

Standards and Technology, Gaithersburg, MD 20899 (301) 975-3247.

12. *Waivers.* Under certain exceptional circumstances, the heads of Federal departments and agencies may approve waivers to Federal Information Processing Standards (FIPS). The head of such agency may redelegate such authority only to a senior official designated pursuant to section 3506(b) of Title 44, United States Code. Waivers shall be granted only when:

a. Compliance with a standard would adversely affect the accomplishment of the mission of an operator of a Federal computer system, or

b. Cause a major adverse financial impact on the operator which is not offset by Government-wide savings.

Agency heads may act upon a written waiver request containing the information detailed above. Agency heads may also act without a written waiver request when they determine that conditions for meeting the standard cannot be met. Agency heads may approve waivers only by a written decision which explains the basis on which the agency head made the required finding(s). A copy of each such decision, with procurement-sensitive or classified portions clearly identified, shall be sent to: National Institute of Standards and Technology; ATTN: FIPS Waiver Decisions, Technology Building, Room B-154; Gaithersburg, MD 20899.

In addition notice of each waiver granted and each delegation of authority to approve waivers shall be sent promptly to the Committee on Government Operations of the House of Representatives and the Committee on Governmental Affairs of the Senate and shall be published promptly in the **Federal Register**.

When the determination on a waiver applies to the procurement of equipment and/or services, a notice of the waiver determination must be published in the *Commerce Business Daily* as a part of the notice of solicitation for offers of an acquisition or, if the waiver determination is made after that notice is published, by amendment to such notice.

A copy of the waiver, any supporting documents, the document approving the waiver and any supporting and accompanying documents, with such deletions as the agency is authorized and decides to make under 5 U.S.C. Sec. 552(b), shall be part of the procurement documentation and retained by the agency.

13. *Where to Obtain Copies.* Copies of this publication are for sale by the National Technical Information Service, U.S. Department of Commerce,

Springfield, VA 22161. (Sale of the included specifications document is by arrangement with the American National Standards Institute.) When ordering, refer to Federal Information Processing Standards Publication 21-4 (FIPSPUB21-4), and title. Payment may be made by check, money order, or deposit account.

[FR Doc. 95-1612 Filed 1-20-95; 8:45 am]

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Patent and Trademark Office

Grant of Certificate of Interim Extension of the Term of U.S. Patent No. Re. 34,617 of U.S. Patent No. 4,005,196; Olestra

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Notice of Interim Patent Term Extension.

SUMMARY: The Patent and Trademark Office has issued a certificate under 35 U.S.C. § 156(d)(5) for a second one-year interim extension of the term of U.S. Patent No. Re. 34,617 of U.S. Patent No. 4,005,196 that claims the food additive known as olestra.

FOR FURTHER INFORMATION CONTACT: Gerald A. Dost by telephone at (703) 305-9285; or by mail addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231 marked to the attention of Gerald A. Dost, Special Program Examiner, Office of the Deputy Assistant Commissioner for Patent Policy and Projects.

SUPPLEMENTARY INFORMATION: Section 156 of Title 35, United States Code, generally provides that the term of a patent may be extended for a period of up to 5 years if the patent claims a product, or a method of making or using a product, that has been subject to certain defined regulatory review. Under section 156, a patent is eligible for term extension only if regulatory review of the claimed product was completed before the original patent term expired.

On December 3, 1993, section 156 was amended by Pub. L. No. 103-179 to provide that if the owner of record of the patent or its agent reasonably expects the applicable regulatory review period to extend beyond the expiration of the patent, the owner or its agent may submit an application to the Commissioner of Patents and Trademarks for an interim extension of the patent term. If the Commissioner determines that, except for permission to market or use the product commercially, the patent would be eligible for a statutory extension of the

patent term, the Commissioner shall issue to the applicant a certificate of interim extension for a period of not more than one year. The owner of record of the patent or its agent may apply for a subsequent one-year interim extension.

On January 7, 1994, The Procter & Gamble Company, owner of record in the Patent and Trademark Office of U.S. Patent No. Re. 34,617 of U.S. Patent No. 4,005,196, filed an application for interim extension of the term of the patent under 35 U.S.C. § 156(d)(5). The application states that the patent claims a composition of matter comprising the food additive product olestra. The application indicates that the product is currently undergoing a regulatory review before the Food and Drug Administration for permission to market or use the product commercially. The original term of the patent expired on January 25, 1994. On January 14, 1994, a first one-year interim extension was granted under 35 U.S.C. § 156(d)(5). The extended term of the patent expires on January 25, 1995. On December 1, 1994, applicant requested a second one-year interim extension of the term of the patent.

Review of the application indicates that, except for permission to market or use the product commercially, the subject patent would be eligible for an extension of the patent term under 35 U.S.C. § 156. Since it is apparent that the regulatory review period may extend beyond the expiration of the first one-year interim extension of the original patent term, a second one-year interim extension of the patent term under 35 U.S.C. § 156(d)(5) is appropriate. Accordingly, a second one-year interim extension under 35 U.S.C. § 156(d)(5) of the term of U.S. Patent No. Re. 34,617 of U.S. Patent No. 4,005,196 has been granted from the expiration of the first one-year interim extension of the original expiration date of the patent.

Dated: January 17, 1995.

Bruce A. Lehman,

Assistant Secretary of Commerce and Commissioner of Patents and Trademarks.

[FR Doc. 95-1603 Filed 1-20-95; 8:45 am]

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CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

AmeriCorps State Grant Program

ACTION: Notice.

SUMMARY: In response to public comments on the proposed 1995 grant timeline previously published in the Notice for Proposed Changes in Policies