

Contractor's obligations to the Government with respect to such data. In the event of refusal by a Subcontractor to accept a clause affording the Government such rights, the Contractor shall:

(i) Promptly submit written notice to the Contracting Officer setting forth reasons or the Subcontractor's refusal and other pertinent information which may expedite disposition of the matter, and

(ii) Not proceed with the subcontract without the written authorization of the Contracting Officer.

*(g) Rights in Limited Rights Data.*

Except as may be otherwise specified in this Contract as data which are not subject to this paragraph, the Contractor agrees to and does hereby grant to the Government an irrevocable, nonexclusive, paid-up license by or for the Government, in any limited rights data of the Contractor specifically used in the performance of this Contract, provided, however, that to the extent that any limited rights data when furnished or delivered is specifically identified by the Contractor at the time of initial delivery to the Government or a representative of the Government, such data shall not be used within or outside the Government except as provided in the "Limited Rights Notice" set forth below. All such limited rights data shall be marked with the following "Limited Rights Notice":

**Limited Rights Notice**

These data contain "limited rights data," furnished under Contract No. \_\_\_\_\_ with the United States Department of Energy which may be duplicated and used by the Government with the express limitations that the "limited rights data" may not be disclosed outside the Government or be used for purposes of manufacture without prior permission of the Contractor, except that further disclosure or use may be made solely for the following purposes:

(a) Use (except for manufacture) by support services contractors within the scope of their contracts;

(b) This "limited rights data" may be disclosed for evaluation purposes under the restriction that the "limited rights data" be retained in confidence and not be further disclosed;

(c) This "limited rights data" may be disclosed to other Contractors participating in the Government's program of which this Contract is a part for information or use (except for manufacture) in connection with the work performed under their contracts and under the restriction that the "limited rights data" be retained in confidence and not be further disclosed; and

(d) This "limited rights data" may be used by the Government or others on its behalf for emergency repair or overhaul work under the restriction that the "limited rights data" be retained in confidence and not be further disclosed. This Notice shall be marked on any reproduction of this data in whole or in part.

(e) Release to a foreign government, or instrumentality thereof, as the interests of the United States Government may require, for information or evaluation, or for emergency repair or overhaul work by such government.

(End of Notice)

(h) Rights in Restricted Computer Software.

(1) Except as may be otherwise specified in this Contract as data which are not subject to this paragraph, the Contractor agrees to and does hereby grant to the Government an irrevocable, nonexclusive, paid-up, license by or for the Government, in any restricted computer software of the Contractor specifically used in the performance of this Contract, provided, however, that to the extent that any restricted computer software when furnished or delivered is specifically identified by the Contractor at the time of initial delivery to the Government or a representative of the Government, such data shall not be used within or outside the Government except as provided in the "Restricted Rights Notice" set forth below. All such restricted computer software shall be marked with the following "Restricted Rights Notice":

**Restricted Rights Notice-Long Form**

(a) This computer software is submitted with restricted rights under Government Contract No. \_\_\_\_\_. It may not be used, reproduced, or disclosed by the Government except as provided in paragraph (b) of this notice.

(b) This computer software may be:

(1) Used, or copied for use, in or with the computer or computers for which it was acquired, including use at any Government installation to which such computer or computers may be transferred;

(2) Used, copied for use, in a backup or replacement computer if any computer for which it was acquired is inoperative or is replaced;

(3) Reproduced for safekeeping (archives) or backup purposes;

(4) Modified, adapted, or combined with other computer software, provided that only the portions of the derivative software consisting of the restricted computer software are to be made subject to the same restricted rights; and

(5) Disclosed to and reproduced for use by contractors under a service contract (of the type defined in FAR 37.101) in accordance with subparagraphs (b)(1) through (4) of this Notice, provided the Government makes such disclosure or reproduction subject to these restricted rights.

(c) Notwithstanding the foregoing, if this computer software has been published under copyright, it is licensed to the Government, without disclosure prohibitions, with the rights set forth in the restricted rights notice above.

(d) This Notice shall be marked on any reproduction of this computer software, in whole or in part.

(End of Notice)

(2) Where it is impractical to include the Restricted Rights Notice on restricted computer software, the following short-form Notice may be used in lieu thereof:

**Restricted Rights Notice—Short Form**

Use, reproduction, or disclosure is subject to restrictions set forth in the Long Form Notice of Contract No. \_\_\_\_\_ with (name of Contractor).

(End of Notice)

(3) If the software is embedded, or if it is commercially impractical to mark it with human readable text, then the symbol R and the clause date (mo/yr) in brackets or a box, a [R-mo/yr], may be used. This will be read to mean restricted computer software, subject to the rights of the Government as described in the Long Form Notice, in effect as of the date indicated next to the symbol. The symbol shall not be used to mark human readable material. In the event this Contract contains any variation to the rights in the Long Form Notice, then the contract number must also be cited.

(4) If restricted rights computer software is delivered with the copyright notice of 17 U.S.C. 401, the software will be presumed to be published copyrighted computer software licensed to the Government without disclosure prohibitions, unlimited rights, unless the Contractor includes the following statement with such copyright notice "Unpublished-rights reserved under the Copyright Laws of the United States."

(i) Relationship to patents.

Nothing contained in this clause creates or is intended to imply a license to the Government in any patent or is intended to be construed as affecting the scope of any licenses or other rights otherwise granted to the Government under any patent.

(End of Clause)

Alternate I (XXX 1996): In accordance with 970.2706(f), insert the parenthetical phrase "(except Restricted Data in category C-24, 10 CFR part 725, in which DOE has reserved the right to receive reasonable compensation for the use of its inventions and discoveries, including related data and technology)" after "technical data" in paragraph (b)(2)(ii) of the clause at 970.5204-44, as appropriate.

(End of Alternate)

[FR Doc. 97-7327 Filed 3-28-97; 8:45 am]

BILLING CODE 6450-01-P

**DEPARTMENT OF TRANSPORTATION**

**Federal Highway Administration**

**49 CFR Part 395**

**[FHWA Docket No. MC-96-28]**

**RIN 2125-AD93**

**Hours of Service of Drivers**

March 24, 1997.

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Advance notice of proposed rulemaking (ANPRM); extension of comment period.

**SUMMARY:** The FHWA is extending this rulemaking's comment period until June 30, 1997. This is in response to two petitions received by the FHWA requesting an extension of the comment period closing date. The petitioners based their requests upon the FHWA's

pending publication of the Driver Fatigue and Alertness Study full report. This ANPRM is mandated by the ICC Termination Act of 1995.

**DATES:** Comments to the general ANPRM should be received no later than June 30, 1997. Late comments will be considered to the extent practicable.

**ADDRESSES:** Signed, written comments should refer to the docket number that appears at the top of this document and must be submitted to the Docket Clerk, U.S. DOT Dockets, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0001. All comments received will be available for examination at the above address between 10 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped envelope or postcard.

**FOR FURTHER INFORMATION CONTACT:** For information regarding rulemaking and operational issues: Mr. David Miller, Office of Motor Carrier Research and Standards, (202) 366-1790; for information regarding human factors and fatigue research programs: Ms. Deborah Freund, Office of Motor Carrier Research and Standards, (202) 366-1790; and for information regarding legal issues: Mr. Charles Medalen, Office of the Chief Counsel, (202) 366-0834, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590.

**SUPPLEMENTARY INFORMATION:** On November 5, 1996 (61 FR 57251), the FHWA published an ANPRM requesting answers to numerous questions related to commercial motor vehicle driver hours-of-service regulations, including fatigue, loss of alertness, and hours off duty. The ANPRM set March 31, 1997, as the docket closing date for signed, written comments.

On March 5, 1997, the Advocates for Highway and Auto Safety (AHAS) delivered a petition to the FHWA. This petition requested the FHWA to extend this rulemaking's comment period closing date by 60 days. The AHAS believes it and the public should have ample opportunity to review and critique the Driver Fatigue and Alertness Study's full report. The full report has not yet been published or placed in the docket. A 59-page technical summary and a 17-page executive summary have been placed in the docket.

On March 13, 1997, the Insurance Institute for Highway Safety (IIHS) petitioned the FHWA to extend this rulemaking's comment period closing date by 60 days. The IIHS believes it

also should have ample opportunity to review and critique the Driver Fatigue and Alertness Study's full report, including its data.

At the time of the original publication in November 1996 (61 FR 57251), the FHWA believed the full report would be published and available well in advance of the comment closing date. The FHWA, however, has experienced unforeseen editorial delays in publishing the full report. The FHWA believes publication will now be accomplished by the end of April 1997. The FHWA believes it should allow the public to review and critique the full report of the Driver Fatigue and Alertness Study.

The FHWA has also conducted listening sessions, specifically listening to drivers, about how the hours-of-service regulations affect their daily lives and their recommended changes to improve the rules. See 62 FR 6161, February 11, 1997. Many interested persons have attended these sessions and would like to review the transcripts of these listening sessions. A few of the transcripts will not be delivered to the FHWA docket prior to March 31, 1997.

For the reasons above, the FHWA finds good cause to extend this ANPRM comment period closing date for 60 days after the expected publication date of the full report of the FHWA's Driver Fatigue and Alertness Study in late April 1997.

#### List of Subjects in 49 CFR Part 395

Global positioning systems, Highway safety, Highways and roads, Intelligent Transportation Systems, Motor carriers, Motor vehicle safety, Reporting and recordkeeping requirements.

Issued on: March 26, 1997.

**Authority:** 23 U.S.C. 315 and 49 CFR 1.48.

**Jane Garvey,**

*Acting Administrator, Federal Highway Administration.*

[FR Doc. 97-8198 Filed 3-27-97; 1:06 pm]

**BILLING CODE 4910-22-P**

---

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[I.D. 032097E]

#### Groundfish Fisheries of the Bering Sea/Aleutian Islands Area and the Gulf of Alaska

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of intent; scoping meetings; request for comments.

**SUMMARY:** NMFS announces its intention to prepare a supplemental environmental impact statement (SEIS) on the Federal action by which total allowable catch (TAC) specifications and prohibited species catch limits in the groundfish fisheries that are conducted in the Bering Sea and Aleutian Islands Area (BSAI) and the Gulf of Alaska (GOA) are annually established and apportioned.

NMFS will hold scoping meetings to provide for public input into the range of actions, alternatives, and impacts that the SEIS should consider. In addition to holding the scoping meetings, NMFS is accepting written comments on the range of actions, alternatives, and impacts it should be considering for this SEIS.

**DATES:** Written comments will be accepted through July 1, 1997. See **SUPPLEMENTARY INFORMATION** for meeting times and special accommodations.

**ADDRESSES:** Written comments and requests to be included on a mailing list of persons interested in the SEIS should be sent to Lori Gravel, Fisheries Management Division, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802.

See **SUPPLEMENTARY INFORMATION** for meeting locations and special accommodations.

**FOR FURTHER INFORMATION CONTACT:** Tamra Faris, (907) 586-7645.

**SUPPLEMENTARY INFORMATION:** Under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the United States has exclusive fishery management authority over all living marine resources, except for migratory species, found within the exclusive economic zone between 3 and 200 nautical miles from the baseline used to measure the territorial sea.

The management of these marine resources is vested in the Secretary of Commerce (Secretary) and in eight Regional Fishery Management Councils. The North Pacific Fishery Management Council (Council) has the responsibility to prepare fishery management plans (FMPs) for the marine resources, which it finds require conservation and management, in the Alaska region of responsibility. The Council consists of Federal and State officials having authority for fishery management and of private persons nominated by the governors of the States of Alaska,