

Education, Department of Academic Affairs, U.S. Army War College, 122 Forbes Avenue, ATTN: DAA, Carlisle, PA 17013 or telephone (717) 245-3907.

**SUPPLEMENTARY INFORMATION:** This meeting is open to the public. Any interested person may attend, appear before, make a presentation, or file statements with the Committee after receiving advance approval for participation.

**Brenda S. Bowen,**

*Army Federal Register Liaison Officer.*

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**BILLING CODE 3710-08-M**

## DEPARTMENT OF DEFENSE

### Defense Acquisition Regulations System

[OMB Control Number 0704-0369]

#### Information Collection Requirement; Defense Federal Acquisition Regulation Supplement; Rights in Technical Data and Computer Software

**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 for use through February 28, 2007. DoD proposes that OMB extend its approval for use for 3 additional years.

**DATES:** DoD will consider all comments received by December 4, 2006.

**ADDRESSES:** You may submit comments, identified by OMB Control Number

0704-0369, using any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *E-mail:* [dfars@osd.mil](mailto:dfars@osd.mil). Include OMB Control Number 0704-0369 in the subject line of the message.
- *Fax:* (703) 602-0350.
- *Mail:* Defense Acquisition Regulations System, Attn: Ms. Amy Williams, OUSD(AT&L)DPAP(DARS), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301-3062.
- *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. Amy Williams, at (703) 602-0328. The information collection requirements addressed in this notice are available on the World Wide Web at: <http://www.acq.osd.mil/dpap/dars/dfars/index.htm>. Paper copies are available from Ms. Amy Williams, OUSD (AT&L) DPAP (DARS), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301-3062.

**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 of the Defense Federal Acquisition Regulation Supplement (DFARS); OMB Control Number 0704-0369.

**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 developments; and to ensure that technical data delivered under a contract is complete and accurate and satisfies contract requirements.

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

**Number of Respondents:** 54,925.

**Responses Per Respondent:** 9.6.

**Annual Responses:** 526,797.

**Average Burden per Response:** 2.9 hours.

**Annual Response Burden Hours:** 1,535,894 hours.

**Annual Recordkeeping Burden Hours:** 97,375 hours.

**Total Annual Burden Hours:** 1,633,269 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.

**Michele P. Peterson,**

*Editor, Defense Acquisition Regulations System.*

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## DEPARTMENT OF DEFENSE

### Department of the Army; Corps of Engineers

#### Notice of Intent To Prepare a Supplemental Environmental Impact Statement on Rock Mining in Wetlands in the Lake Belt Region of Miami-Dade County, FL

**AGENCY:** Department of the Army, U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice of intent.

**SUMMARY:** The U.S. Army corps of Engineers (Corps) Jacksonville District intends to prepare a Supplemental Environmental Impact Statement (SEIS) to evaluate potential impacts of further rock mining within wetlands in western Miami-Dade county, FL. The original EIS, The Rock Mining-Freshwater Lakebelt Plan Programmatic Environmental Impact Statement, issued in May 2000 focused on the potential impacts of a 50-year mining plan within the Lake Belt area. After evaluating the EIS, the Corps issued a Record of Decision and permits that allowed mining within a smaller, 10-year plan in April 2002. The Corps decision was challenged in United States District Court and the Court's Order on Motions for Summary Judgement was issued on March 22, 2006 as part of Case No. 03–23427–CIV–HOEVELER, United States District Court Southern District of Florida. The decision instructed the Corps to engage in additional analyses of rock mining in the Lake Belt region. Accordingly, the Corps is preparing this SEIS.

**DATES:** The Corps plans to hold a public scoping meeting on October 19, 2006 at 7 p.m. EST.

**ADDRESSES:** The meeting will be held at the Miami Dade Fire Rescue Headquarters, 9300 NW 41st Street, Doral, FL 33178. (786) 331–5000.

**FOR FURTHER INFORMATION CONTACT:** Ms. Leah Oberlin, (561) 472–3506.

**SUPPLEMENTARY INFORMATION:** a. *Project background and Authorization.* The Corps examined the potential impacts of rock mining activities with a 50-year life under the Miami-Dade County Lakebelt Plan (Lakebelt Plan), as accepted by the Florida Legislature in Section 373.4149, Florida Statutes (F.S.). The Corps participated in the committee of agency and industry representatives created in 1992 by the Florida Legislature, prepared an EIS, and participated in a technical review and advisory group formed by the Working Group for the Restoration of the South Florida Ecosystem. While the original EIS reviewed a 50-year plan for rock mining, the Corps issued Department of the Army (DA) authorization to ten rock mining companies on April 11, 2002 authorizing 10 year of mining activities over a 5,712 acre area. Mining under the 10-year permits has been underway for four years.

b. *Need or Purpose.* The purpose of the proposed action is to continue to provide high-quality construction grade limestone to the construction industry in Florida. The Corps recognizes that there is a public and private need for this product. The purpose of the proposed SEIS is to evaluate the environmental effects of alternatives to meet these requirements while protecting the aquatic environment.

c. *Prior EAs, EISs.* In May 2000, the Corps produced a Final Programmatic EIS for rock mining in the Lake Belt Region considering a 50-year mining plan. This SEIS will update and supplement that EIS and will also evaluate alternatives for present and possible future mining operations.

d. *Alternatives.* An evaluation of alternatives, including a “No Action” alternative and rock mining in other areas both inside and outside of Miami-Dade County and/or Florida will be done. The SEIS will analyze reasonable alternatives to obtaining construction grade limestone and other limestone products to meet the identified purpose and need. Alternatives will be determined through scoping, but are expected to vary according to location, timing, and breadth of mining, in addition to a “no action” alternative.

e. *Issues.* In addition to updating and supplementing the information from the 2000 EIS, the following issues have been identified for analysis in the SEIS. This list is preliminary and is intended to facilitate public comment on the scope of the SEIS. The SEIS will consider the effects on Federally listed threatened and endangered species, essential fish

habitats, health and safety, conservation, economics, aesthetics, general environmental concerns, wetlands (and other aquatic resources), historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations and property ownership, and, in general, the needs and welfare of the people, and other issues identified through scoping, public involvement, and interagency coordination. At the present time, our primary environmental focus will be on endangered species (including but not limited to possible effects on the wood stock and the Eastern indigo snake), the loss of wetland functions and value, mitigation (including but not limited to the available of land for acquisition in Pennsocco and other mitigation options), drinking water well field protection (including but not limited to possible contaminants including benzene, cryptosporidium, and giardia), groundwater seepage to the east (including but not limited to possible impacts to resources of Everglades National Park), and surface water quality.

We expect to better define the issues of concern and define the methods that will be used to evaluate those issues through the scoping process.

f. *Scoping Process.* CEQ regulations (40 CFR 1501.7) require an early and open process for determining the scope of an EIS and for identifying significant issues related to the proposed action. The public will be involved in the scoping and evaluation process through advertisements, notices, and other means. At a minimum, all parties who have expressed interest in the Lake Belt Rock Mining Permits will be given the opportunity to participate in this process. Federal, state and local agencies, and other interested groups will also be involved. Meetings to address discrete issues or parts or functions of the study area may be called. All parties are invited to participate in the scoping process by identifying any additional concerns on issues, studies needed, alternatives, procedures, and other matters related to the scope of the SEIS.

A public scoping meeting is scheduled for (see **DATES** and **ADDRESSES**). The Corps will provide additional notification of the meeting time and location through newspaper advertisements and other means. Following a short presentation on the planned SEIS, verbal and written comments on the scope of the SEIS will