

solicitation provisions and contract clauses containing information collection requirements that are associated with rights in technical data and computer software. DoD needs this information to implement 10 U.S.C. 2320, Rights in technical data, and 10 U.S.C. 2321, Validation of proprietary data restrictions. DoD uses the information to recognize and protect contractor rights in technical data and computer software that are associated with privately funded developments; and to ensure that technical data delivered under a contract are complete and accurate and satisfy contract requirements.

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

*Number of Respondents:* 55,000.

*Responses per Respondent:* about 9.6.

*Annual Responses:* 526,630.

*Average Burden per Response:* about 2.9 hours.

*Annual Response Burden Hours:* 1,528,040 hours.

*Annual Recordkeeping Burden Hours:* 97,000 hours.

*Total Annual Burden Hours:* 1,625,040 hours.

*Frequency:* On occasion.

### Summary of Information Collection

DoD uses the following DFARS provisions and clauses in solicitations and contracts to require offerors and contractors to identify and mark data or software requiring protection from unauthorized release or disclosure in accordance with 10 U.S.C. 2320:

252.227-7013, Rights in Technical Data—Noncommercial Items.

252.227-7014, Rights in Noncommercial Computer Software and Noncommercial Computer Software Documentation.

252.227-7017, Identification and Assertion of Use, Release, or Disclosure Restrictions.

252.227-7018, Rights in Noncommercial Technical Data and Computer Software—Small Business Innovation Research (SBIR) Program.

In accordance with 10 U.S.C. 2320(a)(2)(D), DoD may disclose limited rights data to persons outside the Government, or allow those persons to use limited rights data, if the recipient agrees not to further release, disclose, or use the data. Therefore, the clause at DFARS 252.227-7013, Rights in Technical Data—Noncommercial Items, requires the contractor to identify and mark data or software that it provides with limited rights.

In accordance with 10 U.S.C. 2321(b), contractors and subcontractors at any tier must be prepared to furnish written justification for any asserted restriction

on the Government's rights to use or release data. The following DFARS clauses require contractors and subcontractors to maintain adequate records and procedures to justify any asserted restrictions:

252.227-7019, Validation of Asserted Restrictions—Computer Software.

252.227-7037, Validation of Restrictive Markings on Technical Data.

In accordance with 10 U.S.C. 2320, DoD must protect the rights of contractors that have developed items, components, or processes at private expense. Therefore, the clause at DFARS 252.227-7025, Limitations on the Use or Disclosure of Government-Furnished Information Marked with Restrictive Legends, requires a contractor or subcontractor to submit a use and non-disclosure agreement when it obtains data from the Government to which the Government has only limited rights.

The provision at DFARS 252.227-7028, Technical Data or Computer Software Previously Delivered to the Government, requires an offeror to identify any technical data or computer software that it previously delivered, or will deliver, under any Government contract. DoD needs this information to avoid paying for rights in technical data or computer software that the Government already owns.

**Ynette R. Shelkin,**

*Editor, Defense Acquisition Regulations System.*

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## DEPARTMENT OF DEFENSE

### Defense Acquisition Regulations System

[OMB Control Number 0704-0286]

### Information Collection Requirement; Defense Federal Acquisition Regulation Supplement; Part 205, Publicizing Contract Actions

**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, 2010. DoD proposes that OMB extend its approval to expire three years after the approval date.

**DATES:** DoD will consider all comments received by April 9, 2010.

**ADDRESSES:** You may submit comments, identified by OMB Control Number 0704-0286, using any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *E-mail:* [dfars@acq.osd.mil](mailto:dfars@acq.osd.mil). Include OMB Control Number 0704-0286 in the subject line of the message.
- *Fax:* (703) 602-0350.
- *Mail:* Defense Acquisition

Regulations System, Attn: Ms. Meredith Murphy, OUSD (AT&L) DPAP (DARS), 3060 Defense Pentagon, Room 3B855, Washington, DC 20301-3060.

○ *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. Meredith Murphy, (703) 602-1302. The information collection requirements addressed in this notice are available electronically on the World Wide Web at: <http://www.acq.osd.mil/dp/dars/dfars.html>. Paper copies are available from Ms. Meredith Murphy, OUSD (AT&L) DPAP (DARS), 3060 Defense Pentagon, Room 3B855, Washington, DC 20301-3060.

### SUPPLEMENTARY INFORMATION:

*Title and OMB Number:* Defense Federal Acquisition Regulation Supplement (DFARS) Part 205, Publicizing Contract Actions, and the associated clause at DFARS 252.205-7000, Provision of Information to Cooperative Agreement Holders; OMB Control Number 0704-0286.

*Needs and Uses:* This information collection requires DoD contractors with

contracts of \$1 million or more to provide information to cooperative agreement holders, upon request, regarding employees or offices responsible for entering into subcontracts under DoD contracts. Cooperative agreement holders furnish procurement technical assistance to business entities within specified geographical areas. This policy implements section 2416 of Title 10, United States Code.

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

*Annual Burden Hours:* 7,700.

*Number of Respondents:* 7,000.

*Responses per Respondent:* 1.

*Annual Responses:* 7,000.

*Average Burden per Response:* 1.1 hour average.

*Frequency:* On occasion.

### Summary of Information Collection

DFARS Part 205 and the clause at DFARS 252.205-7000 require DoD contractors awarded contracts over \$1 million provide to cooperative agreement holders, upon their request, a list of those appropriate employees or offices responsible for entering into subcontracts under DoD contracts. The list must include the business address, telephone number, and area of responsibility of each employee or office. The contractor need not provide the list to a particular cooperative agreement holder more frequently than once a year.

**Ynette R. Shelkin,**

*Editor, Defense Acquisition Regulations Council.*

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## DEPARTMENT OF EDUCATION

### Submission for OMB Review; Comment Request

**AGENCY:** Department of Education.

**SUMMARY:** The Acting Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

**DATES:** Interested persons are invited to submit comments on or before March 10, 2010.

**ADDRESSES:** Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Education Desk Officer, Office of Management and Budget, 725 17th Street, NW., Room 10222, New

Executive Office Building, Washington, DC 20503, be faxed to (202) 395-5806 or send e-mail to

*oira\_submission@omb.eop.gov* with a cc: to *ICDocketMgr@ed.gov*.

**SUPPLEMENTARY INFORMATION:** Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Acting Director, Information Collection Clearance Official, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: February 2, 2010.

**Stephanie Valentine,**

*Acting Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management.*

### Office of Elementary and Secondary Education

*Type of Review:* Revision.

*Title:* Mathematics and Science Partnerships Grant Programs Annual Performance Report.

*Frequency:* Annually.

*Affected Public:* State, Local, or Tribal Gov't, SEAs or LEAs.

*Reporting and Recordkeeping Hour Burden:*

Responses: 600.

Burden Hours: 8,400.

*Abstract:* Sections 2201-2203 of the Elementary and Secondary Education Act describe information to be included in the annual performance report required of the Mathematics and Science Partnerships Grant program. Submission of the annual performance report (APR) via the data collection site has taken place since 2006 and will continue to occur between October 30

and November 30 of each year. If APR data submitted during this timeframe are incomplete or inaccurate and/or if re-submission of data is requested by the State education agencies (SEAs), additional data collection may occur at other times throughout the year. The Government Performance and Results Act (GPRA) report provides national-level achievement data for all: (1) The percentage of MSP teachers who significantly increase their content knowledge, as reflected in project-level pre- and post-assessments; (2) the percentage of students in classrooms of MSP teachers who score at the basic level or above in State assessments of mathematics or science; (3) the percentage of students in classrooms of MSP teachers who score the proficient level or above in State assessments of mathematics or science; (4) the percentage of students in classrooms of MSP teachers who score at the proficient level or above in State assessments of mathematics or science measures. The national-level information includes an average of the percentage of proficient students in SEAs administering annual state performance examinations from the previous year to the current year. All projects are included in the GPRA report, regardless of when the project began implementation of their MSP grant.

Requests for copies of the information collection submission for OMB review may be accessed from *http://edicsweb.ed.gov*, by selecting the "Browse Pending Collections" link and by clicking on link number 4178. When you access the information collection, click on "Download Attachments" to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202-4537. Requests may also be electronically mailed to the Internet address *ICDocketMgr@ed.gov* or faxed to 202-401-0920. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to *ICDocketMgr@ed.gov*. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

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