

- The USDA inspection must find that the condition defects exceed the thresholds outlined in Appendix D above.

- Any price adjustments will be limited to the actual percentage of condition defects as documented by a USDA inspection certificate.

- The price adjustments will be limited to actual destruction costs, the allocated freight expense, and salvaging and reconditioning expenses calculated in accordance with Appendix D above.

- The customer may not resell any defective tomatoes. Instead, they must be destroyed, returned or donated to a non-profit food bank. Signatories should provide a copy of the Agreement to any customer which may be unfamiliar with its terms or which has questions about those terms.

The process by which a signatory could provide evidence to PACA that its sales contracts were made subject to the terms of the Agreement including, in particular, those terms listed above is outlined below.

- The signatory should maintain written documentation demonstrating that it had informed its customers and the customers accepted that the sales were subject to the terms of the Agreement prior to issuing the invoice. A signed contract to that effect would be the best evidence of that fact; however, a purchase by the customer after being informed of the relevance of the Agreement is evidence of acceptance.

- The signatory should send letters to its customers via registered mail, return receipt requested, informing the customers that, as a signatory to the Agreement, all of the signatory's sales are subject to the terms of the Agreement and that, by purchasing from them, the buyer agrees to those terms. The letter should also indicate that the signatory's sales personnel do not have authority to alter the terms of the Agreement.

- In addition, the signatory should include a statement on its order confirmation sheets that its contract with the buyer is subject to the terms of the Agreement as detailed in the signatory's "pre-season" letter and maintain a copy of the order confirmations and fax receipts demonstrating that they were sent to the customer prior to making the sale. If the sale is to a first-time purchaser that did not receive a "pre-season" letter, a letter should be supplied to the buyer prior to making a sale.

- The signatory should instruct its sales personnel to inform customers making purchases by telephone or at the loading dock that the sale is subject to the terms of the Agreement and its restrictions on price adjustments and, by purchasing from them, the buyer agrees to those terms. In fact, the sales personnel should provide a copy of the letter to the customer and, ideally, have the customer acknowledge receipt of the letter, in writing, prior to making the sale. Such an established practice will help to ensure that even new customers are informed properly of the terms of sale prior to completing a contract.

PACA does not require any one particular form of written documentation but USDA officials have confirmed that, if signatories maintain written evidence demonstrating that their customers were informed that their

sales were made subject to the terms of the Agreement prior to sale, PACA will recognize those terms as part of the sales contract.

[FR Doc. 02-31618 Filed 12-11-02; 3:41 pm]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### National Institute of Standards and Technology

[Docket No.: 021028258-2258-01]

#### Notice of Intent To Disseminate Infrared Spectral Library

**AGENCY:** National Institute of Standards and Technology, Commerce.

**ACTION:** Notice and request for comments.

**SUMMARY:** The National Institute of Standards and Technology has recently announced its intent to add condensed phase infrared spectra to its current library of gas phase infrared spectra. NIST plans on making this library widely available via the Internet for scientists, engineers and other parties interested in gas phase infrared spectra. This notice solicits comments concerning proposed plans for disseminating this new data through the Internet.

**DATES:** Comments must be received by January 15, 2003.

**ADDRESSES:** Comments should be sent to the attention of Dr. Stephen Stein at the National Institute of Standards and Technology, Mail Stop 8380, 100 Bureau Drive, Gaithersburg, MD, 20899-8380.

**FOR FURTHER INFORMATION CONTACT:** Dr. Stephen Stein by writing to the above address or by e-mail at [stephen.stein@nist.gov](mailto:stephen.stein@nist.gov) or by telephone at (301) 975-2444.

**SUPPLEMENTARY INFORMATION:** On August 8, 2002, NIST published a notice in the **Federal Register** entitled "Notice of Intent to Update Infrared Spectral Library", in which comments were invited concerning the addition of approximately 10,000 digitized, condensed-phase infrared spectra to an existing NIST gas-phase collection. NIST received two comments from one individual. One of those comments made to that notice raised the issue of what methods NIST will use to disseminate the database. Based upon that comment, NIST decided that the means of data dissemination should be opened for discussion. As a result, NIST has decided to re-open the comment period and request public comments on the issue of the means of data dissemination by NIST. Therefore, in

this notice, we invite interested parties to provide comments concerning possible means of dissemination of this new data. Current NIST plans are to publish this data on the Internet via the NIST WebBook (<http://webbook.nist.gov/>) in the same manner as currently employed for the gas-phase infrared data. This data is made freely available on a single-spectrum lookup basis, with individual spectra selected for display by users. No library searching or full or partial database downloading capabilities are planned.

Dated: December 4, 2002.

**Karen H. Brown,**  
Deputy Director.

[FR Doc. 02-31617 Filed 12-13-02; 8:45 am]

**BILLING CODE 3510-13-P**

## DEPARTMENT OF COMMERCE

### National Telecommunications and Information Administration

#### Proposed Information Collection; Comment Request; Public Telecommunications Facilities Program Grant Monitoring

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before February 14, 2003.

**ADDRESSES:** Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 1401 Constitution Avenue, NW., Washington, DC 20230 (or via the Internet [dHynek@doc.gov](mailto:dHynek@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Clifton Beck, NTIA, Room H-4888, U.S. Department of Commerce, 1401 Constitution Avenue, NW., Washington, DC 20230.

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

The purpose of the Public Telecommunications Facilities Program is to assist, through matching funds, in

the planning and construction of public telecommunications facilities in order to achieve the following objectives:

- Extend delivery of public telecommunications services to as many citizens in the United States as possible by the most efficient and economical means, including the use of broadcast and non-broadcast technologies;
- Increase public telecommunications services and facilities available to, operated by, and owned by minorities and women; and
- Strengthen the capability of existing public radio and television stations to provide public telecommunications services to the public.

## II. Method of Collection

Paper form and the Internet.

## III. Data

*OMB Number:* 0660-0001.

*Form Number:* None.

*Type of Review:* Regular submission.

*Affected Public:* Not-for-profit institutions, state or local government.

*Estimated Number of Respondents:* 1,950.

*Estimated Time Per Response:* 3 hours.

*Estimated Total Annual Burden Hours:* 6,268.

*Estimated Total Annual Cost to the Public:* 0.

## IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to the notice will be summarized and/or included in the request for OMB approval of the information collection; they will also become a matter of public record.

Dated: December 10, 2002.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 02-31558 Filed 12-13-02; 8:45 am]

BILLING CODE 3510-60-P

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

#### Statutory Invention Registration

**ACTION:** Proposed collection; comment request.

**SUMMARY:** The United States Patent and Trademark Office (USPTO), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on the continuing and proposed information collection, as required by the Paperwork Reduction Act of 1995, Pub. L. 104-13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before February 14, 2003.

**ADDRESSES:** Direct all written comments to Susan K. Brown, Records Officer, Office of Data Architecture and Services, Data Administration Division, USPTO, Suite 310, 2231 Crystal Drive, Washington, DC 20231; by telephone at (703) 308-7400; by e-mail at [susan.brown@uspto.gov](mailto:susan.brown@uspto.gov); or by facsimile at (703) 308-7407.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information should be directed to the attention of Robert J. Spar, Director, Office of Patent Legal Administration, United States Patent and Trademark Office (USPTO), Washington, DC 20231; by telephone at (703) 308-5107; or by e-mail at [bob.spar@uspto.gov](mailto:bob.spar@uspto.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

A statutory invention registration is not a patent. It has the defensive attributes of a patent but does not have the enforceable attributes of a patent. In other words, a person occasionally invents something solely for personal use (not for production or sale) and does not want to go through the effort and expense of obtaining a patent on the invention. At the same time, the inventor wants to prevent someone else from later obtaining a patent on a like invention. In that situation, the inventor can register a statutory invention and have it published. Once published, it cannot be claimed by another person.

37 U.S.C. 157 authorizes the United States Patent and Trademark Office (USPTO) to publish a statutory invention registration containing the specifications and drawings of a regularly filed application for a patent without examination, providing the patentee meets all the requirements for

printing, waives the right to receive a patent on the invention within a certain period of time prescribed by the USPTO, and pays all application, publication and other processing fees.

The USPTO administers 35 U.S.C. 157 through 37 CFR 1.293-1.297. Under these rules, an applicant for an original patent may request, at any time during the pendency of the applicant's pending complete application, that the specifications and drawings be published as a statutory invention registration. Any request for a statutory invention registration may be examined to determine if the requirements have been met, if the subject matter of the application is appropriate for publication, and if the requirements for publication are met.

The public may petition the USPTO to review rejection decisions within one month or such other time as is set forth in the decision refusing publication. The public may also petition the USPTO to withdraw a request to publish a statutory invention registration prior to the date of the notice of the intent to publish.

If the request for a statutory invention registration is approved, a notice to that effect will be published in the USPTO's Official Gazette. Each statutory invention registration published will include a statement relating to the attributes of a statutory invention registration.

A Change Worksheet was approved by the Office of Management and Budget (OMB) on November 29, 2001, which decreased the number of responses for this collection by 10 (from 83 to 73) due to the availability of 18-month publications of patent applications. Consequently, the total burden hours were also reduced by 4, (from 33 to 29) as a program change.

The public uses form PTO/SB/94, Request for Statutory Invention Registration, to request and authorize publication of a regularly-filed patent application as a Statutory Invention Registration, to waive the right to receive a United States patent on the same invention claimed in the identified patent application, to agree that the waiver will be effective upon publication of the statutory invention registration, and to state that the identified patent application complies with the requirements for printing. No forms are associated with the petition for a review of the refusal to publish a statutory invention registration or the petition to withdraw the request for publication of a statutory invention registration.