

**DEPARTMENT OF COMMERCE****National Institute of Standards and Technology****15 CFR Part 270**

[Docket No. 970822201-7202-00]

**Procedures for the Evaluation of Energy-related Inventions; Removal of Regulations****AGENCY:** National Institute of Standards and Technology, Commerce.**ACTION:** Final rule.

**SUMMARY:** The National Institute of Standards and Technology (NIST) is terminating the current NIST program which evaluated inventions as a service to the Department of Energy's (DOE) Energy-Related Inventions Program (ERIP). During the twenty-plus years of the evaluation program's existence, NIST transmitted recommendations based on its evaluations to the Department of Energy, which used the recommendations in its decision-making for DOE's award of grants to inventors and small businesses for further development of the NIST-recommended inventions.

The Department of Energy will continue the Energy Related Inventions Program with a newly designed evaluation process consistent with a competitive procurement. The DOE has renamed ERIP as part of the DOE-operated Inventions and Innovation Program. DOE will issue a solicitation for proposals to be evaluated by DOE under the new program, beginning on May 1, 1998.

Since DOE will now process evaluations through a competitive procurement and since evaluations made by NIST under 15 CFR part 270 will no longer be used in the award selection process, there is no function for the NIST Energy-Related Invention Evaluation Program to perform, and the NIST evaluation program is being terminated.

**EFFECTIVE DATE:** May 1, 1998.**FOR FURTHER INFORMATION CONTACT:** Dr. Michael E. McCabe at telephone number (301) 975-5504.

**SUPPLEMENTARY INFORMATION:** Title 15 part 270 of the Code of Federal Regulations prescribes procedures for the evaluation of energy-related inventions. These procedures were issued in 1976 to partially implement section 14 of the Federal Non-nuclear Energy Research and Development Act of 1974, Pub. L. 93-577 (codified as amended at 42 U.S.C. 5901, *et seq.* hereinafter referred to as the Act). The

Act established a comprehensive national program for research and development of all potentially beneficial energy sources and utilization technologies. Section 14 of the Act directed the National Bureau of Standards (now the National Institute of Standards and Technology) to give particular attention to the evaluation of all promising energy-related inventions, especially those submitted by individual inventors and small companies for the purpose of obtaining direct grants from the Administrator of the Energy Research and Development Administration which was later incorporated into the Department of Energy.

Since 1975 NIST has been providing the prescribed evaluation services to the Department of Energy, which has overall management and budgetary responsibility for the Energy-Related Inventions Program (ERIP). NIST has completed all processing for the 33,430 requests for evaluation which were received on or before August 2, 1997. Evaluation was not performed for requests received after that date.

Of the evaluation requests received on or before August 2, 1997, 17,482 were not accepted for evaluation, largely due to inadequate documentation, obvious technical flaws in projected invention operation, or insufficient energy relation. Of the 15,948 accepted, 14,239 were rejected in a first-stage evaluation, which included commentary generally by at least two consultants, usually for lack of competitive advantage. Of the 1709 remaining (not rejected in the first stage) 741 were recommended for DOE support. The continuous multi-stage evaluation process yielded, on average, two to three recommendations per month. For each of the 15,207 cases which were not recommended, a report was provided to the inventor commenting on the technology and giving reasons why DOE support was not warranted.

The DOE will continue to evaluate inventions under its new Inventions and Innovation Program. DOE has issued a solicitation for proposals to be evaluated under the new program beginning on May 1, 1998.

NIST finds good cause to issue this rule in final without opportunity for notice and comment and delayed effective date because those procedures are unnecessary pursuant to 5 U.S.C. 553(b)(B) and 5 U.S.C. 553(d)(3), since the Department of Energy is continuing the program in its entirety.

**Executive Order 12866**

It has been determined that this Rule is "not significant" under section 3(f) of E.O. 12866.

**List of Subjects in 15 CFR Part 270**

Energy, Inventions and patents.

Accordingly, under the authority of 15 U.S.C. 271 *et seq.*, part 270 is removed from Title 15 of the Code of Federal Regulations.

Dated: April 30, 1998.

**Robert E. Hebner,***Acting Deputy Director.*

[FR Doc. 98-12043 Filed 5-5-98; 8:45 am]

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**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****15 CFR Part 911**

[Docket No. 970725178-8087-02]

RIN 0648-AK04

**Policies and Procedures Regarding Use of the NOAA Space-Based Data Collection Systems****AGENCY:** National Oceanic and Atmospheric Administration, Department of Commerce.**ACTION:** Final rule.

**SUMMARY:** The National Oceanic and Atmospheric Administration (NOAA) is issuing a final rule that revises its policies and procedures for authorizing the use of its space-based Data Collection Systems (DCS) which operate on NOAA's Geostationary Operational Environmental Satellites (GOES) and Polar-orbiting Operational Environmental Satellites (POES). This final rule revises the current policy on the use of the GOES DCS, and formalizes a new policy for the use of the Argos Data Collection and Location System (Argos DCS) which flies on the POES. The rule harmonizes, as much as practicable, the system use policies for the two systems, which in the past have been disparate. The fundamental principle underlying this rule is that the Government will not allow its space-based DCS to be used where there are commercial space-based services available that fulfill users' requirements.

**DATES:** Effective June 5, 1998.

**ADDRESSES:** Send comments on the collection information to Dane Clark, NOAA, National Environmental Satellite, Data, and Information Service, Direct Services Division (E/SP3), 4700 Silver Hill Road, Stop 9909, Room 3320,