel will designate persons to serve as the NSF Intellectual Property Attorney and Patent Paralegal. Those individuals are authorized to carry out the functions assigned them by this regulation.

Appendix A to Part 650—Optional Format for Confirmatory License

The following format may be used for the confirmatory license to the Government required by subparagraph f(5) of the Patent Rights clause in § 650.4(a). The form given in 41 CFR 1–9.105(b) or any equivalent instrument may also be used.

License to the United States Government

This instrument confirms to the United States Government, as represented by the National Science Foundation, an irrevocable, nonexclusive, nontransferable, royalty-free license to practice or have practiced on its behalf throughout the world the following subject invention:

(invention title)
(inventor[s] name[s])
(patent application number and filing date)
(country, if other than United States)
((NSF Disclosure No.).

This subject invention was made with NSF support through:
(grant or contract number)
(grantee or contractor).

Principal rights to this subject invention have been left with the licensor.

Signed: _____
Name: _____
Title: _____
Date: _____
Accepted on behalf of the Government: _____

_____
NSF Patent Paralegal
Date: _____

[FR Doc. 82–23740 Filed 8–27–82; 8:45 am]
BILLING CODE 7555–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 3400, 3410, 3420, 3430, 3440, 3450, 3460 and 3470

Federal Coal Management Program; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rule; Correction.

SUMMARY: A final rulemaking amending the existing regulations on the Federal Coal Management program involving 43 CFR Parts 3400, 3410, 3420, 3430, 3440, 3450, 3460 and 3470 was published in the Federal Register on July 30, 1982 (47 FR 33114). Some errors were made in that publication and this document corrects those errors.

EFFECTIVE DATE: August 30, 1982.

ADDRESS: Any questions or inquiries should be sent to: Director (540), Bureau of Land Management, 1800 C Street NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Ryan Dudley, (202) 343–4537.

SUPPLEMENTARY INFORMATION: The corrections to the final rulemaking are as follows:

1. On page 33133, the note is corrected so that the phrase "assigned clearance number 1004— ." reads "assigned clearance number 1004—0073.";

2. On page 33134, paragraph (ff) is corrected to read:

(ff) Renumbering paragraph (pp) as paragraph (gg) and amending it by inserting between the word "persons" and the closing of the parenthesis the words "otherwise meeting the requirements of this section";

3. On page 33134, paragraph (gg) is corrected to read:

(gg) Renumbering paragraph (qq) as paragraph (hh) and revising it to read:

(hh) "Reserves" has the meaning set forth in the term "recoverable coal reserves" in 30 CFR 211.2.

4. On page 33135, in item 14 (section 3410.3–1), in paragraph (a), the phrase "minerals Management Service" is corrected to read "Minerals Management Service";

5. On page 33136, in item 27 (section 3420.1–5), in paragraph (a) the word "replace" is corrected to read "replacing";

6. On page 33139, in paragraph (b)(2) in the first column, the figure "(iv)" where it appears the second time in that paragraph is corrected to read "(vi)";

7. On page 33139, the first sentence of item 46 (section 3420.5–5) is corrected to read:

46. Section 3420.5–5 is renumbered section 3420.4–5 and;

8. On page 33140, paragraph (a) of item 50 (section 3420.7–2) is corrected by removing the words "§ 3420.4" and replacing it with the words "3420.4";

9. On page 33142, the first sentence of item 69 is corrected to read:

69. Section 3427.0–1 is revised as follows:

10. On page 33147, paragraph (a) of item 116 (section 3453.2–4) is corrected by:

a. Removing in the third sentence the word "lease" where it appears the first time and replacing it with the word "leased"; and

b. Removing in the fourth sentence, in subsection (2), the phrase "transferee as a principal" and replacing it with the phrase "transferee as principal";

11. On page 33148, paragraph (b) of item 122 (section 3453.3–4) is corrected by removing the word "or" where it appears in the phrase "exploration or license";

12. On page 33151, item 161 is corrected to read:

161. Sections 3475.1, 3475.2 and 3475.3 are renumbered sections 3475.2, 3475.3 and 3475.4, respectively.

Frank A. DuBois,

Acting Assistant Secretary of the Interior.

August 24, 1982.

[FR Doc. 82–23712 Filed 8–27–82; 8:45 am]

BILLING CODE 4310–84–M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Part 221

Documentation, Transfer or Charter of Vessels; Consolidation of Citizenship Declaration, Forms

AGENCY: Maritime Administration DOT.

ACTION: Final rule.

SUMMARY: This final rulemaking revises 46 CFR 221.11 to consolidate, in a single form, nine existing MARAD forms. This form prescribes the declaration of United States citizenship by a vendee, mortgagee or other transferee of a vessel, or of an interest in a vessel, that is owned in whole or in part by U.S. citizens and documented under U.S. law. Such delcaration is required by section 40, Shipping Act, 1916 (46 U.S.C. 838), which is administered by MARAD. The consolidated Form 899, prescribed by MARAD under that authority, is filed with the appropriate U.S. Coast Guard Documentation Office. The Office of Management and Budget directed adoption of and approved the consolidated form, new Form 899. The consolidation is intended to simplify the declaration process and to clarify this reporting requirement for the using public. Also, OMB believes that this consolidation will relieve the reporting burden.

EFFECTIVE DATE: August 30, 1982.

FOR FURTHER INFORMATION CONTACT: Mrs. Jessie Fernanders, Chief, Division of Ship Disposals and Foreign Transfers, Maritime Administration, Washington, D.C. 20590, Tel. (202) 426–5821.

SUPPLEMENTARY INFORMATION: The Maritime Administrator has determined that this amendment to 46 CFR Part 221 meets none of the criteria of a major rule under Executive Order 12291 that would require preparation of a regulatory impact analysis. He further certifies that this is not a significant regulation under DOT Order 2100.5 and that the expected impact is so minimal that it does not require that a full Evaluation be placed in the rulemaking docket. This is a non-controversial simplification of statutory reporting requirements that are administered by this agency. It is intended to relieve a burden and has been approved by OMB under the Paperwork Reduction Act of 1980 (Pub. L. 96–511). For these reasons, the Maritime Administrator finds that notice and public procedure with respect to this rulemaking are unnecessary and that the rule may become effective upon publication. Since notice and comment are not required, the Maritime Administrator certifies that the Regulatory Flexibility Act of 1980 (Pub. L. 96–354) is not applicable.

List of Subjects in 46 CFR Part 221

Banks, Banking, Citizenship and naturalization, Charter foreign transfer, Maritime carrier reporting requirements, Uniform system of accounts.

PART 221—DOCUMENTATION, TRANSFER OR CHARTER OF VESSELS

Accordingly, 46 CFR 221.11 is revised to read as follows—

§ 221.11 Citizenship declarations by vendees, mortgagees or other transferees of U.S. vessels or vessel interests.

Whenever any bill of sale, mortgage, hypothecation, or conveyance of any vessel, part thereof; or interest therein, is presented to any Officer in Charge of Marine Inspection, U.S. Coast Guard, to be recorded, the vendee, mortgagee, or transferee shall file therewith, as provided by section 40 of the Shipping Act, 1916 (46 U.S.C. 838), the following declaration.[1]

[1] This declaration will not be carried in the CFR.

Form No. MA-899, Department of Transportation, Maritime Administration (Rev. /82)

[OMB Approval No. 2115-0058, Expires 4-30-83]

Declaration of Citizenship for Vessel Recordation Purposes (Section 40, Shipping Act, 1916, as Amended, 46 U.S.C. 838, 40 Stat. 902, as Amended)

I. Vessel [1]

A. Name:

B. Official Number:

II. Entity on Behalf of Which Declaration is Made

A. Name:

B. Address:

C. State Where Incorporated, Organized, Chartered, or Residing:

D. Legal Nature (check appropriate entry)

——Individual
——Corporation
——Partnership/joint venture
——Association
——Mutual Savings Bank/Insurance Co.
——Other (Specify)

E. Capacity (check appropriate entry)

——Purchaser/transferee
——Mortgagee
——Trustee-mortgagee

III. Declaration: I hereby declare that I am legally authorized to make this declaration on behalf of the entity named above, and that this transaction does not violate the provisions of 46 U.S.C. 808 and 835 (if applicable) because said entity meets the applicable criteria set forth on the reverse of this form and is therefore a citizen of the United States within the meaning of 46 U.S.C. 802.

Signature Date

Name of Person Signing (Print):

Penalty of False Statement: Any person who knowingly makes a false statement of a material fact in this declaration shall be guilty of a misdemeanor and subject to a fine of not more than $5,000 or to imprisonment for not more than five years, or both (46 U.S.C. 838).

[1] If two or more vessels are involved, attach schedule of vessel names and offical numbers.

Declaration of Citizenship—Citizenship Criteria

A. Individual. An individual is a citizen by virtue of birth in the United States, birth abroad of U.S. citizen parents, by naturalization during minority through the naturalization of a parent, by marriage (if a woman) to a U.S. citizen prior to September 22, 1922, naturalized, or as otherwise authorized by law.

B. Corporation. A corporation is a citizen if (a) it is incorporated under the laws of the United States or of a state, territory, district or possession thereof; (b) its president or other chief executive officer and its chairman of the board are United States citizens; (c) no more of its directors than a minority of the number necessary to constitute a quorum are non-citizens; and (d) the controlling interest in the corporation is owned by United States citizens or, if the vessel is documented for coastwise trade, at least 75 percent of the interest in the corporation is owned and controlled by U.S. citizens.

Note.—(1) The controlling interest in a corporation is owned and controlled by United States citizens only if (i) title to at least a majority of the stock is vested in United States citizens free of any trust or fiduciary obligation in favor of any person who is not a United States citizen; (ii) at least the majority of the voting power is vested in United States citizens; (iii) there is no contract or understanding through which it is arranged that the majority of the voting power may be exercised directly or indirectly on behalf of any person who is a United States citizen; and (iv) there are no other means whatsoever by which control of the corporation is conferred upon or permitted to be exercised by any person who is not a United States citizen.

(2) Seventy-five percent of the interest in a corporation is owned and controlled by United States citizens only if (i) the title to at least 75 percent of the stock of said Corporation is vested in citizens of the United States free from any trust or fiduciary obligation in favor of any person not a citizen of the United States; (ii) that such proportion of the voting power of said Corporation is vested in citizens of the United States; (iii) that through no contract or understanding is it so arranged that more than 25 percent of the voting power of said Corporation may be exercised, directly or indirectly, in behalf of any person who is not a citizen of the United States; and (iv) that by no means whatsoever, is any interest in said Corporation in excess of 25 percent conferred upon or permitted to be exercised by any person who is not a citizen of the United States.

C. Partnership/Joint Venture. A partnership or a joint venture is a citizen of the United States if requisite ownership and control is vested in United States citizens pursuant to 46 U.S.C. 802.

D. Association. An association is a citizen if the requisite ownership is vested in United States citizens pursuant to 46 U.S.C. 802.

E. Mutual Savings Bank/Insurance Company. A mutual savings bank or mutual insurance company is one which has no directors, the duties of the directors being exercised by the trustees, and which is not authorized to issue stock. Such an entity is a citizen if (a) its president or other chief executive officer and the chairman of its board of trustees are United States citizens; (b) no more of the trustees than a minority of the number necessary to constitute a quorum [are non-citizens; (c) at least the majority of the voting power and control in the entity is vested in the board of trustees free from any trust or fiduciary obligation in favor of any person who is not a United States citizen; and (d) there are no other means whatsoever by which control of the corporation is conferred upon or permitted to be exercised by any person who is not a United States citizen.

F. Trustee-Mortgagee. A trustee-mortgagee is a citizen if it is approved under the provisions of 46 U.S.C. 808 and 835.

G. If you check "Other" please submit full details of the legal arrangement or character with supporting documents attached. Direct contact with the Maritime Administration at an early date is recommended.

Note.—Questions concerning the construction and interpretation of the above criteria should be directed to the Maritime Administration.

(Secs. 9, 37, 40, 41 and 43, Shipping Act, 1916, as amended [46 U.S.C. 808, 835, 838, 839 and 941a); P.L. 97-31 (August 6, 1981); 49 CFR 1.66 (46 FR 47458, September 28, 1981).)

Dated: August 25, 1982.

By Order of the Maritime Administrator.

Georgia P. Stamas,

Assistant Secretary.

[FR Doc. 82-23747 Filed 8-27-82; 8:45 am]

BILLING CODE 4910-81-M