

### A. Purpose

Rights in data regulations concern the rights of the Government, and organizations with which the Government contracts, to information developed under such contracts. The delineation of such rights is necessary in order to protect the contractor's rights to not disclose proprietary data and to insure that data developed with public funds is available to the public. The information collection burdens and recordkeeping requirements included in the regulations fall into the following four categories:

(a) A provision which is to be included in solicitations where the offeror would identify any proprietary data he/she would use during contract performance in order that the contracting officer might ascertain if such proprietary data should be delivered.

(b) Contract provisions which, in unusual circumstances, would be included in a contract and require a contractor to deliver proprietary data to the Government for use in evaluation of work results, or is software to be used in a Government computer. These situations would arise only when the very nature of the contractor's work is comprised of limited rights data or restricted computer software and if the Government would need to see that data in order to determine the extent of the work.

(c) A technical data certification for major systems, which requires the contractor to certify that the data delivered under the contract is complete, accurate and compliant with the requirements of the contract. As this provision is for major systems only, and few civilian agencies have such major systems, only about 30 contracts will involve this certification.

(d) The Additional Data Requirements clause, which is to be included in all contracts for experimental, developmental, research, or demonstration work (other than basic or applied research to be performed solely by a university or college where the contract amount will be \$500,000 or less). The clause requires that the contractor keep all data first produced in the performance of the contract for a period of three years from the final acceptance of all items delivered under the contract. Much of this data will be in the form of the deliverables provided to the Government under the contract (final report, drawings, specifications, etc.). Some data, however, will be in the form of computations, preliminary data, records of experiments, etc., and these will be the data that will be required to

be kept over and above the deliverables. The purpose of such recordkeeping requirements is to insure that the Government can fully evaluate the research in order to ascertain future activities and to insure that the research was completed and fully reported, as well as to give the public an opportunity to assess the research results and secure any additional information. All data covered by this clause is unlimited rights data paid for by the Government.

The Rights in Data-General clause (FAR 52.227-14(d)), outlines a procedure whereby a contracting officer can challenge restrictive markings on data delivered. Under civilian agency contracts, limited rights data or restricted computer software is rarely, if ever, delivered to the Government. Therefore, there will rarely be any challenges. Thus, there is no burden on the public.

### B. Annual Reporting Burden

*Respondents:* 1,100.

*Responses Per Respondent:* 1.

*Annual Responses:* 1,100.

*Hours Per Response:* .95.

*Total Burden Hours:* 1,045.

### C. Annual Recordkeeping Burden

The annual recordkeeping burden is estimated as follows:

*Recordkeepers:* 1,100.

*Hours Per Recordkeeper:* 2.

*Total Recordkeeping Burden Hours:* 2,200.

#### *Obtaining Copies of Proposals:*

Requesters may obtain a copy of the information collection documents from the General Services Administration, FAR Secretariat (VIR), Room 4035, 1800 F Street, NW, Washington, DC 20405, telephone (202) 501-4755. Please cite OMB Control No. 9000-0090, Rights in Data and Copyrights, in all correspondence.

Dated: May 14, 2007.

**Al Matera,**

*Acting Director, Contract Policy Division.*

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**BILLING CODE 6820-EP-S**

## DEPARTMENT OF DEFENSE

### Defense Acquisition Regulations System

#### Information Collection Requirement; Defense Federal Acquisition Regulation Supplement; Substitutions for Military or Federal Specifications and Standards (OMB Control Number 0704-0398)

**AGENCY:** Defense Acquisition Regulations System, Department of Defense (DoD).

**ACTION:** Notice and request for comments regarding a proposed extension of an approved information collection requirement.

**SUMMARY:** In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. DoD invites comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; (b) the accuracy of the estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. The Office of Management and Budget (OMB) has approved this information collection requirement for use through September 30, 2007. This proposal also includes 1,124 burden hours related to alternate preservation, packaging, and packing, presently approved under OMB Control Number 0704-0187 for use through February 28, 2009. DoD proposes that OMB extend its approval for these collections for 3 additional years.

**DATES:** DoD will consider all comments received by July 23, 2007.

**ADDRESSES:** You may submit comments, identified by OMB Control Number 0704-0398, using any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *E-mail:* [dfars@osd.mil](mailto:dfars@osd.mil). Include OMB Control Number 0704-0398 in the subject line of the message.
- *Fax:* (703) 602-7887.
- *Mail:* Defense Acquisition Regulations System, Attn: Ms. Amy

Williams, OUSD(AT&L)DPAP(DARS), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301-3062.

- *Hand Delivery/Courier:* Defense Acquisition Regulations System, Crystal Square 4, Suite 200A, 241 18th Street, Arlington, VA 22202-3402.

Comments received generally will be posted without change to <http://www.regulations.gov>, including any personal information provided.

**FOR FURTHER INFORMATION CONTACT:** Ms. Amy Williams, (703) 602-0328. The information collection requirements addressed in this notice are available on the World Wide Web at: <http://www.acq.osd.mil/dpap/dars/dfars/index.htm>. Paper copies are available from Ms. Amy Williams, OUSD (AT&L) DPAP (DARS), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301-3062.

**SUPPLEMENTARY INFORMATION:**

*Title and OMB Number:* Defense Federal Acquisition Regulation Supplement (DFARS) Sections 211.272, Alternate Preservation, Packaging, and Packing, and 211.273, Substitutions for Military or Federal Specifications and Standards, and related clauses at DFARS 252.211-7004 and 252.211-7005; OMB Control Number 0704-0398.

*Needs and Uses:* This information collection permits offerors to propose alternatives to military preservation, packaging, or packing specifications. DoD uses the information in the offeror's proposal to determine if the alternate preservation, packaging, or packing will meet the Government's needs. In addition, this information collection permits offerors to propose Single Process Initiative (SPI) processes as alternatives to military or Federal specifications and standards cited in DoD solicitations for previously developed items. DoD uses the information in the offeror's proposal to verify Government acceptance of an SPI process as a valid replacement for a military or Federal specification or standard.

*Affected Public:* Businesses or other for-profit institutions.

*Annual Burden Hours:* 1,724.

*Number of Respondents:* 581.

*Responses per Respondent:*

Approximately 3.

*Annual Responses:* 1,762.

*Average Burden per Response:*

Approximately 1 hour.

*Frequency:* On occasion.

**Summary of Information Collection**

The provision at DFARS 252.211-7004, Alternate Preservation, Packaging, and Packing, is used in solicitations that include military preservation,

packaging, or packing specifications, when it is feasible for DoD to evaluate and award using commercial or industrial preservation, packaging, or packing. If the offeror chooses to propose alternate preservation, packaging, or packing, the provision requires the offeror to submit information sufficient to allow evaluation of the proposed commercial or industrial preservation, packaging, or packing.

The clause at DFARS 252.211-7005, Substitutions for Military or Federal Specifications and Standards, is used in solicitations and contracts for previously developed items. The clause encourages offerors to propose management or manufacturing processes, that have been previously accepted by DoD under the SPI program, as alternatives to military or Federal specifications and standards cited in the solicitation. An offeror proposing to use an SPI process must—

(1) Identify the specific military or Federal specification or standard for which the SPI process has been accepted;

(2) Identify each facility at which the offeror proposes to use the SPI process in lieu of military or Federal specifications or standards cited in the solicitation;

(3) Identify the contract line items, subtitle items, components, or elements affected by the SPI process; and

(4) If the proposed SPI process has been accepted at the facility at which it is proposed for use, but is not yet listed at the SPI Internet site, submit documentation of DoD acceptance of the SPI process.

**Michele P. Peterson,**

*Editor, Defense Acquisition Regulations System.*

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**DEPARTMENT OF DEFENSE**

**Defense Acquisition Regulations System**

**Information Collection Requirement; Defense Federal Acquisition Regulation Supplement; Occupational Safety and Drug-Free Work Force (OMB Control Number 0704-0272)**

**AGENCY:** Defense Acquisition Regulations System, Department of Defense (DoD).

**ACTION:** Notice and request for comments regarding a proposed extension of an approved information collection requirement.

**SUMMARY:** In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. DoD invites comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; (b) the accuracy of the estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. The Office of Management and Budget (OMB) has approved this information collection requirement for use through October 31, 2007. This proposal also includes the information collection requirements presently approved under OMB Control Number 0704-0336 for use through December 31, 2007. DoD proposes that OMB extend its approval for these collections for 3 additional years.

**DATES:** DoD will consider all comments received by July 23, 2007.

**ADDRESSES:** You may submit comments, identified by OMB Control Number 0704-0272, using any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *E-mail:* [dfars@osd.mil](mailto:dfars@osd.mil). Include OMB Control Number 0704-0272 in the subject line of the message.

- *Fax:* (703) 602-7887.

- *Mail:* Defense Acquisition Regulations System, Attn: Ms. Amy Williams, OUSD(AT&L)DPAP(DARS), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301-3062.

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