

DEPARTMENT OF AGRICULTURE**Cooperative State Research,
Education, and Extension Service****7 CFR Parts 3200 and 3411****National Competitive Research
Initiative Grants Program (also known
as the National Research Initiative
Competitive Grants Program);
Administrative Provisions;
Requirements for Agricultural
Research Enhancement Awards**

AGENCY: Cooperative State Research, Education, and Extension Service, USDA.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Cooperative State Research, Education, and Extension Service (CSREES) proposes to amend its regulations relating to the administration of the National Research Initiative Grants Competitive Program (NRICGP) (referred to in 7 CFR Part 3200 as the National Competitive Research Initiative Grants Program) that prescribe the procedures to be followed annually in the solicitation of competitive grant proposals, the evaluation of such proposals, and the award of competitive research grants under this program. This action amends those regulations to redesignate 7 CFR Part 3200 as Part 3411, to change the legal name of the program to the National Research Initiative Competitive Grants Program, to clarify certain aspects of the program, and to add eligibility requirements for the Agricultural Research Enhancement Awards.

DATES: Comments are invited from interested individuals and organizations. To be considered in the formulation of a final rule, all relevant material must be received on or before June 12, 1995.

ADDRESSES: Comments should be sent to Colien Hefferan, Acting Deputy Administrator, CSREES, USDA, AG Box 2240, Washington, D.C. 20250-2240.

FOR FURTHER INFORMATION CONTACT: Colien Hefferan at (202) 401-1761.

SUPPLEMENTARY INFORMATION:**Classification**

This proposed rule has been reviewed under Executive Order 12866 and it has been determined that it is not a "significant regulatory action" rule because it will not have an annual effect on the economy of \$100 million or more or adversely and materially affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local,

or tribal governments or communities. This proposed rule will not create any serious inconsistencies or otherwise interfere with any actions taken or planned by another agency. It will not materially alter the budgetary impact of entitlements, grants, user fees or loan programs and does not raise novel legal or policy issues arising out of legal mandates, the President's priorities, or principles set forth in Executive Order No. 12866.

Regulatory Flexibility Act

The Department certifies that this proposed rule will not have a significant impact on a substantial number of small entities as defined in the Regulatory Flexibility Act, Pub. L. No. 96-534 (5 U.S.C. 601 *et seq.*).

Executive Order 12778

The following information is given in compliance with Executive Order No. 12778. All State and local laws and regulations that are in conflict with this rule are preempted. No retroactive effect is to be given to this rule. This rule does not require administrative proceedings before parties may file suit in court.

Regulatory Analysis

Not required for this rulemaking.

Environmental Impact Statement

This proposed regulation does not significantly affect the environment. Therefore, an environmental impact statement is not required under the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*).

Catalog of Federal Domestic Assistance

The NRICGP is listed in the Catalog of Federal Domestic Assistance under No. 10.206. For reasons set forth in the Final Rule-related Notice to 7 CFR part 3015, subpart V (48 FR 29115, June 24, 1983), this program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Background and Purpose

Under the authority of section 2(b) of the Act of August 4, 1965, Pub. L. No. 89-106, as amended (7 U.S.C. 450i(b)) (the Act), the Secretary of Agriculture is authorized to make competitive grants to State Agricultural Experiment Stations, all colleges and universities, other research institutions and organizations, Federal agencies, private organizations or corporations, and individuals to further the programs of the Department of Agriculture and to improve research capabilities in agricultural, food, and environmental

sciences. Section 2(b) of the Act also authorizes the Secretary of Agriculture to make a variety of competitive grants to improve research capabilities in the agricultural, food, and environmental sciences.

The NRICGP was created pursuant to this authority. Pursuant to 7 CFR 2.107(a)(7), the Secretary delegated this authority to the Administrator of the Cooperative State Research Service. The Secretary of Agriculture's memorandum 1010-1 of October 20, 1994, implementing the reorganization authorities contained in the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994, Pub. L. 103-354, redelegated this authority to the Administrator of the CSREES.

This proposed rule moves this part from 7 CFR Chapter XXXII to 7 CFR Chapter XXXIV, changes the name of the program, adds additional definitions for "fundamental research," "mission-linked research," and "multidisciplinary research" to the NRICGP administrative provisions, and establishes eligibility requirements for the Agricultural Research Enhancement Awards program. The planned effective date for this proposed rule is October 1, 1995, or 30 days from the date of publication of the final rule, whichever comes later.

List of Subjects in 7 CFR Part 3411

Grant Programs—Agriculture, Grants administration.

For the reasons set forth in the preamble, CSREES proposes to amend 7 CFR Chapters XXXII and XXXIV as follows:

**PART 3200—[REDESIGNATED AS
PART 3411]**

1. Part 3200 redesignated as Part 3411 and moved from Chapter XXXII to Chapter XXXIV.

2. The authority citation for newly redesignated part 3411 is revised to read as follows:

Authority: Sec. 2(i) of the Act of August 4, 1965, as amended (7 U.S.C. 450i(i)).

3. In newly redesignated part 3411, all references to "National Competitive Research Initiative Grants Program" are revised to read "National Research Initiative Competitive Grants Program", and all references to "NCRIGP" are revised to read "NRICGP".

4. In newly redesignated part 3411, all references to "Grant Application Kit" are revised to read "NRICGP Application Kit".

5. Newly redesignated section 3411.2 is amended by revising the first sentence, adding new paragraphs (l)(1),

(l)(2), and (l)(3) and adding new paragraphs (n) and (o) to read as follows:

§ 3411.2 Definitions.

As used in this part and in annual program solicitations issued pursuant to this part:

* * * * *

(l) * * *

(1) *Fundamental research*, as referred to annually in the program solicitation, means research that tests scientific hypotheses and provides basic knowledge which allows advances in applied research and from which major conceptual breakthroughs are expected to occur.

(2) *Mission-linked research*, as referred to annually in the program solicitation, means research on specifically identified agricultural problems which, through a continuum of efforts, provides information and technology that may be transferred to users and may relate to a product, practice, or process.

(3) *Multidisciplinary research*, as referred to annually in the program solicitation, means research in which investigators from two or more disciplines are collaborating closely. These collaborations, where appropriate, may integrate the biological, physical, chemical, or social sciences.

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(n) *Small and mid-sized institution* means an academic institution with a total enrollment of 15,000 or less. An institution in this instance is an organization that possesses a significant degree of academic and administrative autonomy, as determined by reference to the most recent issue of the Codebook for Compatible Statistical Reporting of Federal Support to Universities, Colleges, and Nonprofit Institutions, prepared by Quantum Research Corporation for the National Science Foundation. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Quantum Research Corporation, 7315 Wisconsin Avenue, Suite 631W, Bethesda, MD 20814. Copies may be inspected at USDA, CSREES, NRICGP, 901 D. St., SW., Suite 323, Washington, DC.

(o) *USDA-EPSCoR States (Experimental Program for Stimulating Competitive Research)* means States which have had a funding level from the USDA NRICGP no higher than the 38th percentile of all States, based on a three-year rolling average, and all United States territories and possessions. A list

of eligible states is published annually in the program solicitation.

6. Newly redesignated § 3411.3 is amended by adding paragraph (d) as follows:

§ 3411.3 Eligibility requirements.

* * * * *

(d) *Agricultural Research Enhancement Awards*. In addition to paragraphs (a), (b), and (c) of this section, the following eligibility requirements apply to Agricultural Research Enhancement Awards (Program reserves the right to specify funding limitations and administrative requirements each year in the program solicitation):

(1) *Postdoctoral Fellowships*. In accordance with Section 2(b)(3)(D) of the Act of August 4, 1965, as amended, individuals who have recently received or will soon receive their doctoral degree may submit proposals for postdoctoral fellowships. The following eligibility requirements apply:

(i) The doctoral degree of the applicant must be received not earlier than January 1 of the fiscal year three years prior to the submission of the proposal and not later than June 15 of the fiscal year during which the proposal is submitted;

(ii) The individual must be a citizen of the United States; and

(iii) The proposal must contain:

(A) Documentation that arrangements have been made with an established investigator to serve as mentor;

(B) Documentation that arrangements have been made for the necessary facilities, space, and materials for conduct of the research; and

(C) Documentation from the host institution's authorized organizational representative indicating that the host institution concurs with these arrangements.

(2) *New Investigator Awards*. Pursuant to Section 2(b)(3)(E) of the Act of August 4, 1965, as amended, investigators or co-investigators who are beginning their research careers, do not have an extensive research publication record, and have less than 5 years of post-graduate, career-track research experience may submit proposals as new investigators. Applicants may not have received competitively-awarded Federal research funds beyond the level of pre- or postdoctoral research awards.

(3) *Strengthening Awards*. Applicants that are eligible for any grant under this part may also be eligible for Equipment Grants, Research Career Enhancement Awards, Seed Grants, and Strengthening Standard Research Project Awards pursuant to Sections 2(b)(3)(D) and (F) of the Act of August 4, 1965, as

amended, subject to the following limitations on such eligibility:

(i) Equipment Grants. The following organizations are ineligible to apply for Equipment grants:

(A) Institutions which are among the top 100 universities for receiving Federal funds for science and engineering research as listed in the most recent release of Selected Data on Federal Support to Universities and Colleges (National Science Foundation); or

(B) non-degree granting institutions. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from the Division of Science Resource Studies, National Science Foundation, Arlington, VA 22230. Copies may be inspected at USDA, CSREES, NRICGP, 901 D St., SW., Suite 323, Washington, DC.

(ii) Research Career Enhancement Awards, Seed Grants, and Strengthening Standard Research Project Awards. The following eligibility requirements apply to Research Career Enhancement Awards, Seed Grants, and Strengthening Standard Research Project Awards:

(A) No investigator listed on the Application For Funding (Form CSRS-661) may have received a USDA competitive research grant within the last five years as evidenced by an investigator listing on a prior Form CSRS-661;

(B) All investigators listed on the Application For Funding (Form CSRS-661) must be from a small or mid-sized institution that is not among the top 100 universities for receiving Federal funds for science and engineering research (as listed in the most recent release of Selected Data on Federal Support to Universities and Colleges (National Science Foundation)) or must be from an institution located in a USDA-EPSCoR state; and

(C) Every investigator listed on the Application For Funding (Form CSRS-661) must have a full-time appointment at a degree granting institution. This incorporation by reference was approved by the Director of the Federal Register with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from the Division of Science Resource Studies, National Science Foundation, Arlington, VA 22230. Copies may be inspected at USDA, CSREES, NRICGP, 901 D. St., SW., Suite 323, Washington, DC.

7. Paragraph (c)(1) of newly redesignated § 3411.4 is amended by revising all references to "Grant Application Cover Page" to read "Application for Funding form".

8. Newly redesignated § 3411.4 is further amended by revising the last sentence of paragraph (c)(4), adding three new sentences at the end of paragraph (c)(8), adding a new last sentence to paragraph (c)(9)(i), and adding a new last sentence to paragraph (c)(9)(ii), by replacing "Institutional Review Board" with "Institutional Committee" in paragraph (c)(9)(ii), by adding a new last sentence to paragraph (c)(9)(iii), and adding a new paragraph (c)(13) to read as follows:

§ 3411.4 How to apply for a grant.

* * * * *

(c) * * *

(4) Facilities and equipment.

* * * In addition, requested items of nonexpendable equipment necessary to conduct and successfully conclude the proposed project should be listed (including dollar amounts), and, if funds are requested for their acquisition, justified on a separate sheet of paper and attached to the budget.

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(8) Budget. * * * Equipment grants may not exceed 50 percent of the cost of the equipment to be acquired. Equipment grant funds also may not be used for installation, maintenance, warranty, or insurance expenses. Indirect costs are not permitted on Equipment grants.

(9) Research involving special considerations. * * *

(i) Recombinant DNA and RNA molecules. * * * In the event a project involving recombinant DNA and RNA molecules results in a grant award, a qualified Institutional Biosafety Committee must approve the research before CSREES funds will be released.

(ii) Human subjects at risk. * * * In the event a project involving human subjects results in a grant award, funds will be released only after a qualified Institutional Committee has approved the project.

(iii) Experimental vertebrate animal. * * * In the event a project involving the use of living vertebrate animals results in a grant award, funds will be released only after a qualified

Institutional Animal Care and Use Committee has approved the project.

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(13) National Environmental Policy Act. As outlined in CSREES's implementing regulations of the National Environmental Policy Act of 1969 (NEPA) at 7 CFR Part 3407, environmental data or documentation for the proposed project is to be provided to CSREES in order to assist CSREES in carrying out its responsibilities under NEPA. These responsibilities include determining whether the project requires an Environmental Assessment or an Environmental Impact Statement or whether it can be excluded from this requirement on the basis of several categorical exclusions listed in 7 CFR Part 3407. In this regard, the applicant should review the categories defined for exclusion to ascertain whether the proposed project may fall within one or more of the exclusions, and should indicate if it does so on the National Environmental Policy Act Exclusions Form (Form CSRS-1234) provided in the NRICGP Application Kit. Even though the applicant considers that a proposed project may fall within a categorical exclusion, CSREES may determine that an Environmental Assessment or an Environmental Impact Statement is necessary for a proposed project should substantial controversy on environmental grounds exist or if other extraordinary conditions or circumstances are present that may cause such activity to have a significant environmental effect.

9. Newly redesignated § 3411.6 is amended by adding paragraph (f) as follows:

§ 3411.6 Grant awards.

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(f) Current Research Information Service (CRIS). For each project funded, CRIS Form AD-416, "Research Work Unit/Project Description-Research Resume" and CRIS Form AD-417, "Research Work Unit/Project Description-Classification of Research" and specific instructions for their completion will be sent to the grantee for completion and return. Grant funds

will not be released until the completed forms are received in CSREES.

10. Newly redesignated § 3411.8 is amended by adding the following additional applicable regulation:

§ 3411.8 Other Federal statutes and regulations that apply.

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7 CFR Part 3051—Audits of Institutions of Higher Education and Other Nonprofit Institutions

11. Newly redesignated section 3411.12 is amended by redesignating the current paragraph as paragraph (a) and by adding a new paragraph (b) as follows:

§ 3411.12 Conflicts of interest.

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(b) Reviewers may not review proposals submitted by institutions or other entities with which they have an affiliation or in which they have an interest. For the purposes of determining whether such a conflict exists, an institution shall be considered as an organization if it possesses a significant degree of academic and administrative autonomy, as determined by reference to the most recent issue of the Codebook for Compatible Statistical Reporting of Federal Support to Universities, Colleges, and Nonprofit Institutions, prepared by Quantum Research Corporation. This incorporation by reference will be submitted for approval by the Director of the Federal Register prior to publication of the final rule in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Quantum Research Corporation, 7315 Wisconsin Avenue, Suite 631W, Bethesda, MD 20814. Copies may be inspected at USDA, CSREES, NRICGP, 901 D. St., SW., Suite 323, Washington, DC.

Done at Washington, DC, this 5th day of May.

William D. Carlson, Acting Administrator, Cooperative State Research, Education, and Extension Service. [FR Doc. 95-11577 Filed 5-10-95; 8:45 am] BILLING CODE 3410-22-M