

**DEPARTMENT OF COMMERCE****National Institute of Standards and Technology****[Docket No. 990309065-9065-01]****RIN 0693-ZA29****Professional Research Experience Program (PREP)****AGENCY:** National Institute of Standards and Technology, Department of Commerce.**ACTION:** Notice of availability of funds for cooperative agreements to provide fellowships for undergraduate, graduate, and post-doctoral students.

**SUMMARY:** This notice is to invite proposals from accredited colleges and universities to participate in the PREP program. Under this program, NIST provides financial assistance to accredited colleges and universities to enable those institutions to provide laboratory experiences and financial assistance to undergraduate, graduate, and post-doctoral students at the NIST, Boulder Laboratories in Boulder, Colorado. It is anticipated that two (2) or more awards will be made contingent on the availability of funds in fiscal year 1999. However, in fiscal year 1998, 96 PREP fellowships were provided (some students received more than one fellowship). Approximately \$1,375,000 in fellowships were awarded under this program in 1998.

**DATES:** Applications must be received at the address below no later than 5 p.m., Mountain Standard Time on June 7, 1999, in order to be considered for the Fall, 1999 awards. Late applications will be rejected and returned to the sender.

**ADDRESSES:** Request application materials from and send applications to: PREP Program Coordinator, Division 360, National Institute of Standards and Technology, 325 Broadway, Boulder, CO 80303.

Application materials may also be downloaded from the World Wide Web at the following address: <http://www.boulder.nist.gov/exec/bdprepo.htm>.

**FOR FURTHER INFORMATION CONTACT:** Phyllis Wright, Program Coordinator, telephone (303) 497-3244, or e-mail [phyllis.wright@nist.gov](mailto:phyllis.wright@nist.gov).

**SUPPLEMENTARY INFORMATION:**

Catalog of Federal Domestic Assistance Name and Number: 11.609—Measurement and Engineering Research and Standards.

**Authority:** Section 18 of the NIST Act, as amended (15 USC 278g-1)

**Program Description**

PREP is designed to provide funding to eligible colleges and universities to enable them to provide fellowships to undergraduate, graduate, and post-doctoral students. Through these fellowships, students will participate in valuable laboratory experiences and will receive financial assistance. Through this program NIST sponsors will often become mentors and work collaboratively with the faculty and advisors at the university to further the success of the student. The majority of the laboratory research experiences will take place at the NIST laboratory in Boulder, Colorado.

Fellowships will be awarded to students by the selected colleges and universities to encourage the growth and progress of science and engineering in the United States, including the encouragement of women and minority students seeking to further their professional development. A major objective is to nurture students considered to be potential future NIST employees.

Undergraduate and graduate students receiving NIST-PREP fellowships must be accepted for enrollment for academic credit as full-time students at an accredited university and remain affiliated with the university during the term of the fellowship. Fellowships may be extended after graduation only as long as necessary to complete research projects started by the student while enrolled as a student with the university. Post-doctoral students must be affiliated with a university during the term of the fellowship.

**Funding Availability**

Applications for cooperative agreements should be for one year, with options for renewal at the discretion of NIST for up to four additional years without competition.

Fellowships will be awarded by the cooperating colleges and/or universities contingent solely upon the availability of NIST program funds and the selection of students by potential NIST sponsors. Fellowships will be negotiated between the university and NIST, and can include the following: undergraduate fellowships can include a stipend and full tuition payment at the in-state rate; graduate fellowships can consist of a stipend, tuition assistance, and insurance; and postgraduate fellowships are negotiated between university and NIST as part of the cooperative agreement and may consist of a stipend, travel, moving expenses, and other miscellaneous expenses.

**Matching Requirements**

Cost sharing and matching is not required under this program. However, in the interest of furthering the education and development of future scientists and engineers, applicants are encouraged to cost share on a voluntary basis. Voluntary costs sharing may include any eligible costs under the applicable costs principles that meet the test of reasonableness, allocability, and allowability. Such voluntary cost sharing may include, but is not limited to, cash contributions for direct costs, contributions of indirect costs, or in-kind contributions. While cost sharing is not required, any cost the share contribution will be taken into consideration in reviewing the competitiveness of the proposed project budget.

**Type of Funding Instrument**

NIST expects to award two or more cooperative agreements. This information is provided in the interest of maximum openness of the agency's intent. It is not intended to bind the agency to any specific number of cooperative agreements. As the funding instrument will be a cooperative agreement, NIST anticipates that it will be substantially involved with the applicant institution in the implementation and management of all cooperative agreements awarded. It is anticipated that before fellowships are offered to students, the students will be screened by the appropriate officials of the applicant organization and NIST sponsors. Criteria for such screening will be mutually developed by NIST and the applicant organization.

**Eligibility Criteria**

Accredited educational institutions that offer undergraduate and graduate degrees in physics, chemistry, materials science, mathematics, computer science, or engineering are eligible to participate in this program. Students who receive fellowships under the program must be citizens of the United States or lawfully admitted to the United States for permanent residence, and show evidence of a 3.0 or higher grade point average in a curriculum acceptable to the sponsoring educational institution and NIST. Undergraduate and graduate students must be enrolled full-time, and post-graduate students must be associated with the accredited educational institution. Post-doctoral students who receive fellowships under the program must begin the program within five years of receiving their doctoral degree. In most cases, applicants must insure the availability

of students for on-site work experiences in Boulder, Colorado concurrently with the university classroom studies.

#### **Award Period**

Applicants must propose undergraduate fellowships for one semester time periods, and graduate and postdoctoral fellowships for one year time periods. Undergraduate and graduate fellowships may be renewed as long as the student adequate progress toward a degree in a curriculum acceptable to the sponsoring educational institution and NIST, and maintains a 3.0 or higher grade point average. Proposed graduate fellowships must not exceed six years. Proposed post-doctoral fellowships may be renewed, but must not exceed a total of three years.

#### **Indirect Costs**

Applicants are encouraged to propose to cover indirect costs as cost share under the program. However, indirect costs are eligible project costs. Any indirect costs proposed in an application under this program must not exceed the indirect cost rate negotiated with the applicant's cognizant or oversight Federal agency prior to the proposed effective date of the award.

#### **Applicant Forms**

Standard Form (SF)424, Application for Financial Assistance, SF 424A, SF 424B, and CD-511 shall be used for applying a financial assistance. Awards resulting from this competition will be administered in accordance with 15 CFR 14, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, Other Non-Profits, and Commercial Organizations;" and OMB Circular A-21, "Cost Principles for Educational Institutions;" and other award terms and conditions. An application kit may be requested from the contact person at the address listed above. Proposals may be structured in any way that the applicants believe will best present their proposed project. A format that NIST offers for consideration by applicant is as follows:

#### **Proposal Summary**

*I. Introduction:* Describe the institution's qualifications for conducting the proposed project.

*II. Need Assessment:* Document and explain the needs to be met by the proposed project or problems to be solved as a result of conducting the proposed project

*III. Objectives:* Provide detailed expected project outcomes and benefits

to the college or university expressed in measurable terms.

*IV. Evaluation:* Delineate plans for measuring success or determining the degree to which the project objectives were met.

*V. Budget:* Prepare SF-424-A and provide a detailed budget narrative to explain fully and justify all proposed project funding including each level of fellowships (undergraduate, graduate, and post-graduate) and other resources.

*VI. Future or Other:* Describe plans for continuing the project Necessary Funding beyond Federal funding currently requested. It is up to the applicant organization to determine appropriate application criteria for use by undergraduate, graduate, and post-doctoral students in applying for the fellowship program. There is no prescribed format. Examples of criteria previously used can be obtained from the contact person listed above or by downloading copies from the PREP web site at <http://www.boulder.nist.gov/exec/bdprepo.htm>.

#### **Project Funding Priorities**

Applicants must be able to provide students for on site work experiences at the NIST laboratories in Boulder, Colorado. The student must also be enrolled in an academic program acceptable to both the sponsoring institution and NIST while working in the laboratories.

#### **Application Evaluation Criteria**

Applications will be evaluated by a panel of at least three independent reviewers who are knowledgeable in the subject matter of this solicitation and its objectives. All applications will be evaluated and scored on the basis of the evaluation criteria delineated below:

1. Experience in providing students pursuing degrees in physics, chemistry, materials science, mathematics, computer science or engineering with work experiences in laboratories or other settings consistent with furthering the students' education. Unsatisfactory performance on any previous Federal awards may result in an application not being considered for funding. (30 Points)

2. Soundness of the applicant's academic program, proposed project objectives, and appropriateness of proposed student work assignments in light of ongoing research at NIST/ Boulder and the students' academic programs. (30 Points)

3. Adequacy and reasonableness of plans for administering the project and coordinating with the NIST Program Officer in Boulder. (20 Points)

4. Cost realism of the proposed project budget (proposed fellowships and other proposed costs) in light of the activities proposed and the objectives of the sponsoring institution and NIST. (20 Points)

#### **Selection Procedures**

##### *Selection Procedures*

The selection of institutions to be recommended for an award will be made by the Executive Officer at the NIST Laboratory in Boulder, Colorado. In recommending applications for funding, the Executive Officer will take into consideration the results of the evaluations and scores of the independent review panel, the needs of the NIST laboratories, and the selection official's judgement as to which applications, taken as a whole, are likely to best further the goals of the PREP program. The final selection of applications and award of cooperative agreements will be made by the NIST Grants Officer in Gaithersburg, Maryland.

#### **Other Requirements**

##### **Federal Policies and Procedures**

Recipients and subrecipients are subject to all Federal laws and Federal and DoC policies, regulations, and procedures applicable to Federal financial assistance awards.

##### **Past Performance**

Unsatisfactory performance under prior Federal awards may result in an application not being considered for funding.

##### **Preaward Activities**

If applicants incur any costs prior to an award being made, they do so solely at their own risk of not being reimbursed by the Government. Notwithstanding any verbal or written assurance that may have been received, there is no obligation on the part of DoC to cover preaward costs.

##### **No Obligation for Future Funding**

If an application is selected for funding, DoC has no obligation to provide any additional future funding in connection with that award. Renewal of an award to increase funding or extend the period of performance is at the total discretion of DoC.

##### **Delinquent Federal Debts**

No award of Federal funds shall be made to an applicant who has an outstanding delinquent Federal debt until either:

1. The delinquent account is paid in full,

2. A negotiated repayment schedule is established and at least one payment is received, or

3. Other arrangements satisfactory to DoC are made.

#### **Name Check Review**

All non-profit and for-profit applicants are subject to a name check review process. Name checks are intended to reveal if any key individuals associated with the applicant have been convicted of or are presently facing criminal charges such as fraud, theft, perjury, or other matters which significantly reflect on the applicant's management honesty or financial integrity.

#### **Primary Applicant Certifications**

All primary applicants must submit a completed Form CD-511, "Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying," and the following explanations are hereby provided:

1. Nonprocurement Debarment and Suspension: Prospective participants (as defined at 15 CFR Part 26, Section 105) are subject to 15 CFR Part 26, "Nonprocurement Debarment and Suspension" and the related section of the certification form prescribed above applies;

2. Drug-Free Workplace: Grantees (as defined at 15 CFR Part 26, Section 605) are subject to 15 CFR Part 26, Subpart F, "Governmentwide Requirements for Drug-Free Workplace (Grants)" and the related section of the certification form prescribed above applies;

3. Anti-Lobbying: Persons (as defined at 15 CFR Part 28, Section 105) are subject to the lobbying provisions of 31 U.S.C. 1352, "Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions," and the lobbying section of the certification form prescribed above applies to applicants/bids for cooperative agreements for more than \$100,000; and

4. Anti-Lobbying Disclosures: Any applicant who has paid or will pay for lobbying using any funds must submit in SF-LLL, "Disclosure of Lobbying Activities," as required under 15 CFR Part 28, Appendix B.

#### **False Statements**

A false statement on an application is grounds for denial or termination of funds and grounds for possible punishment by a fine of imprisonment as provided in 18 U.S.C. 1001.

#### **Intergovernmental Review**

Applications under this program are not subject to Executive Order 12372, "Intergovernmental Review of Federal Programs."

#### **Purchase of American-Made Equipment and Products**

Applicants are hereby notified that they are encouraged, to the greatest practicable extent, to purchase American-made equipment and products with funding provided under this program.

#### **Executive Order 12866**

This funding notice was determined to be "not significant" for purposes of Executive Order 12866.

#### **Paperwork Reduction Act**

This Notice involves collections of information subject to the Paperwork Reduction Act (PRA), which have been approved by the Office of Management and Budget (OMB) under OMB Control Numbers 0348-0043, 0348-0044, 0348-0040, and 0348-0046. Notwithstanding, any other provision of law no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the PRA unless that collection displays a current valid OMB control number.

Dated: May 3, 1999.

**Karen H. Brown,**  
*Deputy Director.*

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#### **DEPARTMENT OF COMMERCE**

##### **National Oceanic and Atmospheric Administration**

[Docket No. 990430116-9116-01; I.D. 042099A]

##### **Taking of Marine Mammals Incidental to Commercial Fishing Operations; Tuna Purse Seine Vessels in the Eastern Tropical Pacific Ocean (ETP); Initial Finding**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

**ACTION:** Finding.

**SUMMARY:** On April 29, 1999, the National Marine Fisheries Service (NMFS) made the initial finding required by the International Dolphin Conservation Program Act (IDCPA). NMFS found that there is insufficient evidence that chase and encirclement by

the tuna purse seine fishery "is having a significant adverse impact" on depleted dolphin stocks in the ETP. Based on this initial finding, and effective on the effective date of the final regulations to implement the IDCPA, tuna products containing tuna harvested in the ETP by purse seine vessels with carrying capacity greater than 400 short tons may be labeled "dolphin-safe" only if no dolphins were killed or seriously injured during the set in which the tuna were caught.

**DATES:** The initial finding will become effective on the effective date of the final regulations to implement the IDCPA which will be published in the **Federal Register**.

**ADDRESSES:** The Report to Congress and supporting documentation may be found on the internet at [http://swfsc.ucsd.edu/mm\\_res.html](http://swfsc.ucsd.edu/mm_res.html) or [http://www.nmfs.gov/prot\\_res/main/new.html](http://www.nmfs.gov/prot_res/main/new.html). Copies may also be obtained from the Marine Mammal Division, Southwest Fisheries Science Center, 8604 La Jolla Shores Drive, P.O. Box 271, La Jolla, California 92038-0271.

**FOR FURTHER INFORMATION CONTACT:** J. Allison Routt, NMFS, Southwest Region, Protected Resources Division, (562-980-4020).

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

One of the primary fishing methods used to harvest tuna in the ETP is dolphin encirclement. Under this method, fishermen set their nets around groups of dolphins because schools of tuna swim below them. Over the years, fishermen have developed techniques to reduce the number of dolphins killed annually by encirclement from over 350,000 animals in the early 1970s to approximately 2,000 in 1998. However, the practice remains controversial and, in 1989, U.S. tuna cannery agreed to use only tuna that had been caught by methods other than encirclement and began to use dolphin-safe labels on their cans. In 1990, the term "dolphin safe" was defined statutorily to mean no intentional dolphin encirclement per trip. Amendments to the statute in 1992 prohibited the sale of non-dolphin safe tuna in the United States after June 1, 1994.

As a result of the U.S. statutes, in 1995 several Latin American countries agreed in the Panama Declaration to limit dolphin mortalities associated with tuna fishing in the ETP to no more than 5,000 dolphins per year, with additional limits on individual stocks. The Panama Declaration was signed by the nations participating in the voluntary international dolphin