

the Government has determined that it has or may need to practice the invention;

(2) That the invention not be assigned to any foreign-owned or controlled corporation without the written permission of the agency; and

(3) That any assignment or license of rights to use or sell the invention in the United States shall contain a requirement that any products embodying the invention or produced through the use of the invention be substantially manufactured in the United States. The agency shall notify the employee of any conditions imposed.

(c) In the case of a determination under either paragraph (a) or (b) of this section, the agency shall promptly provide the employee with:

(1) A signed and dated statement of its determination and reasons therefor; and

(2) A copy of 37 CFR part 501.

10. Section 501.8 is amended by revising paragraphs (a) and (b), redesignating paragraphs (c) and (d) as paragraph (d) and (e), and adding new paragraph (c) to read as follows:

**§ 501.8 Appeals by employees.**

(a) Any Government employee who is aggrieved by a Government agency determination pursuant to §§ 501.6(a)(1) or (a)(2), may obtain a review of any agency determination by filing, within 30 days (or such longer period as the Secretary may, for good cause shown in writing, fix in any case) after receiving notice of such determination, two copies of an appeal with the Secretary. The Secretary then shall forward one copy of the appeal to the liaison officer of the Government agency.

(b) On receipt of a copy of an appeal filed pursuant to paragraph (a) of this section, the agency liaison officer shall, subject to considerations of national security, or public health, safety or welfare, promptly furnish both the Secretary and the inventor with a copy of a report containing the following information about the invention involved in the appeal:

(1) A copy of the agency's statement specified in § 501.7(c);

(2) A description of the invention in sufficient detail to identify the invention and show its relationship to the employee's duties and work assignments;

(3) The name of the employee and employment status, including a detailed statement of official duties and responsibilities at the time the invention was made; and

(4) A detailed statement of the points of dispute or controversy, together with copies of any statements or written

arguments filed with the agency, and of any other relevant evidence that the agency considered in making its determination of Government interest.

(c) Within 25 days (or such longer period as the Secretary may, for good cause shown, fix in any case) after the transmission of a copy of the agency report to the employee, the employee may file a reply with the Secretary and file one copy with the agency liaison officer.

\* \* \* \* \*

11. Section 501.9 is revised to read as follows:

**§ 501.9 Patent protection.**

(a) A Government agency, upon determining that an invention coming within the scope of §§ 501.6(a)(1) or (a)(2) has been made, shall promptly determine whether patent protection will be sought in the United States by or on behalf of the agency for such invention. A controversy over the respective rights of the Government and of the employee shall not unnecessarily delay the filing of a patent application by the agency to avoid the loss of patent rights. In cases coming within the scope of § 501.6(a)(2), the filing of a patent application shall be contingent upon the consent of the employee.

(b) Where there is an appealed dispute as to whether §§ 501.6 (a)(1) or (a)(2) applies in determining the respective rights of the Government and of an employee in and to any invention, the agency may determine whether patent protection will be sought in the United States pending the Secretary's decision on the dispute. If the agency decides that an application for patent should be filed, the agency will take such rights as are specified in § 501.6(a)(2), but this shall be without prejudice to acquiring the rights specified in paragraph (a)(1) of that section should the Secretary so decide.

(c) Where an agency has determined to leave title to an invention with an employee under § 501.6(a)(2), the agency will, upon the filing of an application for patent, take the rights specified in that paragraph without prejudice to the subsequent acquisition by the Government of the rights specified in paragraph (a)(1) of that section should the Secretary so decide.

(d) Where an agency has filed a patent application in the United States, the agency will, within 8 months from the filing date of the U.S. application, determine if any foreign patent applications should also be filed. If the agency chooses not to file an application in any foreign country, the employee may request rights in that country subject to the conditions stated in

§ 501.7(b) that may be imposed by the agency. Alternatively, the agency may permit the employee to retain foreign rights by including in any assignment to the Government of an unclassified U.S. patent application on the invention an option for the Government to acquire title in any foreign country within 8 months from the filing date of the U.S. application.

12. A new § 501.11 is added to read as follows:

**§ 501.11 Submissions and inquiries.**

All submissions or inquiries should be directed to Chief Counsel for Technology, telephone number 202-482-1984, Room H4835, U.S. Department of Commerce, Washington DC 20230.

Dated: July 22, 1996.

Bruce A. Lehman,

*Assistant Secretary of Commerce and Commissioner of Patents and Trademarks.*

Dated: July 26, 1996.

Mary L. Good,

*Under Secretary of Commerce for Technology.*

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BILLING CODE 3510-18-P; 3510-16-P

**GENERAL SERVICES ADMINISTRATION**

**41 CFR Part 101-11**

[FPMR Interim Rule B-1]

RIN 3090-AG02

**Relocation of FIRMR Provisions Relating to GSA's Role in the Records Management Program**

**AGENCY:** Office of Policy, Planning and Evaluation, GSA.

**ACTION:** Interim rule with request for comments.

**SUMMARY:** This regulation reestablishes certain Federal Information Resources Management Regulation (FIRMR) provisions regarding records management in the Federal Property Management Regulations (FPMR). This action is necessary because the FIRMR is being abolished as of 12 midnight on August 8, 1996.

**DATES:** This rule is effective August 8, 1996. Comments are solicited and are due October 7, 1996.

*Expiration Date:* December 31, 1997.

**ADDRESSES:** Comments may be mailed to General Services Administration, Office of Policy, Planning and Evaluation, Strategic IT Analysis Division (MKS), 18th & F Streets, NW., Room 3224, Washington, DC 20405.

**FOR FURTHER INFORMATION CONTACT:** R. Stewart Randall or Pat Smith of the

Office of Policy, Planning and Evaluation, Strategic IT Analysis Division (MKS), 18th & F Streets, NW., Room 3224, Washington, DC 20405, telephone FTS/Commercial (202) 501-4469 or (202) 501-0657 (tdd), or Internet (stewart.randall@gsa.gov. or pat.smith@gsa.gov).

**SUPPLEMENTARY INFORMATION:** (1) The President signed the National Defense Authorization Act (NDAA) for Fiscal Year 1996, Pub. L. 104-106, on February 10, 1996. Included in the NDAA was the Information Technology (IT) Management Reform Act of 1996 (TMRA). Section 5101 of the Act repeals section 111 of the Federal Property and Administrative Services Act of 1949, as amended (the Brooks Act) (40 U.S.C. 759). The Brooks Act was the authority for most of the provision in GSA's Federal Information Resources Management Regulation so that the Brooks Act repeal effectively disestablishes the FIRMR. Therefore, any FIRMR provisions that are still needed, such as Part 201-9-Records Management, are being removed from the FIRMR and reestablished in the appropriate regulation.

(2) GSA has determined that this rule is not a significant rule for the purposes of Executive Order 12866 of September 30, 1993, because it is not likely to result in any of the impacts noted in Executive Order 12866, affect the rights of specified individuals, or raise issues arising from the policies of the Administration. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for and consequences of this rule; has determined that the potential benefits to society from this rule outweigh the potential costs; has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

List of Subjects in 41 CFR Part 101-11

Archives and records, Computer technology, Telecommunications, Government procurement, Property management, Records management, and Federal information processing resources activities.

For the reasons set forth in the preamble, 41 CFR Chapter 101 is amended by adding subchapter B, consisting of part 101-11, to read as follows:

## **SUBCHAPTER B—MANAGEMENT AND USE OF INFORMATION AND RECORDS**

### **PART 101-11—CREATION, MAINTENANCE, AND USE OF RECORDS**

#### **Subpart 101-11.0 General Provisions**

Sec.

101-11.0 Scope of part.

101-11.1 General.

#### **Subpart 101-11.1—Agency Programs**

101-11.100 Scope of subpart.

101-11.101 General.

101-11.102 Policy.

101-11.103 Procedures.

#### **Subpart 101-11.2—GSA Governmentwide Programs**

101-11.200 Scope of subpart

101-11.201 General.

101-11.202 Governmentwide programs.

101-11.203 Standard and Optional Forms Management Program.

101-11.204 Interagency Reports Management Program.

Authority: 40 U.S.C. 486(c).

#### **Subpart 101-11.0 General Provisions**

##### **§ 101-11.0 Scope of part.**

This part prescribes policies and procedures for the creation, maintenance, and use of Federal agencies' records. Unless otherwise noted, the policies and procedures of this part apply to all records, regardless of medium (i.e., paper, electronic, or other).

##### **§ 101-11.1 General.**

(a) Chapters 29 and 31 of title 44 of the United States Code (U.S.C.), require the establishment of standards and procedures to ensure efficient and effective records management by Federal agencies. The statutory goals of these standards and procedures include:

- (1) Accurate and complete documentation of the policies and transactions of the Federal Government;
- (2) Control of the quantity and quality of records produced by the Federal Government;
- (3) Establishment and maintenance of mechanisms of control with respect to records creation in order to prevent the creation of unnecessary records and with respect to the effective and economical operations of an agency;
- (4) Simplification of the activities, systems, and processes of records creation, maintenance, and use;
- (5) Judicious preservation and disposal of records; and
- (6) Direction of continuing attention on records from their initial creation to their final disposition, with particular emphasis on the prevention of unnecessary Federal paperwork.

(4) Simplification of the activities, systems, and processes of records creation, maintenance, and use;

(5) Judicious preservation and disposal of records; and

(6) Direction of continuing attention on records from their initial creation to their final disposition, with particular emphasis on the prevention of unnecessary Federal paperwork.

(b) The law assigns records management responsibilities to the Administrator of General Services (the Administrator), the Archivist of the United States (the Archivist), and the heads of Federal agencies.

(1) The Administrator is responsible for providing guidance and assistance to Federal agencies to ensure economical and effective records management. Records management policies and guidance established by GSA are contained in FPMR Part 101-11, records management handbooks, and other publications issued by GSA.

(2) The Archivist is responsible for providing guidance and assistance to Federal agencies to ensure adequate and proper documentation of the policies and transactions of the Federal Government and to ensure proper records disposition. Records management policies and guidance established by the Archivist are contained in regulations in 36 CFR chapter XII and in bulletins and handbooks issued by the National Archives and Records Administration (NARA).

(3) The heads of Federal agencies are responsible for complying with the policies and guidance provided by the Administrator and the Archivist.

#### **Subpart 101-11.1—Agency Programs**

##### **§ 101-11.100 Scope of subpart.**

This subpart prescribes policies and procedures for establishing and maintaining an agency records management program.

##### **§ 101-11.101 General.**

Section 3102 of title 44 of the U.S.C. requires each Federal agency to establish an active and continuing records management program.

##### **§ 101-11.102 Policy.**

Each Federal agency shall establish and maintain an active, continuing program for managing agency records, commensurate with agency size, organization, mission, and recordkeeping activity.

##### **§ 101-11.103 Procedures.**

Each Federal agency shall take the following actions to establish and maintain the agency's records management program:

(a) Assign specific responsibility for the development and implementation of agencywide records management programs to an office of the agency and to a qualified records manager.

(b) Consider the guidance contained in GSA and NARA handbooks and bulletins when establishing and

implementing agency records management programs.

(c) Issue a directive establishing program objectives, responsibilities, authorities, standards, guidelines, and instructions for its records management program.

(d) Apply appropriate records management practices to all records, irrespective of the medium (e.g., paper, electronic, or other) on which the record resides.

(e) Control the creation, maintenance, and use of agency records and the collection and dissemination of information to ensure that the agency:

(1) Does not accumulate unnecessary records;

(2) Does not create forms and reports that collect information inefficiently or unnecessarily;

(3) Periodically reviews all existing forms and reports (both those originated by the agency and those responded to by the agency but originated by another agency or branch of Government) to determine if they need to be improved or canceled;

(4) Maintains its records cost effectively and in a manner that allows them to be retrieved quickly and reliably; and

(5) Keeps its mailing and copying costs to a minimum.

(f) Standardize stationery in terms of size, letterhead design, color (of originals, record copies, and envelopes), markings that are permitted on envelopes and postcards, and number of stationery styles permitted.

(g) Consider the voluntary standards contained in the Table of Standard Specifications in the FPMR, when developing agency stationery standards.

(h) Establish agency standards regarding the types of correspondence to be used in official agency communications, and the number and kind of copies required and their distribution and purpose.

(i) Strive to:

(1) Improve the quality, tone, clarity, and responsiveness of correspondence, and provide for its creation in a timely, economical, and efficient manner;

(2) Design forms that are easy to fill-in, read, transmit, process, and retrieve; and reduce forms reproduction costs;

(3) Provide agency managers with the means to convey written instructions to users and document agency policies and procedures through effective directives management;

(4) Provide agency personnel with the information needed in the right place, at the right time, and in a useful format;

(5) Eliminate unnecessary reports and design necessary reports for ease of use;

(6) Provide rapid handling and accurate delivery of mail at minimum cost; and

(7) Organize agency files:

(i) So that needed records can be found rapidly;

(ii) To ensure that records are complete; and

(iii) to facilitate the identification and retention of permanent records and the prompt disposal of temporary records.

#### **Subpart 101-11.2—GSA Governmentwide Programs**

##### **§ 101-11.200 Scope of subpart.**

This subpart contains policies and procedures prescribed for the following GSA-managed programs:

(a) The Standard and Optional Forms Management Program.

(b) The Interagency Reports Management Program.

##### **§ 101-11.201 General.**

(a) The Standard and Optional Forms Management Program was developed and operated by OMB consistent with the authorities prescribed by the Budget and Accounting Act of 1921. GSA assumed responsibility for the program on May 29, 1967, through agreement with OMB.

(b) The Interagency Reports Management Program implements 44 U.S.C. chapters 29 and 31, recognizing OMB functions under 44 U.S.C. 3504(e) and OMB implementation under 5 CFR 1320.16.

##### **§ 101-11.202 Governmentwide programs.**

##### **§ 101-11.203 Standard and Optional Forms Management Program.**

(a) *General.* (1) The Standard and Optional Forms Management Program was established to achieve Governmentwide economies and efficiencies through the development, maintenance and use of common forms.

(2) GSA will provide additional guidance on the Standard and Optional Forms Management Program.

(b) *Procedures.* Each Federal agency shall—

(1) Designate an agency-level Standard and Optional Forms Liaison Representative and Alternate, and notify GSA in writing of such designees' names, titles, mailing addresses, and telephone numbers within 30 days of the designation or redesignation at the address in paragraph (b)(4) of this section;

(2) Promulgate Governmentwide Standard Forms pursuant to the agency's statutory or regulatory authority and issue in the Federal Register Governmentwide procedures on the mandatory use, revision, or cancellation of these forms;

(3) Sponsor Governmentwide Optional Forms when needed in two or more agencies and announce the Governmentwide availability, revision or cancellation of these forms;

(4) Obtain GSA approval for each new, revised or canceled Standard and Optional Form, 60 days prior to planned implementation, and certify that the forms comply with all applicable laws and regulations. Send approval requests to: General Services Administration, Forms Management Branch (CARM), Washington, DC 20405;

(5) Provide GSA with a camera ready copy of the Standard and Optional Forms the agency promulgates or sponsors prior to implementation, at the address shown in paragraph (b)(4) of this section;

(6) Obtain promulgator's or sponsor's approval for all exceptions to Standard and Optional Forms prior to implementation;

(7) Annually review all Standard and Optional Forms which the agency promulgates or sponsors, including exceptions, for improvement, consolidation, or cancellation;

(8) When requested by GSA and OMB, submit a summary of the Standard and Optional Forms used for collection of information covered by 5 CFR part 1320;

(9) Request approval to overprint Standard and Optional Forms by contacting GSA (CARM); and

(10) Coordinate all matters concerning health care related Standard Forms through the Interagency Committee on Medical Records (ICMR). For additional information on the ICMR, contact GSA (CARM).

##### **§ 101-11.204 Interagency Reports Management Program.**

(a) *General.* (1) GSA manages the Interagency Reports Management Program to ensure that interagency reports and recordkeeping requirements are based on need, are cost-effective, and comply with applicable laws and regulations.

(2) GSA will provide additional guidance on the Interagency Reports Management Program.

(b) *Procedures.* (1) Each agency shall: (i) Obtain GSA approval for each new, revised, or extended interagency report, prior to implementing the report;

(ii) Designate an agency-level interagency reports liaison representative and alternate, and notify GSA in writing of such designees' names, titles, mailing addresses, and telephone numbers within 30 days of the designation or redesignation;

(iii) Use Standard Form 360, Request to Approve an Interagency Reporting Requirement, to obtain GSA approval

for each new, revised, or extended interagency report;

(iv) Attach to each Standard Form 360, a justification statement (signed by the official who requested the report) describing the need for the report;

(v) Explain how the reporting costs shown on Standard Form 360 were derived;

(vi) Make supporting documentation for cost estimates available for GSA review;

(vii) Submit to GSA and OMB (see 5 CFR part 1320) simultaneously for approval, interagency reports that collect information from Federal agencies and from either the public or State or local governments;

(viii) Notify GSA and responding agencies when an interagency report is no longer needed; and

(ix) Send requests for GSA approval and notifications regarding interagency reports to: General Services Administration, Strategic IT Analysis Division, (MKS), 18th and F Streets, NW., Washington, DC 20405.

(2) This section does not apply to the following interagency reports: (However, interagency reports required by Federal agencies to respond to these reports are subject to this section.)

(i) Legislative branch reports.

(ii) Office of Management and Budget (OMB) and other Executive Office of the President reports.

(iii) Judicial branch reports required by court order or decree.

(iv) Reporting requirements for security classified information. However, interagency reporting requirements for non-sensitive or unclassified sensitive information are not exempt, even if such information is later given a security classification by the requesting agency.

Dated: July 31, 1996.

David J. Barram,

*Acting Administrator of General Services.*

[FR Doc. 96-19960 Filed 8-6-96; 8:45 am]

BILLING CODE 6820-25-P

#### 41 CFR Part 101-35

[FPMR Interim Rule F-1]

RIN 3090-AG03

#### Relocation of FIRMR Provisions Relating to the Use of Government Telephone Systems and GSA Services and Assistance

**AGENCY:** Office of Policy, Planning and Evaluation and the Federal Telecommunications Service, GSA.

**ACTION:** Interim rule with request for comments.

**SUMMARY:** This regulation reestablishes the Federal Property Management Regulations (FPMR) certain telecommunications provisions of the Federal Information Resources Management Regulation (FIRMR). These FIRMR provisions will be maintained in the FPMR after August 7, 1996. This change is precipitated by the passage of the Information Technology Management Reform Act of 1996, which effectively disestablishes the FIRMR.

**DATES:** This rule is effective August 8, 1996.

Comments are solicited and are due: October 7, 1996.

*Expiration Date:* August 8, 1998.

**ADDRESSES:** Comments may be mailed to General Services Administration, Office of Policy, Planning and Evaluation, Strategic IT Analysis Division (MKS), 18th & F Streets, NW., Room 3224, Washington, DC 20405 (for Part 101-35.1) or General Services Administration, Federal Telecommunications Service (TCS), 7980 Boeing Court, 4th Floor, Vienna, VA 22182-3988 (for §§101-35.2-101-35.5).

**FOR FURTHER INFORMATION CONTACT:**

Doris Farmer (for Part 101-35.1), GSA, Office of Policy, Planning and Evaluation, Strategic IT Analysis Division (MKS), 18th & F Streets, NW., Room 3224, Washington, DC 20405, telephone FTS/Commercial (202) 501-3194 (v) or (202) 501-0657 (tdd), or Internet (doris.farmer@gsa.gov) and James Cademartori (for Parts 101-35.2 through 101-35.5), GSA, Federal Telecommunications Service, 7980 Boeing Court, 4th Floor, Vienna VA, 22182-3988, telephone FTS/Commercial (703) 760-7545 (v) or (703) 760-7583 (FAX), or Internet (james.cademartori@gsa.gov)

**SUPPLEMENTARY INFORMATION:** (1) Section 111 of the Federal Property and Administrative Services Act of 1949, as amended (the Brooks Act) (40 U.S.C. 759) was the authority for many of the provisions in the FIRMR. The passage of Public Law 104-106, the Information Technology Management Reform Act of 1996, signed February 10, 1996, repealed Section 111 and the General Services Administration's (GSA) authority to issue Governmentwide regulations for managing, acquiring and disposing of information technology. As a result, the FIRMR will be abolished as of 12:00 midnight on August 8, 1996. The referenced FIRMR provisions that apply to government telecommunications will be maintained in the FPMR after August 7, 1996.

(2) Most of the language now contained in sections 201-20.306, 201-

21.600, 201-21.601, 201-21.602, 201-24.101, 201-24.101-1, 201-24.101-2, 201-24.101-3, 201-24.102, 201.24.106, and 201-24.203-1 of the FIRMR is being moved almost verbatim to the FPMR. A few changes were needed to correct out of date references.

(3) GSA has determined that this is not a significant rule for the purposes of Executive Order 12866 of September 30, 1993, because it is not likely to result in any of the impacts noted in Executive Order 12866, affect the rights of specified individuals, or raise issues arising from the policies of the Administration. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for and consequences of the rule; has determined that the potential benefits to society from this rule outweigh the potential costs; has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

#### List of Subjects in 41 CFR Part 101-35

Archives and records, Computer technology, Telecommunications, Government procurement, Property management, Records management, Information technology.

For the reasons set forth in the preamble, 41 CFR chapter 101 is amended by adding subchapter F, consisting of part 101-35, to read as follows:

#### SUBCHAPTER F—MANAGEMENT AND USE OF TELECOMMUNICATIONS RESOURCES

##### PART 101-35— TELECOMMUNICATIONS MANAGEMENT POLICY

##### Subpart 101-35.0—General Provisions

Sec.

101-35.0 Scope of part.

101-35.1-101-35.4 [Reserved]

101-35.5 Definitions.

##### Subpart 101-35.1—Use of Government Telephone Systems

101-35.100 Scope of subpart.

##### Subpart 101-35.2—Authorized Use of Long Distance Telephone Services

101-35.200 Scope of subpart.

101-35.201 Authorized use of long distance telephone services.

101-35.202 Collection for unauthorized use.

##### Subpart 101-35.3—The mandatory FTS Long Distance Network

101-35.300 Scope of subpart.

101-35.301 The mandatory FTS long distance network.

101-35.301-1 General.

101-35.301-2 Policies.

101-35.301-3 Procedures.