time and place for the hearing and
shall notify the petitioner.
(b) Oral hearings held by the Board
shall be open to the public and shall be
held in accordance with the following
procedures:
(1) Oral hearings shall be conducted
in an informal manner, with the objec-
tive of providing the petitioner with a
full opportunity to present facts and
arguments in support of the petition.
Evidence may be presented through
means of witnesses, exhibits, and vis-
ual aids as are arranged for by the peti-
tioner. Petitioner may be represented
by any person including its attorney.
While proceedings will be ex parte,
members of the Board and its counsel
may address questions to witnesses
called by the petitioner, and the Board
may, at its option, enlist the aid of
technical advisors or expert witnesses.
Any person present at the hearing may
make a statement for the record.
(2) A transcript or equivalent record
of the proceeding shall be arranged for
by the Board. The petitioner shall sub-
mit for the record a copy of any exhibit
or visual aid utilized during the hear-
ing.
§ 1245.114 Findings and recommenda-
tions of the Board.
(a) Findings of the Board. The Board
shall consider the petition, the NASA
contract, if relevant, the goals cited in
§1245.103(a), the effect of the waiver on
the objectives of the related NASA pro-
grams, and any other available facts
and information presented to the Board
by an interested party. The Board shall
document its findings.
(b) Recommendation of the Board. (1)
Except as provided in §1245.104(d), after
making the findings of fact, the Board
shall formulate its proposed rec-
ommendation to the Administrator as
to the grant of waiver as requested, the
grant of waiver upon terms other than
as requested, or denial of waiver.
(2) If the Board proposes to rec-
ommend, initially or upon reconsider-
ation or after oral hearing, that the pe-
tition be granted in the extent re-
quested or, in other cases, where the
petitioner does not request reconsider-
ation or a hearing during the period set
for the action or informs the Board
that the action will not be requested,
or fails to file the required statements
within the prescribed time, the Board
shall transmit the petition, a summary
record of hearing proceedings, if applic-
able, its findings of fact, and its rec-
ommendation to the Administrator.
§ 1245.115 Action by the Adminis-
trator.
(a) After receiving the transmittal
from the Board, the Administrator
shall determine, in accordance with the
policy of §1245.103, whether or not to
grant any petition for waiver of rights
to the petitioner.
(b) In the event of denial of the peti-
tion by the Administrator, a written
notice of such denial will be promptly
transmitted by the Board to the peti-
tioner. The written notice will be ac-
companied with a statement of the
grounds for denial.
(c) If the waiver is granted by the Ad-
ministrator, the petitioner shall be
sent for execution, an instrument of
waiver confirmatory of the conditions
and reservations of the waiver grant.
The petitioner shall promptly return
the executed copy of the instrument of
waiver to the Chairperson.
§ 1245.116 Miscellaneous provisions.
(a) Filing of patent applications and re-
imbursement of costs. In order to protect
the interests of the Government and
the petitioner in inventions, a peti-
tioner may file United States patent
applications for such inventions prior
to the Administrator’s determination
on a petition for waiver. If an applica-
tion on an identified invention is filed
during the pendency of the petition, or
within 60 days prior to the receipt of a
petition, NASA will reimburse the peti-
tioner for any reasonable costs of the
filing and patent prosecution that may
have occurred, provided:
(1) Similar patent filing and prosecu-
tion costs are not normally reimbursed
to the petitioner as direct or indirect
costs chargeable to the Government
contracts;
(2) The petition is ultimately denied
with respect to domestic rights, or
with respect to foreign and domestic
rights, if both are requested, and
(3) Prior to reimbursement, peti-
tioner assigns the application to the