

Administrator's determination. The Contracting Officer will be informed by the Board whenever there is insufficient time or information or other reasons to permit a decision to be made without unduly delaying the execution of the contract. In the latter event, the petitioner will be so notified by the Contracting Officer. The petitioner may within 30 days following execution of the contract request the Board to reconsider the petition on the record or with any additional information he may care to furnish. The Board shall notify the petitioner of its action and if waiver is granted, the conditions, reservations, and obligations thereof will be included in the Instrument of Waiver.

(i) When NASA requests another Government agency to perform work, of a type defined in 9.107-4, on behalf of NASA and it is contemplated that a contract will be awarded, instructions for transmittal of petitions for waiver shall be provided to the other agency in accordance with 9.107-9(a)(9). The NASA Inventions and Contributions Board will consider any petitions and recommend to the Administrator whether or not waiver should be granted. The Administrator's determination will be transmitted to the contractor and the contracting officer of the other agency.

(j) The Board shall inform the installation Patent Counsel of the decision of the Administrator to either grant or deny advance waiver of patent rights. The installation Patent Counsel shall notify the contracting officer and the New Technology Representative of the Administrator's action.

§ 9.109-7 Publication or Release of Invention Disclosures.

(1) The publication of information disclosing an invention by any party before the filing of a patent application may create a bar to a valid patent. In recognition of this, 35 U.S.C. 205 provides

"Federal agencies are authorized to withhold from disclosure to the public information disclosing any invention in which the Federal Government owns or may own a right, title, or interest (including a nonexclusive license) for a reasonable time in order for a patent application to be filed. Furthermore, Federal agencies shall not be required to release copies of any document which is part of an application for patent filed with the United States Patent and Trademark Office or with any foreign patent office."

(2) NASA will, therefore, to the extent authorized by 35 U.S.C. 205, withhold from disclosure to the public reports or disclosures of Subject Inventions

submitted pursuant to the clause of either 9.107-5 or 9.108-5 for a reasonable time in order for patent applications to be filed.

(3) NASA will also use reasonable efforts to withhold other information disclosing a Subject Invention that may be included in data delivered pursuant to contract requirements (see 9.200), provided that the contractor notifies NASA of the identity of the data and the Subject Inventions to which it relates at the time of delivery of the data. Such notification must be to both the contracting officer and the patent representative designated in the contract.

(4) With respect to small business firms or domestic nonprofit organizations, OMB Circular A-124 states that a reasonable time for withholding the report or disclosure of a Subject Invention under (2) above is that time during which an initial patent application may be filed pursuant to the clause of 9.108-5, and a reasonable time for withholding other information under (3) above is six months from delivery of the data with notification.

(5) It is NASA's general practice, if circumstances permit, to provide notice to the submitter prior to release of any unpublished information disclosing a Subject Invention pursuant to a request under the Freedom of Information Act.

§ 9.109-8 Reporting on Utilization of Inventions. [Reserved]

§ 9.109-9 Exercise of March-In Rights. [Reserved]

§ 9.109-10 Appeals. [Reserved]

§ 16.802 [Amended]

11. In Part 16, 16.802 is amended by removing "1.507 through".

[FR Doc. 83-7244 Filed 3-18-83; 8:45 am]

BILLING CODE 7510-01-M

LEGAL SERVICES CORPORATION

45 CFR Part 1612

Restrictions on Certain Activities

AGENCY: Legal Services Corporation.

ACTION: Final rule.

SUMMARY: This final rule amends § 1612.4 of the Legal Services Corporation regulations governing legislative and administrative representation. The amendments impose additional restrictions on legislative and administrative activities mandated by provisions of the continuing resolution appropriating FY 1983 funds for the Corporation, Pub. L. 97-377. The amendments also include changes in the

language of the regulation to more closely conform it to the language of the Legal Services Corporation Act, and to provide for additional recipient documentation and reporting requirements including a provision applicable to recipient publications which address legislative measures.

EFFECTIVE DATE: April 20, 1983.

FOR FURTHER INFORMATION CONTACT: Alan R. Swendiman (202) 272-4010.

SUPPLEMENTARY INFORMATION: The Legal Services Corporation published proposed amendments to § 1612.4 on November 8, 1982, (47 FR 50660) and interested parties were given 30 days until December 8, 1982, to submit comments on the proposed amendments. The amendments were drafted, in part, to implement certain provisions of the continuing resolution enacted on October 2, 1982, which appropriated FY 1983 funds for the Corporation (Pub. L. 97-276). The Corporation gave full consideration to all comments that it received on the proposed amendments.

At its December 16-17, 1982, meeting, the Corporation's Board of Directors authorized final publication of the proposed regulations including changes made in response to comments received. At the same time, the Board amended proposed § 1612.4(f) by adding a new paragraph (f)(2) which limited the authority of recipients of Corporation funds to communicate with elected officials to responding to requests concerning appropriations or other measures directed to the authority or conduct of a recipient as a provider of legal services to eligible clients. The amendment also provided that a response could be directed only to the requesting party, and prohibited soliciting a request from an elected official to testify or otherwise advocate the support or defeat of legislative measures. However, on December 21, 1982, subsequent to the Board's approval of the final regulations as amended, the President signed Pub. L. 97-377, a second continuing resolution appropriating FY 1983 funds for the Corporation. Public Law 97-377 amended the lobbying provisions of the previous continuing resolution by removing the language in Pub. L. 97-276 which limited communications to elected officials to matters "pertaining to the authorization or appropriations of funds or oversight measures directly affecting the operation of the program involved." As a result, Pub. L. 97-377 invalidated the provision in amended § 1612.4(f)(2) which limited the substantive matters on which communications could be directed to

elected officials. Therefore, the final regulations which the Corporation is adopting are those that were published for comment with the changes authorized by the Board and the changes in paragraph (f) mandated by Pub. L. 97-377. Those changes are as follows:

Documentation Requirements

Proposed § 1612.4(b)(4) would have required that communications made in response to a request from an elected official be obtained in writing and in advance. A number of commentators, particularly legislators, stated that this requirement was unrealistic because the order of legislative business frequently was unpredictable and there might not always be time to put a request for testimony, information, or other assistance in writing in advance of the time it is needed. One state legislator noted that he had no staff. Accordingly, the Corporation has rewritten § 1612.4(b)(4) to permit responses to oral requests so long as the fact, nature, and circumstances of the request are subsequently documented in writing.

Reporting Requirements

Proposed § 1612.4(b)(5) would have required recipients to submit monthly reports of their legislative and administrative advocacy activities. Many of the comments received noted that monthly reporting was unduly burdensome, particularly since other reports required by the Corporation are submitted quarterly. Therefore, the Corporation has changed § 1612.4(b)(5) to provide for quarterly reports.

In addition, a number of comments pointed out that a literal reading of "administrative advocacy activities" as used in the regulation could be taken to require reporting of advocacy in administrative proceedings of an adjudicatory nature, such as welfare hearings, Social Security hearings, etc. On the contrary, the term "administrative advocacy" as used in these regulations refers only to representation in formal rule-making proceedings or other efforts to influence agency rules or procedures. Neither the reporting requirements nor any other provision of this part is addressed to representation in administration adjudications.

Restrictions on Lobbying Under the Continuing Resolution

Paragraph (f)(1) has been redrafted to track the language of the lobbying provisions of Pub. L. 97-377. In addition, the provisions of paragraph (f)(2) added by the Board of Directors which are inconsistent with Pub. L. 97-377 have

been stricken. Under paragraph (f), a recipient or an employee of a recipient may direct communications to elected officials in response to a formal request. Comments from legislators expressed concern that this provision would preclude a recipient from responding to a formal request made on his or her behalf by a staff member. This regulation is not intended to prohibit recipients from responding to formal requests from a legislator made through a member of the legislator's staff. It does prohibit recipients or their employees from sending communications or information requested by one legislator to other legislators who have not requested such information or communications.

In addition to these changes, the Corporation made a conforming amendment to § 1612.4(h)(4). As originally proposed, the section permitted direct contact with elected officials if such activities were authorized by § 1612.4(a). Since Pub. L. 97-377 imposes additional restrictions on recipient activities which have been incorporated in § 1612.4(f), § 1612.4(h)(4) should also incorporate those restrictions. Therefore, the Corporation has deleted the specific reference to § 1612.4(a) contained in proposed § 1612.4(h)(4) and substituted the phrase "under these regulations."

List of Subjects in 45 CFR Part 1612

Legal services, restrictions on certain activities, Lobbying.

PART 1612—[AMENDED]

For the reasons set out in the preamble, 45 CFR Part 1612 is amended as follows:

1. The authority citation for Part 1612 is revised to read as follows:

Authority: Secs. 1006(b)(5), 1007(a)(5), 1011, 1008(e), Pub. L. 93-355, 84 Stat. 378 (42 U.S.C. 2996e(b)(5), 2996f(a)(5), 2996j, 2996g(e)), Pub. L. 95-431, 92 Stat. 1021, Pub. L. 95-88, 93 Stat. 416, Pub. L. 96-538, 94 Stat. 3166, Pub. L. 97-161, 96 Stat. 22, Pub. L. 97-377, 96 Stat. 1874.

2. Section 1612.4 is revised to read as follows:

§ 1612.4 Legislative and administrative representation.

(a) No funds made available to a recipient by the Corporation shall be used, at any time, directly or indirectly, to support activities intended to influence the issuance, amendment, or revocation of any executive or administrative order or regulation of a Federal, State or local agency, or to undertake to influence the passage or defeat of any legislation by the Congress of the United States or by any State or

local legislative body or State proposals by initiative petition, except that:

(1) An employee may engage in such activities in response to a request from a governmental agency or a legislative body, committee, or member made to the employee or to a recipient to testify, draft or review measures or to make representations to such agency, body, committee or member; or,

(2) An employee may engage in such activities on behalf of an eligible client of a recipient, if such activities are necessary to the provision of legal advice and representation to a client who may be affected by a particular legislative or administrative measure but no employee shall solicit a client in violation of professional responsibilities for the purposes of making such representation possible; or,

(3) An employee may engage in such activities if a governmental agency, legislative body, committee, or member thereof is considering a measure directly affecting the activities under the Act of the recipient or the Corporation. This exception extends only to appropriations or other measures directed to the Corporation, or the recipient or its employees.

(b) Recipients shall adopt procedures and forms to document that the legislative and administrative activities in which they engage fall within the activities permitted in § 1612.4(a). Such documentation shall include:

(1) With respect to activities permitted under § 1612.4(a), a written request signed by an official of the governmental agency or a member of the legislative body or committee making the request which states the type of representation or assistance requested and identifies the executive or administrative order or regulation, or legislation, to be addressed;

(2) With respect to activities permitted under § 1612.4(a)(2), a retainer agreement, signed by the client or clients represented, or by an official of the client group in the case of a group client, which agreement shall specify the legislative or administrative measure on which representation is sought, the type of representation sought, (appearance at a hearing, legislative drafting, etc.), and which shall include a statement of the client's direct interest in the particular legislative or administrative measure to be addressed;

(3) With respect to activities permitted under § 1612.4(a)(3), a written statement signed by the recipient's executive director authorizing the initiation of such activities.

(4) Recipients shall obtain the documentation required by this section

prior to undertaking any of the activities permitted by §§ 1612.4(a) or 1612.4(f), except that recipients may respond to an oral request made pursuant to §§ 1612.4(a)(1) or 1612.4(g)(2) in the absence of a written request provided that the fact, nature, and circumstances of the request are subsequently documented in writing signed by the requesting authority.

(5) Recipients shall submit quarterly reports, in a form prescribed by the Corporation, describing their legislative and administrative advocacy activities conducted pursuant to these regulations.

(c) Recipients may not establish full time legislative offices unless the decision to establish such an office is formally made by the Board of Directors of the recipient consistent with the provisions of Section 1620, provided that the legislative activities of these offices are solely activities permitted under § 1612.4(a). Recipients shall provide the Corporation with a copy of the board resolution formally approving the establishment of a full time legislative office together with an annual budget for such office which describes, in a form prescribed by the Corporation, the annual costs of the office, including personnel costs.

(d) Notwithstanding the provisions of § 1612.4(a), recipients shall not use funds made available by the Corporation for publicity or propaganda purposes designed to support or defeat proposed legislation or legislation pending before Congress or any state legislature. For purposes of this regulation, "publicity or propaganda" means any oral communication or any advertisement, telegram, letter, article, newsletter, or other printed or written matter or device which contains a direct suggestion, or, when taken as a whole, an indirect suggestion to the public at large or to selected individuals to contact elected representatives in support of or in opposition to pending or proposed legislation.

(e) No funds made available to a recipient by the Corporation shall be used to support the preparation, production, and dissemination of any article, newsletter, or other publication or written matter for general distribution which contains any reference to proposed or pending legislation unless:

(1) The publication does not contain any publicity or propaganda prohibited by § 1612.4(d); and

(2) the recipient has adopted a policy requiring the recipient's executive director, or his or her designee, to review each publication produced by the recipient prior to its dissemination for conformity to these regulations; and

(3) The recipient provides a copy of any such material produced by the recipient to the Corporation within 30 days after publication; and

(4) Such funds are used only for costs incident to the preparation, production, and dissemination of such publications to recipients, recipient staff and board members, private attorneys representing eligible clients, eligible clients, and the Corporation, as opposed to the public at large.

(f)(1) Notwithstanding the provisions of § 1612.4(a), no funds made available to a recipient by the Corporation under the authority of Pub. L. 97-377 shall be used, directly or indirectly, to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device, intended or designed to influence any decision by a Federal, State, or local agency, except where legal assistance is provided by an employee of a recipient to an eligible client on a particular application, claim, or case, which directly involves the client's legal rights and responsibilities, or to influence any Member of Congress or any other Federal, State, or local elected official to favor or oppose any Acts, bills, resolutions, or similar legislation, or any referendum, initiative, constitutional amendment, or any similar procedure of the Congress, any State legislature, any local council, or any similar governing body, except that this subsection shall not preclude such funds from being used in connection with communications made in response to any Federal, State, or local official, upon a specific matter.

(2) The exception for communications to officials does not authorize communication with anyone other than the requesting party. No employee of the recipient shall, directly or indirectly, solicit a request from any official to testify or otherwise advocate the support or defeat of legislative measures.

(g) Recipients shall adopt procedures and forms to document that the legislative and administrative activities in which they engage fall within the activities permitted under § 1612.4(f). Such documentation shall include:

(1) With respect to activities on behalf of eligible clients, a retainer agreement, signed by the client or clients represented, or by an official of the client group in the case of a group client, which agreement shall specify the administrative measure on which representation is sought, the type of representation sought, (appearance at a hearing, etc.) and which shall include a statement of the client's direct interest

in the particular administrative measure to be addressed;

(2) With respect to activities in response to a request from a Federal, State, or local elected official, a written request signed by the official making the request which states the type of communication requested (testimony, legal analysis, legislative drafting, etc.) and identifies the legislative measure to be addressed. Such documentation shall also include the signature of the recipient's executive director (or his or her designee) authorizing the communications requested.

(h) Nothing in this section is intended to prohibit an employee from:

(1) Communicating with a governmental agency for the purpose of obtaining information, clarification, or interpretation of the agency's rules, regulations, practices, or policies; or

(2) Informing a client about a new or proposed statute, executive order, or administrative regulation consistent with the requirements of Section 1612.4(e); or

(3) Advising a client with respect to the client's own communications to elected officials concerning proposed or pending legislation; or

(4) Making direct contact with elected officials concerning proposed or pending legislation as long as such activities are authorized under these regulations; or

(5) Communicating with the Corporation for any purpose.

Dated: March 18, 1983.

Donald P. Bogard,

President.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 80-719; RM-3682; FCC 82-558]

Radio Broadcast Services; Petition To Reallocate VHF Television Channel 9 From New York, New York, to a City Within the City Grade Contour of Station WOR-TV.

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action reassigns VHF Television Channel 9 from New York, New York, to Secaucus, New Jersey, and grants the licensee of Station WOR-TV a 5-year license specifying Secaucus as the city of license in response to a request by RKO General, Inc. The

