

TABLE 2.—CROP GROUP 13-07: SUBGROUP LISTING

Representative commodities	Commodities
<b>Crop Subgroup 13-07A.</b> Caneberry subgroup Any one blackberry or any one raspberry. ....	Blackberry; loganberry; raspberry, red and black; wild raspberry; cultivars, varieties, and/or hybrids of these.
<b>Crop Subgroup 13-07B.</b> Bushberry subgroup. Blueberry, highbush. ....	Aronia berry; blueberry, highbush; blueberry, lowbush; buffalo currant; Chilean guava; currant, black; currant, red; elderberry; European, barberry; gooseberry; cranberry, highbush; honeysuckle, edible; huckleberry; jostaberry; Juneberry; lingonberry; native currant; salal; sea buckthorn; cultivars, varieties, and/or hybrids of these.
<b>Crop Subgroup 13-07C.</b> Large shrub/tree berry subgroup. Elderberry or mulberry. ....	Bayberry; buffaloberry; che; chokecherry; elderberry; Juneberry; mountain pepper berries; mulberry; phalsa; pincherry; riberry; salal; serviceberry; cultivars, varieties, and/or hybrids of these.
<b>Crop Subgroup 13-07D.</b> Small fruit vine climbing subgroup. Grape and fuzzy kiwifruit. ....	Amur river grape; gooseberry; grape; kiwifruit, fuzzy; kiwifruit, hardy; Maypop; schisandra berry; cultivars, varieties, and /or hybrids of these.
<b>Crop Subgroup 13-07E.</b> Small fruit vine climbing subgroup, except grape. Fuzzy kiwifruit. ....	Amur river grape; gooseberry; kiwifruit, fuzzy; kiwifruit, hardy; Maypop; schisandra berry; cultivars, varieties, and/or hybrids of these.
<b>Crop Subgroup 13-07F.</b> Small fruit vine climbing subgroup except fuzzy kiwifruit. Grape. ....	Amur river grape; gooseberry; grape; kiwifruit, hardy; Maypop; schisandra berry; cultivars varieties, and/or hybrids of these.
<b>Crop Subgroup 13-07G.</b> Low growing berry subgroup. Strawberry. ....	Bearberry; bilberry; blueberry, lowbush; cloudberry; cranberry; lingonberry; muntries; partridgeberry; strawberry; cultivars, varieties, and/or hybrids of these.
<b>Crop Subgroup 13-07H.</b> Low growing berry subgroup, except strawberry. Cranberry. ....	Bearberry; bilberry; blueberry, lowbush; cloudberry; cranberry; lingonberry; muntries; partridgeberry; cultivars, varieties, and/or cultivars of these.

\* \* \* \* \*

(22) *Crop Group 21.* Edible fungi Group.

(i) *Representative commodities.* White button mushroom and any one oyster mushroom or any Shiitake mushroom.

(ii) *Table.* The following is a list of all the commodities in Crop Group 21. There are no related subgroups.

**CROP GROUP 21: EDIBLE FUNGI GROUP—COMMODITIES**

- Blewitt, *Lepista nuda* (*Tricholomataceae*)
- Bunashimeji, *Hypsizygus marmoratus* (*Agaricaceae*)
- Chinese mushroom, *Volvariella volvacea* (Bull.) Singer (*Pluteaceae*)
- Enoki, *Flammulina velutipes* (Curt.) Singer (*Tricholomataceae*)
- Hime-Matsutake, *Agaricus blazei* Murill (*Agaricaceae*)
- Hirmeola, *Auricularia auricular* (*Auriculariaceae*)
- Maitake, *Grifola frondosa* (*Polyporaceae*)
- Morel, *Morchella* spp. (*Morchellaceae*)
- Nameko, *Pholiota nameko*, (*Strophariaceae*)
- Net Bearing *Dictyophora*, *Dictyophora indusiata* (*Phallaceae*)
- Oyster mushroom, *Pleurotus* spp. (*Tricholomataceae*)
- Pom Pom, *Hericium erinaceus* (*Hydnaceae*)
- Reishi mushroom, *Ganoderma lucidum* (Leyss. Fr.) Karst. (*Ganodermataceae*)
- Rodman's agaricus, *Agaricus bitorquis* (Quel.) Saccardo (*Agaricaceae*)
- Shiitake mushroom, *Lentinula edodes* (Berk.) Pegl. (*Polyporaceae*)
- Shimeji, *Tricholoma conglobatum*, (*Tricholomataceae*)
- Stropharia, *Stropharia* spp. (*Strophariaceae*)
- Truffle, *Tuber* spp. (*Tuberaceae*)
- White button mushroom, *Agaricus bisporus* (Lange) Imbach (*Agaricaceae*)
- White Jelly Fungi, *Tremella fuciformis* (*Tremellaceae*)

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**DEPARTMENT OF DEFENSE**

**Defense Acquisition Regulations System**

**48 CFR Part 216**

**Defense Federal Acquisition Regulation Supplement; Technical Amendment**

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

**ACTION:** Final rule.

**SUMMARY:** DoD is making a technical amendment to the Defense Federal Acquisition Regulation Supplement (DFARS) to update a cross-reference within the DFARS text.

**DATES:** *Effective Date:* December 7, 2007.

**FOR FURTHER INFORMATION CONTACT:** Ms. Michele Peterson, Defense Acquisition Regulations System, OUSD (AT&L) DPAP (DARS), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone 703-602-0311; facsimile 703-602-7887.

**SUPPLEMENTARY INFORMATION:** This final rule amends DFARS 216.603–4 to update a cross-reference.

#### List of Subjects in 48 CFR Part 216

Government procurement.

**Michele P. Peterson,**

*Editor, Defense Acquisition Regulations System.*

■ Therefore, 48 CFR part 216 is amended as follows:

#### PART 216—TYPES OF CONTRACTS

■ 1. The authority citation for 48 CFR part 216 continues to read as follows:

**Authority:** 41 U.S.C. 421 and 48 CFR Chapter 1.

##### 216.603–4 [Amended]

■ 2. Section 216.603–4 is amended in paragraph (b)(3) by removing “217.7406” and adding in its place “217.7405”.

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## DEPARTMENT OF DEFENSE

### Defense Acquisition Regulations System

#### 48 CFR Parts 227 and 252

RIN 0750–AD72

#### Defense Federal Acquisition Regulation Supplement; Patent Rights—Ownership by the Contractor (DFARS Case 2001–D015)

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

**ACTION:** Final rule.

**SUMMARY:** DoD has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to add a clause pertaining to patent rights under contracts awarded to large business concerns for experimental, developmental, or research work. The clause is substantially the same as a Federal Acquisition Regulation (FAR) clause that has been removed because DoD was the only agency using the clause.

**DATES:** *Effective Date:* December 7, 2007.

**FOR FURTHER INFORMATION CONTACT:** Ms. Amy Williams, Defense Acquisition Regulations System, OUSD (AT&L) DPAP (DARS), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone 703–602–0328; facsimile 703–602–7887. Please cite DFARS Case 2001–D015.

**SUPPLEMENTARY INFORMATION:**

#### A. Background

This final rule adds a clause at DFARS 252.227–7038, Patent Rights—Ownership by the Contractor (Large Business). The DFARS clause is similar to the clause previously found at FAR 52.227–12, Patent Rights—Retention by the Contractor (Long Form). The FAR clause was removed by the final rule published at 72 FR 63045 on November 7, 2007, because DoD was the only agency using the clause. The new DFARS clause also contains changes for consistency with current statutory provisions and with other changes made to the FAR in the final rule published on November 7, 2007. The clause is prescribed for use in contracts awarded to large business concerns for experimental, developmental, or research work.

DoD published a proposed rule at 69 FR 58377 on September 30, 2004. DoD received no comments on the proposed rule. Therefore, DoD has adopted the proposed rule as a final rule, with a minor change resulting from the final FAR rule published on November 7, 2007, removal of the clause at DFARS 252.227–7034, Patents-Subcontracts. The clause at DFARS 252.227–7034 was used in contracts containing the clause at FAR 52.227–11, Patent Rights—Retention by the Contractor (Short Form), to require inclusion of the clause at FAR 52.227–12, Patent Rights—Retention by the Contractor (Long Form), in subcontracts for experimental, developmental, or research work to be performed by other than a small business firm or nonprofit organization. Since the clause at FAR 52.227–12 has been removed, and paragraph (k) of the clause at FAR 52.227–11, as revised at 72 FR 63045 on November 7, 2007, adequately addresses subcontract requirements, the clause at DFARS 252.227–7034 is no longer necessary and is removed.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

#### B. Regulatory Flexibility Act

DoD certifies that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the new DFARS clause applies only to contracts with large business concerns and is substantially the same as a FAR clause that is already being used in DoD contracts.

#### C. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. Chapter 35) applies. The

information collection requirements in this rule are presently approved under Office of Management and Budget Control Number 9000–0095, applicable to FAR Subpart 27.3. These hours will be transferred to OMB Control Number 0704–0369, applicable to DFARS Part 227.

#### List of Subjects in 48 CFR Parts 227 and 252

Government procurement.

**Michele P. Peterson,**

*Editor, Defense Acquisition Regulations System.*

■ Therefore, 48 CFR parts 227 and 252 are amended as follows:

■ 1. The authority citation for 48 CFR parts 227 and 252 continues to read as follows:

**Authority:** 41 U.S.C. 421 and 48 CFR Chapter 1.

#### PART 227—PATENTS, DATA, AND COPYRIGHTS

■ 2. Section 227.303 is revised to read as follows:

##### 227.303 Contract clauses.

(1) Use the clause at 252.227–7039, Patents—Reporting of Subject Inventions, in solicitations and contracts containing the clause at FAR 52.227–11, Patent Rights—Ownership by the Contractor.

(2)(i) Use the clause at 252.227–7038, Patent Rights—Ownership by the Contractor (Large Business), instead of the clause at FAR 52.227–11, in solicitations and contracts for experimental, developmental, or research work if—

(A) The contractor is other than a small business concern or nonprofit organization; and

(B) No alternative patent rights clause is used in accordance with FAR 27.303(c) or (e).

(ii) Use the clause with its Alternate I if—

(A) The acquisition of patent rights for the benefit of a foreign government is required under a treaty or executive agreement;

(B) The agency head determines at the time of award that it would be in the national interest to acquire the right to sublicense foreign governments or international organizations pursuant to any existing or future treaty or agreement; or

(C) Other rights are necessary to effect a treaty or agreement, in which case Alternate I may be appropriately modified.

(iii) Use the clause with its Alternate II in long-term contracts if necessary to