

§ 1150.4

Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(b) A blaze orange (Federal Standard 595a, February, 1987, color number 12199, issued by the General Services Administration) or orange color brighter than that specified by the Federal Standard color number, marking permanently affixed to the exterior surface of the barrel, covering the circumference of the barrel from the muzzle end for a depth of at least 6 millimeters. This incorporation by reference was approved by the Director for the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of Federal Standard 595a may be obtained from the Office of Engineering and Technical Management, Chemical Technology Division, Paints Branch, General Services Administration, Washington, DC 20406. Copies may be inspected at the office of the Associate Director for Industry and Standards, National Institute for Standards and Technology, Gaithersburg, Maryland, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(c) Construction of the device entirely of transparent or translucent materials which permits unmistakable observation of the device's complete contents.

(d) Coloration of the entire exterior surface of the device in white, bright red, bright orange, bright yellow, bright green, bright blue, bright pink, or bright purple, either singly or as the predominant color in combination with other colors in any pattern.

[54 FR 19358, May 5, 1989, as amended at 57 FR 48454, Oct. 26, 1992; 69 FR 18803, Apr. 9, 2004]

§ 1150.4 Waiver.

The prohibitions set forth in § 1150.2 of this part may be waived for any toy, look-alike or imitation firearm that

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will be used only in the theatrical, movie or television industries. A request for such a waiver should be made, in writing, to the Chief Counsel for Technology, United States Department of Commerce, Washington, DC 20230. The request must include a sworn affidavit which states that the toy, look-alike, or imitation firearm will be used only in the theatrical, movie or television industry. A sample of the item must be included with the request.

[57 FR 48454, Oct. 26, 1992]

§ 1150.5 Preemption.

In accordance with section 4(g) of the Federal Energy Management Improvement Act of 1988 (15 U.S.C. 5001(g)), the provisions of section 4(a) of that Act and the provisions of this part supersede any provision of State or local laws or ordinances which provides for markings or identification inconsistent with the provisions of section 4 of that Act or the provisions of this part.

[54 FR 19358, May 5, 1989]

PART 1160—PRODUCTIVITY, TECHNOLOGY AND INNOVATION

Subpart A—Promotion of Private Sector Industrial Technology Partnerships

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AUTHORITY: 15 U.S.C. 1512 and 3710, 15 U.S.C. 205a, DDO 10-17 and DDO 10-18.

Subpart A—Promotion of Private Sector Industrial Technology Partnerships

SOURCE: 48 FR 52289, Nov. 17, 1983, unless otherwise noted. Redesignated at 56 FR 41282, Aug. 20, 1991.

§ 1160.1 Purpose.

The purpose of this part is to establish procedures under which the Department of Commerce will provide assistance for the establishment by the private sector of Industrial Technology Partnerships (as defined in § 1160.2).

§ 1160.2 Definitions.

(a) *Industrial Technology Partnerships (ITPs)*. As used in this subpart, ITPs include research and development limited partnerships (RDLPs) and cooperative R&D arrangements of companies, non-profit organizations, and Federal agencies or some combination thereof.

(b) *Research and Development Limited Partnership (RDLP)*. In general, the RDLP is a type of business organization to raise venture capital from the private sector to fund specified research and development projects. Additional characteristics are as follows:

(1) *Establishment in general*. An RDLP can be established by an existing firm, or by an independent entrepreneur, to finance specified research and development projects. It can effectively finance both small and large scale projects. It is established by a partnership agreement tailored to the particular projects to be funded.

(2) *Classes of partners*. In general, a partnership agreement establishing an RDLP will provide for two classes of partners, as follows:

(i) The *General Partner* or partners provide the management for the partnership, obtain funding, make arrangements for the conduct of research, and ultimately either manufacture any new products resulting from the research and development or license out the resulting technology; and

(ii) The *Limited Partners* invest in the partnership, bear most or all of the financial risk, share in the financial success from proceeds of manufacture, royalties or other paybacks, and receive tax benefits, but exercise no ac-

tive management role in the partnership.

§ 1160.3 Assistance to industrial technology partnerships.

(a) *General*. The types of assistance available to Industrial Technology Partnerships (ITPs) are described in the following subsections. Additional assistance which is specific to Research and Development Limited Partnerships (RDLPs) is described in paragraph (f) of this section.

(b) *Workshops*. Upon request, the Secretary may hold workshops with representatives from the private sector and government in order to further the objectives of this part. Such workshops are designed to explore interest in specific potential ITPs. They will be structured to avoid antitrust problems.

(c) *Clearinghouse*. The Department's experience with Industrial Technology Partnerships, notably RDLPs, indicates that numerous potential participants in RDLPs, especially General Partners, need access to specialized information. Accordingly, the Department will develop and maintain a list of specific public and private sector specialists in such categories as venture capitalists, tax accountants, legal specialists, university and non-profit laboratories, brokers, technical and economic feasibility analysts, and proprietary information specialists (especially in patents). Persons wishing to be included in the list or wishing to receive a copy of the list should write to the following address:

Industrial Technology Partnerships Program, Herbert C. Hoover Building, Room 4816, Box B, U.S. Department of Commerce, Washington, DC 20230.

Inclusion on the list is voluntary, and is free of charge to all parties, as is receipt of the list. The Department of Commerce, however, makes no representation about the qualifications, experience or ability of any individual identified in these lists.

(d) *Small business*. The Department is aware of the significant contributions of technology-related small business to the economic health of the Nation. Accordingly, the Department shall identify sources of information for them on