

Notices

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This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Government Owned Inventions Available for Licensing

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of Government Owned Inventions Available for Licensing.

SUMMARY: The inventions listed below are owned by the U.S. Government as represented by the Department of Agriculture, and are available for licensing in accordance with 35 U.S.C. 207 and 37 CFR 404 to achieve expeditious commercialization of results of federally funded research and development. Foreign patents are filed on selected inventions to extend market coverage for U.S. companies and may also be available for licensing.

FOR FURTHER INFORMATION CONTACT: Technical and licensing information on these inventions may be obtained by writing to Janet I. Stockhausen of the USDA Forest Service, One Gifford Pinchot Drive, Madison, Wisconsin 53705-2398; telephone: 608-231-9502 or fax: 608-231-9508. Issued patents may be obtained from the Commissioner of Patents, U.S. Patent and Trademark Office, Washington, DC 20231.

SUPPLEMENTARY INFORMATION: The inventions available for licensing are: U.S. Patent Nos.

- 5,786,188, "Fungal Inoculum Preparation"
- 5,834,301, "Method of Removing Color From Kraft Wood Pulps"
- 5,852,909, "Localized Notch Reinforcement for Wooden Beams"
- 5,853,982, "Method of Isolating Strains of the *Lymantria dispar* Nuclear Polyhedrosis Virus"
- 5,921,388, "Quick Deployment Fire Shelter"

Patent Application Serial No.

- 09/246,272, "Apparatus and Method for the Measurement of Forest Duff

Moisture Content"

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DEPARTMENT OF AGRICULTURE

Farm Service Agency

Tobacco Production and Marketing Information

AGENCY: Farm Service Agency, USDA.

ACTION: Notice of intent to release records and opportunity to opt out of the release.

SUMMARY: This notice announces the intention of the Secretary of Agriculture, pursuant to new legislation, to release certain tobacco production and marketing records to State organizations engaged in distributing certain private funds to tobacco producers and provides notice of the method in which interested parties can opt out of that release.

EFFECTIVE DATE: August 19, 1999.

ADDRESSES: Notices should be mailed to Charles Hatcher, Farm Service Agency (FSA), Tobacco and Peanuts Division, STOP 0514, 1400 Independence Avenue, SW, Washington, DC 20250-0514.

FOR FURTHER INFORMATION CONTACT: Misty L. Jones, telephone (202) 720-0200.

SUPPLEMENTARY INFORMATION: Tobacco growers are required to file various records with the Department of Agriculture in connection with the operation of the marketing quota program for tobacco operated by USDA under the Agricultural Adjustment Act of 1938 (1938 Act). Those records are normally required to be kept confidential. Recently, however, some tobacco companies have created a \$5.15 billion national trust which would distribute funds to persons interested in growing cigarette tobacco under rules that will be developed by State trusts created for that purpose. This \$5.15 billion distribution is sometimes referred to as the "Phase II" settlement to distinguish it from the larger "Phase I" settlement in which tobacco companies have agreed to pay a large sum of money to State governments. Some of the Phase I money, in some

States may also go to tobacco producers. The rules for the distribution of monies under both Phase I and Phase II will be up to State organizations and not the Federal Government.

In order to efficiently make the monies available to interested parties, some States have sought production data collected by USDA under the 1938 Act. As a result, new legislation was recently enacted which would allow otherwise confidential information to be made available to the States.

Specifically, the new legislation (Pub. L. 106-47) provides that notwithstanding any other provision of law, the Secretary of Agriculture may, subject to certain conditions, release any and all marketing information submitted by persons relating to the production and marketing of tobacco. The information may only be released to State trusts or similar organizations engaged in the distribution of national trust funds to tobacco producers and other persons with interests associated with the production of tobacco. The law provides that the information may be released only to the extent that such release is in the interest of tobacco producers, as determined by the Secretary of Agriculture. The new legislation also provides that, in advance of making a release of information, the Secretary of Agriculture shall, to the maximum extent practicable, allow, by announcement, a period of at least 15 days for parties whose consent would otherwise be required by law to effectuate such release, to elect to be exempt from such release. In addition, the new law provides that a person who obtains information under such a release shall not use the records for any other purpose not authorized by the new law; a person who knowingly violates this condition on the release of the records is subject to a fine of up to \$10,000 and imprisonment for up to 1 year, or both. Finally, the new law provides that the release allowed by the new law shall not apply to records submitted by cigarette manufacturers with respect to the production of cigarettes, or which were submitted as expected purchase intentions in connection with the establishment of national tobacco quotas, or which aggregate the purchase of particular buyers of tobacco.