



# Federal Register

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**Monday,  
December 13, 2004**

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**Part XXXIV**

**National Science  
Foundation**

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**Semiannual Regulatory Agenda**

**NATIONAL SCIENCE FOUNDATION (NSF)**

**NATIONAL SCIENCE FOUNDATION**

**45 CFR Ch. VI**

**Regulatory Agenda**

**AGENCY:** National Science Foundation.

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** The National Science Foundation is publishing its fall 2004 regulatory agenda pursuant to Executive

Order 12866, "Regulatory Planning and Review" (3 CFR 1993 Comp., p. 638); the Regulatory Flexibility Act (5 U.S.C. 601-602); and the Office of Management and Budget Memorandum for Regulatory Policy Officers at Executive Departments and Agencies and Managing and Executive Directors of Certain Agencies and Commissions.

**FOR FURTHER INFORMATION CONTACT:** For further information on a particular item, call or write the individual identified as

agency contact. General comments or inquiries about this agenda may be directed to Penelope C. Baker, Administrative Officer, Office of the General Counsel, National Science Foundation, 4201 Wilson Boulevard, Suite 1265, Arlington, VA 22230, (703) 292-8060.

**Dated:** October 18, 2004.

**Lawrence Rudolph,**  
*General Counsel.*

National Science Foundation—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3526	Protection of Human Subjects, Technical Amendment .....	3145-AA42
3527	Privacy Act Regulations .....	3145-AA43
3528	Patents .....	3145-AA44

**National Science Foundation (NSF)**

**Final Rule Stage**

**3526. PROTECTION OF HUMAN SUBJECTS, TECHNICAL AMENDMENT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 42 USC 300v-1(b)

**CFR Citation:** 45 CFR 690

**Legal Deadline:** None

**Abstract:** This final rule amends the National Science Foundation regulations for the protection of human subjects by changing all references to the Office for Protection from Research Risks (OPRR) to the Office for Human Research Protections (OHRP) and revising the footnote at the end of 45 CFR 690.101(i) by deleting the references to research involving fetuses, pregnant women, or human in vitro fertilization. This technical amendment is being made in conjunction with the other Federal departments and agencies that have promulgated the Federal Policy for the Protection of Human Subjects.

**Timetable:**

Action	Date	FR Cite
Final Action	04/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Robin Fritsch, NSF Patent Assistant, National Science

Foundation, Office of General Counsel, 4201 Wilson Boulevard, Room 1265, Arlington, VA 22230  
Phone: 703 292-8060  
Fax: 703 292-9041  
Email: rfritsch@nsf.gov

**RIN:** 3145-AA42

**3527. • PRIVACY ACT REGULATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 552a

**CFR Citation:** 45 CFR 613

**Legal Deadline:** None

**Abstract:** The National Science Foundation Act of 1950, section 14(i), was amended to mandate that information supplied to the Foundation or a contractor of the Foundation in survey forms, questionnaires, or similar instruments be used only for statistical or research purposes. Data collected from these surveys is maintained in three NSF Privacy Act systems of records, and used only for statistical analysis, not for any administrative determinations. The statutory change requiring that data from these systems be used only for statistical purposes meets the requirements of Privacy Act exemption (k)(4): "required by statute to be maintained and used solely as statistical records." NSF intends to amend its Privacy Act regulations to

apply exemption (k)(4) to these three systems of records.

**Timetable:**

Action	Date	FR Cite
Final Action	04/00/05	

**Regulatory Flexibility Analysis**  
**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Leslie A. Jensen, Freedom of Information and Privacy Act Official, National Science Foundation, Suite 1265, Office of the General Counsel, 4201 Wilson Boulevard, Arlington, VA 22230  
Phone: 703 292-8060  
Fax: 703 292-9041  
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**RIN:** 3145-AA43

**3528. • PATENTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 1870(a), The National Science Foundation Act of 1950, as amended; 35 USC 200 et seq, The Bayh Dole Act, as amended

**CFR Citation:** 45 CFR 650

**Legal Deadline:** None

**Abstract:** This action would amend the NSF Patents Regulation to require grantees to use an electronic reporting

## NSF

Final Rule Stage

and management system for inventions made with NSF assistance.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/00/05	
Final Action	04/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Address queries to patents@nsf.gov.**Agency Contact:** Robin Fritsch, NSF Patent Assistant, National Science Foundation, Office of General Counsel,

4201 Wilson Boulevard, Room 1265, Arlington, VA 22230

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**RIN:** 3145-AA44

[FR Doc. 04-24677 Filed 12-10-04; 8:45 am]

**BILLING CODE** 7555-01-S