

a one-year interim extension of the term of U.S. Patent No. 4,600,706.

**FOR FURTHER INFORMATION CONTACT:**

Karin Ferriter by telephone at (703) 306-3159; by mail marked to her attention and addressed to the Commissioner for Patents, Mail Stop Patent Ext., P.O. Box 1450, Alexandria, VA 22313-1450; by fax marked to her attention at (703) 872-9411, or by e-mail to [Karin.Ferriter@uspto.gov](mailto:Karin.Ferriter@uspto.gov).

**SUPPLEMENTARY INFORMATION:** Section 156 of title 35, United States Code, generally provides that the term of a patent may be extended for a period of up to five years if the patent claims a product, or a method of making or using a product, that has been subject to certain defined regulatory review, and that the patent may be extended for interim periods of up to a year if the regulatory review is anticipated to extend beyond the expiration date of the patent.

On November 3, 2003, patent owner Arkion Life Sciences timely filed an application under 35 U.S.C. 156(d)(5) for an interim extension of the term of U.S. Patent No. 4,600,706. The patent claims the method of making the animal feed product NSURE® (natamycin). The application indicates that an amended Food Additive Petition for the animal feed product has been filed and was undergoing regulatory review before the Food and Drug Administration for permission to market or use the product commercially. The petition was granted by the Food and Drug Administration, and the regulations for food additives in feed and drinking water were amended to provide for the safe use of natamycin. *See Food Additives Permitted in Feed and Drinking Water of Animals; Natamycin*, 69 FR 19320 (April 13, 2004) (final rule).

Review of the application indicates that except for permission to market or use the product commercially, the subject patent would be eligible for an extension of the patent term under 35 U.S.C. 156, and that the patent should be extended for one year as required by 35 U.S.C. 156(d)(5)(B). Since regulatory review period continued beyond the expiration date of the patent (November 17, 2003, due to the terminal disclaimer disclaiming the term of the patent subsequent to the expiration date of U.S. Patent No. 4,536,494), interim extension of the patent term under 35 U.S.C. 156(d)(5) is appropriate.

An interim extension under 35 U.S.C. 156(d)(5) of the term of U.S. Patent No. 4,600,706 is granted for a period of one year from the expiration date of the patent, *i.e.*, until November 17, 2004.

Dated: June 24, 2004.

**Jon W. Dudas,**

*Acting Under Secretary of Commerce for Intellectual Property and Acting Director of the United States Patent and Trademark Office.*

[FR Doc. 04-15271 Filed 7-6-04; 8:45 am]

**BILLING CODE 3510-16-P**

**DEPARTMENT OF DEFENSE**

**[OMB Control Number 0704-0252]**

**Information Collection Requirements; Defense Federal Acquisition Regulation Supplement; Use of Government Sources by Contractors**

**AGENCY:** 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, 2004. DoD proposes that OMB extend its approval for use through October 31, 2007.

**DATES:** DoD will consider all comments received by September 7, 2004.

**ADDRESSES:** You may submit comments, identified by OMB Control Number 0704-0252, using any of the following methods:

- Defense Acquisition Regulations Web Site: <http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm>. Follow the instructions for submitting comments.
- E-mail: [dfars@osd.mil](mailto:dfars@osd.mil). Include OMB Control Number 0704-0252 in the subject line of the message.
- Fax: (703) 602-0350.
- Mail: Defense Acquisition Regulations Council, Attn: Ms. Donna

Hairston-Benford, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301-3062.

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

All comments received will be posted to <http://emissary.acq.osd.mil/dar/dfars.nsf>.

**FOR FURTHER INFORMATION CONTACT:** Ms. Donna Hairston-Benford, (703) 602-0289. The information collection requirements addressed in this notice are available electronically via the Internet at: <http://www.acq.osd.mil/dpap/dfars/index.htm>. Paper copies are available from Ms. Donna Hairston-Benford, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301-3062.

**SUPPLEMENTARY INFORMATION:**

**Title and OMB Number:** Defense Federal Acquisition Regulation Supplement (DFARS) Part 251, Use of Government Sources by Contractors, and related clauses in DFARS 252.251; OMB Control Number 0704-0252.

**Needs and Uses:** This information collection requirement facilitates contractor use of Government supply sources. Contractors must provide certain information to the Government to verify their authorization to purchase from Government supply sources or to use Interagency Fleet Management System vehicles and related services.

**Affected Public:** Businesses or other for-profit and not-for-profit institutions.

**Annual Burden Hours:** 5,250.

**Number of Respondents:** 3,500.

**Responses Per Respondent:** 3.

**Annual Responses:** 10,500.

**Average Burden Per Response:** .5 hours.

**Frequency:** On occasion.

**Summary of Information Collection**

The clause at DFARS 252.251-7000, Ordering from Government Supply Sources, requires a contractor to provide a copy of an authorization when placing an order under a Federal Supply Schedule, a Personal Property Rehabilitation Price Schedule, or an Enterprise Software Agreement.

The clause at DFARS 252.251-7001, Use of Interagency Fleet Management System Vehicles and Related Services, requires a contractor to submit a request for use of Government vehicles when the contractor is authorized to use such vehicles, and specifies the information

to be included in the contractor's request.

**Michele P. Peterson,**

*Executive Editor, Defense Acquisition Regulations Council.*

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BILLING CODE 5001-08-P

## DEPARTMENT OF DEFENSE

[OMB Control Number 0704-0245]

### Information Collection Requirements; Defense Federal Acquisition Regulation Supplement; Transportation

**AGENCY:** 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 July 31, 2004. DoD proposes that OMB extend its approval for use through July 31, 2007.

**DATES:** DoD will consider all comments received by September 7, 2004.

**ADDRESSES:** You may submit comments, identified by OMB Control Number 0704-0245, using any of the following methods:

- Defense Acquisition Regulations Web Site: <http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm>. Follow the instructions for submitting comments.
- E-mail: [dfars@osd.mil](mailto:dfars@osd.mil). Include OMB Control Number 0704-0245 in the subject line of the message.
- Fax: (703) 602-0350.
- Mail: Defense Acquisition Regulations Council, Attn: Mr. Steven Cohen, OUSD (AT&L) DPAP (DAR),

IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301-3062.

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

All comments received will be posted to <http://emissary.acq.osd.mil/dar/dfars.nsf>.

**FOR FURTHER INFORMATION CONTACT:** Mr. Steven Cohen, (703) 602-0293. The information collection requirements addressed in this notice are available electronically via the Internet at: <http://www.acq.osd.mil/dpap/dfars/index.htm>. Paper copies are available from Mr. Steven Cohen, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301-3062.

#### SUPPLEMENTARY INFORMATION:

**Title and OMB Number:** Defense Federal Acquisition Regulation Supplement (DFARS) Part 247, Transportation, and related clauses in DFARS 252.247; OMB Control Number 0704-0245.

**Needs and Uses:** DoD contracting officers use this information to verify that prospective contractors have adequate insurance prior to award of stevedoring contracts; to provide appropriate price adjustments to stevedoring contracts; and to assist the Maritime Administration in monitoring compliance with requirements for use of U.S.-flag vessels in accordance with the Cargo Preference Act of 1904 (10 U.S.C. 2631).

**Affected Public:** Businesses or other for-profit and not-for-profit institutions.

**Annual Burden Hours:** 150,114.

**Number of Respondents:** 60,400.

**Responses Per Respondent:**

Approximately 8.

**Annual Responses:** 465,842.

**Average Burden Per Response:** .32 hours.

**Frequency:** On occasion.

#### Summary of Information Collection

The clause at DFARS 252.247-7000, Hardship Conditions, is prescribed at DFARS 247.270-6(a) for use in all solicitations and contracts for acquisition of stevedoring services. Paragraph (a) of the clause requires the contractor to notify the contracting officer of unusual conditions associated with loading or unloading a particular cargo, for potential adjustment of contract labor rates; and to submit any associated request for price adjustment to the contracting officer within 10 working days of the vessel sailing time.

The clause at DFARS 252.247-7001, Price Adjustment, is prescribed at DFARS 247.270-6(b) for use in

solicitations and contracts when using sealed bidding to acquire stevedoring services. Paragraphs (b) and (c) of the clause require the contractor to notify the contracting officer of certain changes in the wage rates or benefits that apply to its direct labor employees. Paragraph (g) of the clause requires the contractor to include with its final invoice a statement that the contractor has experienced no decreases in rates of pay for labor or has notified the contracting officer of all such decreases.

The clause at DFARS 252.247-7002, Revision of Prices, is prescribed at DFARS 247.270-6(c) for use in solicitations and contracts when using negotiation to acquire stevedoring services. Paragraph (c) of the clause provides that, at any time, either the contracting officer or the contractor may deliver to the other a written demand that the parties negotiate to revise the prices under the contract. Paragraph (d) of the clause requires that, if either party makes such a demand, the contractor must submit relevant data upon which to base negotiations.

The clause at DFARS 252.247-7007, Liability and Insurance, is prescribed at DFARS 247.270-6(g) for use in all solicitations and contracts for acquisition of stevedoring services. Paragraph (f) of the clause requires the contractor to furnish the contracting officer with satisfactory evidence of insurance.

The provision at DFARS 252.247-7022, Representation of Extent of Transportation by Sea, is prescribed at DFARS 247.573(a) for use in all solicitations except those for direct purchase of ocean transportation services or those with an anticipated value at or below the simplified acquisition threshold. Paragraph (b) of the provision requires the offeror to represent whether or not it anticipates that supplies will be transported by sea in the performance of any contract or subcontract resulting from the solicitation.

The clause at DFARS 252.247-7023, Transportation of Supplies by Sea, is prescribed at DFARS 247.573(b) for use in all solicitations and contracts except those for direct purchase of ocean transportation services. The clause is used with its Alternate III in solicitations and contracts with an anticipated value at or below the simplified acquisition threshold. Paragraph (d) of the clause requires the contractor to submit any requests for use of other than U.S.-flag vessels in writing to the contracting officer. Paragraph (e) of the clause requires the contractor to submit one copy of the rated on board vessel operating carrier's ocean bill of