DEC 4 1981

Mr. R. Tenney Johnson
General Counsel
Department of Energy
Washington, D. C. 20585

Dear Mr. Johnson:

Thank you for your November 5, 1981 comments and recommendations on the proposed amendments to OMB/OFPP Bulletin 81-22 submitted by Jim Denny on October 23, 1981.

Enclosed is a final draft circular which is planned to supersede Bulletin 81-22 and the spread sheet indicating disposition of approximately 130 comments received during the public comment period on Bulletin 81-22.

As you will note, many of the proposed amendments in the October 23 enclosure are reflected in the final draft circular. We did not, however, indicate disposition of the proposed amendments in the spread sheet due to their overlap and duplication with agency and private sector comments previously received.

The "pre-notification" provision of section 5(b)(i)(vi) has been eliminated in response to the heavy negative reaction of commenters. Your letter alludes to the problems created by this section and suggests compromise language in paragraph c of the patent rights clause. The draft final circular has taken this language into consideration by redrafting paragraph c. In order to permit agency patent filings in situations where the contractor is uninterested, the draft circular makes clear the continuing responsibility of the contractor to keep the agencies informed of potential statutory bars to obtaining valid patent protection. We believe that this meets the spirit and the substance of the language from the October 23 enclosure.

The draft circular has been informally reviewed by agency and private sector representatives. In fact, comments from several agencies and the private sector indicate satisfaction with the resolution of issues raised earlier.

Sincerely,

Donald E. Sowle
Administrator

Enclosures

Official File - OFPP/S&T
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