

### Compliance With the Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by the Office of Management and Budget under the Paperwork Reduction Act, 44 U.S.C. 3507 *et seq.*

#### List of Subjects in 30 CFR Part 925

Intergovernmental relations, Surface mining, Underground mining.

Dated: February 23, 1995.

**Russell F. Price,**

*Acting Assistant Director, Western Support Center.*

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### 32 CFR Part 209

#### University Research Initiative Support Program (URISP)

**AGENCY:** Office of the Secretary, DoD.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule is to comply with section 802 of the National Defense Authorization Act for Fiscal Year 1994 (Pub. L. 103-160), which requires the Department of Defense to establish URISP, and prescribe a regulation for carrying out the program. URISP is required to be a competitive university research program for research and development that is relevant to the requirements of the Department of Defense, that is set aside for Colleges and Universities that have received less than \$2 million dollars from the Department of Defense over the two previous fiscal years. URISP is oriented toward assisting institutions build university research infrastructure in the fields of science, engineering, and mathematics, so they may become more competitive.

**DATES:** Written comments on this proposed rule must be received by May 1, 1995.

**ADDRESSES:** Forward comments to the Office of Director of Defense Research and Engineering, Pentagon—3E1045, Washington, DC 20301-3080.

**FOR FURTHER INFORMATION CONTACT:** Mr. Art McGregor (703) 614-0205.

#### SUPPLEMENTARY INFORMATION:

#### Executive Order 12866, "Regulatory Planning and Review"

It has been determined that 32 CFR part 209 is not a significant regulation action. The rule does not:

(1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy; a sector of the economy; productivity; competition; jobs; the environment; public health or safety; State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another Agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

#### Public Law 96-354, "Regulatory Flexibility Act" (5 U.S.C. 601)

It has been certified that this rule is not subject to the Regulatory Flexibility Act (5 U.S.C. 601) because it would not, if promulgated, have a significant economic impact on a substantial number of small entities. The proposed rule does not place any economic burdens on small entities. The primary effect on grantees administering this rule will be a reduction in administrative cost and other burdens resulting from the simplification and clarification of certain policies and the elimination of policy differences among the Federal Agencies promulgating this proposed rule.

#### Public Law 96-511, "Paperwork Reduction Act" (44 U.S.C. Chapter 44)

It has been certified that 32 CFR part 209 does not impose any reporting or record keeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501-3520).

#### List of Subjects in 32 CFR Part 209

Education, Grants, Institutions, and Universities.

Accordingly, title 32, chapter I, subchapter M is proposed to be amended to add part 209 to read as follows:

#### PART 209—UNIVERSITY RESEARCH INITIATIVE SUPPORT PROGRAM (URISP)

Sec.

- 209.1 Purpose.
- 209.2 Applicability.
- 209.3 Definitions.

209.4 Policy.

209.5 Responsibilities.

**Authority:** Sec. 802 of Pub. L. 103-160 (see 10 U.S.C. 2358 note)

#### § 209.1 Purpose.

This part establishes policy and assigns responsibilities under section 802 of Public Law 103-160 (see 10 U.S.C. 2358 note).

#### § 209.2 Applicability.

This part applies to the Office of the Secretary of Defense, the Military Departments, and Defense Agencies responsible for the majority of the university basic research grants in the Department of Defense.

#### § 209.3 Definitions.

(a) *American Association of State Colleges and Universities (AASCU).* Institutions that are members of AASCU during the period that peers are selected.

(b) *Eligible Institutions.* Institutions that may compete for URISP funding are those that have received a total of less than \$2 million in obligations from the Department of Defense, over the two previous fiscal years (FYs). A list of ineligible institutions will be attached as an appendix to the URISP announcement, and institutions not on the list are eligible to participate.

(c) *Institutions.* Institutions of Higher Education that have accredited, degree-granting programs in science, engineering or mathematics.

(d) *Merit-based selection process.* A university-based review using peers who are members of the faculty or staff of an institution of higher education that is a member of NASULGC or AASCU (section 802 of Pub. L. 103-160).

(e) *National Association of State Universities and Land Grant Colleges (NASULGC).* Institutions that are members of NASULGC during the period that peers are selected.

(f) *Research Offices.* The research office under the Military Services and Defense Agencies that are responsible for the majority of the university basic research grants in the Department of Defense. These are:

- (1) Advanced Research Projects Agency.
- (2) Air Force Office of Scientific Research.
- (3) Army Research Office.
- (4) Ballistic Missile Defense Organization.
- (5) Office of Naval Research.

#### § 209.4 Policy.

It is DoD policy that:

- (a) The purpose of URISP is to help build the infrastructure in the fields of science, engineering, and mathematics

that are important to the Department of Defense, through the use of competitive, multi-year grants to support the conduct of research and development relevant to requirements of the Department of Defense, at institutions that have received less than \$2.0 million from the Department of Defense over the 2 previous FYs (section 802 of Pub. L. 103-160).

(b) All URISP funds shall be obligated using a merit-based selection process. The university peer reviewers shall be from the faculty and staff of institutions that are members of NASULGC and ASSCU (section 802 of Pub. L. 103-160).

(c) Institutions eligible to participate in URISP will be determined using DoD obligation data for the two previous FYs.

#### § 209.5 Responsibilities.

(a) The Director of Defense Research and Engineering, under the Under Secretary of Defense for Acquisition and Technology, shall ensure that only eligible institutions are allowed to participate in URISP. The Director of Defense Research and Engineering shall oversee the approval of any selected scientific topical areas to be included in the URISP announcement, and the allocation of funds among the research offices. The URISP shall be reviewed annually and modified as appropriate to ensure that defense requirements are being met.

(b) The Secretaries of the Military Departments, and the Directors of the Defense Agencies responsible for the majority of the university basic research grants, under OSD Principal Staff Assistants, shall ensure that:

(1) All proposals chosen for URISP funding shall have been selected through a merit-based selection process using university peer reviewers selected only from the faculty and staff of institutions that are members of the NASULGC and AASCU (section 802 of Pub. L. 103-160).

(2) Each project funded under URISP is reviewed annually to determine if defense requirements are being met.

Dated: February 24, 1995.

#### L.M. Bynum,

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

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## DEPARTMENT OF TRANSPORTATION

### Saint Lawrence Seaway Development Corporation

#### 33 CFR Part 402

#### Tariff of Tolls

**AGENCY:** Saint Lawrence Seaway Development Corporation, DOT.

**ACTION:** Notice of meetings.

**SUMMARY:** The Saint Lawrence Seaway Development Corporation and the St. Lawrence Seaway Authority of Canada have jointly established and presently administer the St. Lawrence Seaway Tariff of Tolls. This Tariff sets forth the level of tolls assessed on all commodities and vessels transiting the facilities operated by the Corporation and the Authority. The Corporation and the Authority currently are in disagreement over the level and nature of future tolls. The Corporation is considering recommendations to be made to the Authority that joint rulemaking be undertaken to lower the level of tolls or otherwise change the Tariff. In order to determine whether such a rulemaking is warranted, what the substance should be, and what is the scope of the issues involved, the Corporation is holding five public meetings to discuss the problems encountered under the existing toll structure and possible solutions. This notice announces the dates, times, and places of the meetings.

**DATES:** The meetings will be held on March 7, 1995, in Duluth, Minnesota, on March 14, 1995, in Milwaukee, Wisconsin, on April 5, 1995, in Portage, Indiana, on April 11, 1995, in Toledo, Ohio, and on April 26, 1995, in Ogdensburg, New York, each beginning at 9:30 a.m. and concluding at 12 noon, except the Duluth meeting which will begin at 2 p.m. and conclude at 4:30 p.m., and the Milwaukee meeting which will begin at 1 p.m. and conclude at 3:30 p.m.

**ADDRESSES:** The meetings will be held in: the conference room of the Seaway Port Authority of Duluth, 1200 Port Terminal Drive, Duluth, Minnesota; the conference room of the Port of Milwaukee, 2323 South Lincoln Memorial Drive, Milwaukee, Wisconsin; in the conference room of Burns International Harbor, 6600 U.S. Highway 12, Portage, Indiana; the conference room of the Port Authority Office, 1 Maritime Plaza, Toledo, Ohio; and the board room of the Ogdensburg Bridge and Port Authority, Bridge Plaza, Ogdensburg, New York.

**FOR FURTHER INFORMATION CONTACT:** Marc C. Owen, Chief Counsel, Saint Lawrence Seaway Development Corporation, P.O. Box 44090, Washington, DC 20026-4090, (202) 366-6823.

#### SUPPLEMENTARY INFORMATION:

Discussions between the Corporation and the Authority about the Seaway Tariff of Tolls have resulted in disagreement over future Tariff amendments. It is necessary to take into account prevailing market conditions and not unduly restrict maritime commerce or create additional barriers to trade in the development of the Tariff. Both parties wish to pursue fairness among their primary goals and strive for equal treatment for vessels and cargoes using the Seaway, but disagree on the current, fundamental economic basis for new toll levels. In addition, they believe that it is necessary to seek simplicity in developing the Tariff as complexity and ambiguity tend to provide a disincentive to using the Seaway. Lastly, both parties wish to strive for stability so that those engaged in commerce on the Seaway can make long-term planning decisions with some confidence of future conditions.

Based upon these mutual conclusions, the Corporation is considering recommending to the Authority that joint rulemaking be undertaken to lower the level of tolls or otherwise change the Tariff. In order to determine whether such a rulemaking is warranted, what the substance should be, and what is the scope of the issues involved, the Corporation is holding five public meetings to discuss the problems encountered under the existing toll structure and possible solutions. These meetings will be open for discussion, however, any person wishing to make a formal presentation is requested to notify the Corporation at least five working days before the meetings and provide the approximate time desired for the presentation to Marc C. Owen, Chief Counsel, Saint Lawrence Seaway Development Corporation, P.O. Box 44090, Washington, DC 20026-4090 (202-366-6823). In addition, the Corporation requests an original written text of any formal presentation along with five copies before, at, or within ten working days after the time of the meeting. Finally, if any person wishes to present written comments, but not participate in the meetings, they may submit those comments to that same address at any time before, at, or within ten working days after the time of the meetings.

The meetings are open to the public, each beginning at 9:30 a.m. and