

(A) If the military judge determines on the basis of the in camera examination that the evidence is privileged, irrelevant, or otherwise inadmissible, the military judge shall not order the production or admission of the evidence.

(B) If the military judge determines that the evidence is relevant and not privileged, such evidence, or pertinent portions thereof, shall be produced and/or admitted in the trial to the extent specified by the military judge.

(5) To prevent unnecessary disclosure of evidence of a patient's records or communications, the military judge may issue protective orders or may admit only portions of the evidence.

(6) The motion, related papers, and the record of the hearing shall be sealed and shall remain under seal unless the military judge or an appellate court orders otherwise.

The analysis to Mil. R. Evid. 501 is amended by adding:

*"199 Amendment:* The amendment of Mil. R. Evid 501(d), and the related creation of Mil. R. Evid. 513, clarify the state of military law after the Supreme Court decision in *Jaffee v. Redmond*,

U.S. \_\_\_\_\_ [116 S. Ct. 1923, 135 L.Ed. 2d. 337] (1996). *Jaffee* interpreted Fed. R. Evid. 501, which refers federal courts to state law to determine the extent of privileges in civil proceedings. Although Mil. R. Evid. 501(d), as it existed at the time of the *Jaffee* decision, precluded application of such a privilege in courts-martial, Rule 501(d) was amended to prevent misapplication of a privilege. The language of Mil R. Evid 513 is based in part on Proposed Fed. R. Evid. (not enacted) 504 and state rules of evidence. Mil. R. Evid. 513 was created to establish a limited psychotherapist-patient privilege for civilians not subject to the UCMJ and military retirees. In keeping with the practice of American military law since its inception, there is still no doctor-patient or psychotherapist-patient privilege for members of the Armed Forces.

The analysis to Mil. R. Evid. 513 is created as follows:

*"199 Amendment:* Mil. R. Evid. 513 was created to establish a limited psychotherapist-patient privilege for civilians not subject to the UCMJ and military retirees. In keeping with the practice of American military law since its inception, there is still no doctor-patient or psychotherapist-patient privilege for members of the Armed Forces. Rule 513, and the related amendment to Mil. R. Evid 501(d), clarify the state of military law after the Supreme Court decision in *Jaffee v. Redmond*, U.S. \_\_\_\_\_ [116 S. Ct. 1923,

135 L.Ed. 2d. 337] (1996). *Jaffee* interpreted Fed. R. Evid. 501, which refers federal courts to state law to determine the extent of privileges in civil proceedings. Although Mil. R. Evid. 501(d), as it existed at the time of the *Jaffee* decision, precluded application of such a privilege in courts-martial, Rule 501(d) was amended to prevent misapplication of a privilege. The language of Mil R. Evid 513 is based in part on Proposed Fed. R. Evid. (not enacted) 504 and state rules of evidence.

*The following new paragraph is inserted in MCM, part IV after paragraph 100:*

100a. Article 134 (Reckless Endangerment)

a. Text. See paragraph 60.

b. Elements.

(1) That the accused did engage in conduct;

(2) That the conduct was wrongful and reckless or wanton;

(3) That the conduct was likely to produce death or grievous bodily harm to another person;

(4) That under the circumstances, the conduct of the accused was to the prejudice of good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces.

c. Explanation.

(1) In general. This offense is intended to prohibit and therefore deter reckless or wanton conduct which wrongfully creates a substantial risk of death or serious injury to others.

(2) Wrongfulness. Conduct is wrongful when it is without legal justification or excuse.

(3) Recklessness. "Reckless" conduct is conduct that exhibits a culpable disregard of foreseeable consequences to others from the act or omission involved. The accused need not intentionally cause a resulting harm or know that his conduct is substantially certain to cause that result. The ultimate question is whether, under all the circumstances, the accused's conduct was of that heedless nature which made it actually or imminently dangerous to the rights or safety of others.

(3) Wantonness. "Wanton" includes "reckless," but may connote willfulness, or a disregard of probable consequences, and thus describe a more aggravated offense.

(4) Likely to produce. When the natural or probable consequence of particular conduct would be death or grievous bodily harm, it may be inferred that the conduct is "likely" to produce that result. See paragraph 54c(4)(a)(ii).

(5) Grievous bodily harm. "Grievous bodily harm" means serious bodily

injury. It does not include minor injuries, such as a black eye or a bloody nose, but does include fractured or dislocated bones, deep cuts, torn members of the body, serious damage to internal organs, and other serious bodily injuries.

(6) Death or injury not required. It is not necessary that death or grievous bodily harm be actually inflicted to prove reckless endangerment.

d. Lesser included offenses. None.

e. Maximum punishment. Bad-conduct discharge, forfeiture of all pay and allowances, and confinement for 6 months.

f. Sample specification. In that \_\_\_\_\_ (personal jurisdiction data), did, (at/on board \_\_\_\_\_ location) (subject-matter jurisdiction data, if required), on or about \_\_\_\_\_ 19\_\_\_\_, wrongfully and

recklessly engage in conduct, to wit: (he/she) (describe conduct) and that the accused's conduct was likely to cause death or serious bodily harm to \_\_\_\_\_.

*The following paragraph is added to the analysis of the punitive articles, A23, MCM:*

100a. Article 134 (Reckless Endangerment).

c. Explanation. This paragraph is new and is based on *United States v. Woods*, 28 M.J. 318 (C.M.A. 1989); see also Md. Ann. Code art. 27, sect. 120. The definitions of "reckless" and "wanton" have been taken from Article 111, drunken or reckless driving. The definition of "likely to produce grievous bodily harm" has been taken from Article 128, assault.

Dated: April 29, 1997.

**L.M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 97-11601 Filed 5-5-97; 8:45 am]

BILLING CODE 5000-04-P

## DEPARTMENT OF DEFENSE

### Department of the Army

#### Committee Meeting Notice

**AGENCY:** School of the Americas, Training and Doctrine Command.

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub.L. 92-463), announcement is made of the following committee meeting:

*Name of Committee:* School of the Americas (SOA) Subcommittee of the Army Education Advisory Committee.

*Dates of Meeting:* 21 and 22 May 1997.

*Place:* School of the Americas, Building 35, Fort Benning, Georgia.

*Time:* 0900–1700 on 21 May, 0900–1600 on 22 May 1997.

**FOR FURTHER INFORMATION CONTACT:**

School of the Americas, Attention: TMD, MAJ Clemente, Room 333, Building 35, Fort Benning, GA 31905.

**SUPPLEMENTARY INFORMATION:**

*Proposed Agenda:* Presentation by the Commanding General Training and Doctrine Command on the Subcommittee's report of the previous meeting and issues requested from that meeting.

1. Purpose of Meeting: This is the third SOA Subcommittee meeting. The subcommittee will receive a report from the Commander Training and Doctrine Command, and briefings they requested as a result of the second subcommittee meeting.

2. Meeting of the Advisory Committee is open to the public. Due to space limitations, attendance may be limited to those persons who have notified the Committee Management Office in writing at least 5 days prior to the meeting date of their intent to attend.

3. Any member of the public may file a written statement with the committee before, during, or after the meeting. To the extent that time permits, the subcommittee chairman may allow public presentations of oral statements at the meeting.

4. All communications regarding this subcommittee should be addressed to Lieutenant Colonel Franklin Montalvo, Designated Federal Official, US Army School of the Americas, Attn: ATZB–SAZ–CS, Fort Benning, GA 31905–6245.

**Gregory D. Showalter,**

*Army Federal Register Liaison Officer.*

[FR Doc. 97–11714 Filed 5–5–97; 8:45 am]

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## DEPARTMENT OF DEFENSE

### Department of the Army

#### Availability of Exclusive Licensing of U.S. Patent Application Concerning Liposomes Including Sterols Having Thiol Moieties and Peptides or Proteins Including CTL Epitopes and Administration Thereof

**AGENCY:** U.S. Army Medical Research and Materiel Command, DoD.

**ACTION:** Notice.

**SUMMARY:** In accordance with 37 CFR 404.6, announcement is made of the availability for licensing of U.S. Patent Application Serial No. 08/764,469,

entitled "Liposomes Including Sterols Having Thiol Moieties and Peptides or Proteins Including CTL Epitopes and Administration Thereof," filed July 2, 1996. This patent has been assigned to the United States Government as represented by the Secretary of the Army.

**ADDRESSES:** Office of the Command Judge Advocate, U.S. Army Medical Research and Materiel Command, 504 Scott Street, Fort Detrick, Maryland 21702–5012, Attn: MCMR–JA.

**FOR FURTHER INFORMATION CONTACT:** CPT Elizabeth Arwine, Legal Advisor, (301) 619–2065 or fax (301) 619–5034.

**SUPPLEMENTARY INFORMATION:** This invention is a method for production of an unlimited number of uniquely modified liposomes which result in an enhanced cytotoxic T lymphocyte (CTL) response and which can be used in production of vaccines and reagents. Modification occurs by altering the liposomes to include at least one sterol having at least one thiol moiety and which include peptides or proteins. Examples of the method's utility include synthesis of peptides which may be used in construction of vaccines directed against viral and bacterial pathogens, composed of varied HIV subunits, or in which enhanced CTL activity is desired.

**Gregory D. Showalter,**

*Army Federal Register Liaison Officer.*

[FR Doc. 97–11715 Filed 5–5–97; 8:45 am]

BILLING CODE 3710–08–M

## DEPARTMENT OF DEFENSE

### Department of the Army

#### Intent To Grant Exclusive Patent License; Medical Technology and Practice Patterns Institute, Inc.

**AGENCY:** U.S. Army Medical Research and Materiel Command, DoD.

**ACTION:** Notice.

**SUMMARY:** The Department of the Army hereby gives notice of its intent to grant to Medical Technology and Practice Patterns Institute, Inc., a revocable, nonassignable, exclusive license in the United States to practice the Government owned invention described in U.S. Patent Application Serial No. 08/764,469, entitled "Liposomes Including Sterols Having Thiol Moieties and Peptides or Proteins Including CTL Epitopes And Administration Thereof," filed July 2, 1996. Anyone wishing to object to the grant of this license has 60 days from the date of this notice to file written objections along with supporting evidence, if any. Written

objections may be filed with the Office of the Command Judge Advocate, U.S. Army Medical Research and Materiel Command, 504 Scott Street, Fort Detrick, Maryland, 21702–5012, Attn: MCMR–JA.

**FOR FURTHER INFORMATION CONTACT:**

CPT Elizabeth Arwine, Legal Advisor, (301) 619–2065 or fax (301) 619–5034.

**SUPPLEMENTARY INFORMATION:** None.

**Gregory D. Showalter,**

*Army Federal Register Liaison Officer.*

[FR Doc. 97–11716 Filed 5–5–97; 8:45 am]

BILLING CODE 3710–08–M

## DEPARTMENT OF EDUCATION

### Submission for OMB Review; Comment Request

**AGENCY:** Department of Education.

**ACTION:** Submission for OMB review; comment request.

**SUMMARY:** The Director, Information Resources Management Group, invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

**DATES:** Interested persons are invited to submit comments on or before June 5, 1997.

**ADDRESSES:** Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Wendy Taylor, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue, S.W., Room 5624, Regional Office Building 3, Washington, DC 20202–4651.

**FOR FURTHER INFORMATION CONTACT:**

Patrick J. Sherrill (202) 708–8196.

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:** Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the