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Editor/Publisher, Defense Acquisition Regulations System.

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DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket Number DARS-2022-0021]

Information Collection Requirement; Defense Federal Acquisition Regulation Supplement; Rights in Technical Data and Computer Software (OMB Control Number 0704-0369)

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 the Paperwork Reduction Act of 1995, DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. DoD invites comments on: 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; the accuracy of the estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and 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 for use under Control Number 0704-0369 through December 31, 2022. DoD proposes that OMB approve an extension of the information collection requirement, to expire three years after the approval date.

DATES: DoD will consider all comments received by November 7, 2022.

ADDRESSES: You may submit comments, identified by OMB Control Number 0704-0369, using any of the following methods:

○ *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments.

○ *Email:* osd.dfars@mail.mil. Include OMB Control Number 0704-0369 in the subject line of the message.

Comments received generally will be posted without change to <http://www.regulations.gov>, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Mr. David Johnson, at 202-913-5764.

SUPPLEMENTARY INFORMATION:

Title and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) Subpart 227.71, Rights in Technical Data, and Subpart 227.72, Rights in Computer Software and Computer Software Documentation, and related provisions and clauses; OMB Control Number 0704-0369.

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

Respondent's Obligation: Required to obtain or retain benefits.

Reporting Frequency: On occasion.

Type of Request: Extension of a currently approved collection.

Number of Respondents: 75,250.

Responses per Respondent: 13, approximately.

Annual Responses: 959,602.

Average Burden per Response: 1 hour, approximately.

Annual Response Burden Hours: 904,574.

Annual Recordkeeping Burden Hours: 90,600.

Total Annual Burden Hours: 995,174.

Needs and Uses: DFARS subparts 227.71 and 227.72 prescribe the use of 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 development; and to ensure that technical data delivered under a contract are complete and accurate and satisfy contract requirements.

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 use, 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 data with use, release, or disclosure restrictions, 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 exclusively 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 nondisclosure agreement when it obtains data from the Government to which the Government has less than unlimited rights. In addition, DFARS 227.7103-7, Use and nondisclosure agreement, requires intended recipients of technical data or computer software delivered to the Government with restrictions on use, modification, reproduction, release, performance, display, or disclosure, to sign the use and nondisclosure agreement at 227.7103-7(c) prior to release or disclosure of the data, unless the recipient is a Government contractor that requires access to a third party's data or software for the performance of a Government contract that contains the clause at 252.227-7025, Limitations on Use or Disclosure of Government-Furnished Information Marked with Restrictive Legends. According to 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 use, release, or disclose the data.

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.

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DEPARTMENT OF ENERGY

Request for Information on Grid Resilience and Innovation Partnerships Program

AGENCY: Grid Deployment Office, U.S. Department of Energy.

ACTION: Request for information.

SUMMARY: The U.S. Department of Energy (DOE or the Department) invites public comment on its request for information (RFI) on DOE's implementation strategy for the Grid Resilience and Innovation Partnerships (GRIP) program, including on the competitive solicitation process, draft funding opportunity announcement (FOA) language, prioritization of topics and projects, and selection criteria.

DATES: Responses to the RFI must be received by no later than 5 p.m. EDT on October 14, 2022.

ADDRESSES: Interested parties are to submit questions, comments, and responses to the Department's RFI to the following email address: GDORFI@hq.doe.gov. Include "Grid Resilience and Innovation Partnerships Program" in the subject line of the email. Responses must be provided as a Microsoft Word (.docx) or PDF attachment to the email, and no more than 20 pages in length, 12-point font, 1-inch margins. It is recommended that attachments with file sizes exceeding 25MB be compressed (*i.e.*, zipped) to ensure message delivery. Only electronic responses will be accepted. For ease of replying and to aid categorization of your responses, please copy and paste the RFI questions, including the question numbering, and use them as a template for your response. Respondents may answer as many or as few questions as they wish.

The Grid Resilience and Innovation Partnerships (GRIP) program RFI is available at: <https://www.fedconnect.net/fedconnect/?doc=DE-FOA-0002827&agency=DOE>. The Draft Funding Opportunity Announcement (FOA) for FY22 and FY23 GRIP funding is available at: <https://www.fedconnect.net/fedconnect/?doc=DE-FOA-0002740&agency=DOE>.

FOR FURTHER INFORMATION CONTACT:

Please contact: Dylan Reed, (202) 586-3185, GDORFI@hq.doe.gov.

SUPPLEMENTARY INFORMATION: The Infrastructure Investment and Jobs Act (IIJA) (Pub. L. 117-58) approximately \$10.5 billion for the five-year period encompassing FY22 through FY26, to prevent outages and enhance the resilience of the electric grid, deploy technologies to enhance grid flexibility, and to demonstrate innovative approaches to power sector infrastructure resilience and reliability. Together, DOE refers to these programs as the GRIP program.

The purpose of this RFI is to solicit feedback from industry, academia, research laboratories, government agencies, State and local officials, labor unions, Tribes, community-based organizations (CBOs), and other stakeholders on issues related to the GRIP program.

To help inform DOE's implementation of the IIJA provisions referenced previously, this RFI seeks input on the following categories:

1. DOE's implementation strategy and approach for the GRIP program, both overall and for each of the individual topic areas.
2. DOE's approach to Community Benefits including engagement, quality jobs, Diversity, Equity, Inclusion and Accessibility (DEIA), and Justice40.
3. Build America, Buy America requirements.

This is solely a request for information and is not a funding opportunity announcement. DOE is not accepting applications at this time and will not reimburse any of respondents' costs in preparing a response.

The complete GRIP program RFI can be found at: <https://www.fedconnect.net/fedconnect/?doc=DE-FOA-0002827&agency=DOE>.

The Draft FOA for FY22 and FY23 GRIP Funding can be found at: <https://www.fedconnect.net/fedconnect/?doc=DE-FOA-0002740&agency=DOE>.

Proprietary Information

Because information received in response to this RFI may be used to structure future programs and formula grant allocations and/or otherwise be

made available to the public, respondents are strongly advised NOT to include any information in their responses that might be considered business sensitive, proprietary, or otherwise confidential. If, however, a respondent chooses to submit business sensitive, proprietary, or otherwise confidential information, it must be clearly and conspicuously marked as such in the response. Responses containing confidential, proprietary, or privileged information must be conspicuously marked as described below. Failure to comply with these marking requirements may result in the disclosure of the unmarked information under the Freedom of Information Act or otherwise. The U.S. Federal Government is not liable for the disclosure or use of unmarked information and may use or disclose such information for any purpose.

Confidential, Commercial, and Financial Information. Consistent with 10 CFR 1004.11, DOE requires that any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email two well-marked copies: One copy of the document marked "Confidential Commercial and Financial Information" including all the information believed to be confidential, and one copy of the document marked "non-confidential" with the information believed to be confidential deleted. DOE will make its own determination about the confidential status of the information and treat it according to its determination. The copy containing confidential commercial and financial information must include a cover sheet marked as follows identifying the specific pages containing confidential, proprietary, or privileged information: "Notice of Restriction on Disclosure and Use of Data: Pages [list applicable pages] of this response may contain confidential, commercial, or financial information that is exempt from public disclosure." The Government may use or disclose any information that is not appropriately marked or otherwise restricted, regardless of source. In addition, (1) the header and footer of every page that contains confidential, proprietary, or privileged information must be marked as follows: "Contains Confidential, Commercial, or Financial Information Exempt from Public Disclosure" and (2) every line and paragraph containing proprietary, privileged, or trade secret information must be clearly marked with [[double brackets]] or highlighting.