

**DEPARTMENT OF COMMERCE****National Institute of Standards and Technology****[Docket No: 101227631-0630-01]****Summer Undergraduate Research Fellowships (SURF) NIST Gaithersburg and Boulder Programs; Availability of Funds****AGENCY:** National Institute of Standards and Technology, Commerce.**ACTION:** Notice.

**SUMMARY:** The National Institute of Standards and Technology (NIST) announces that the following programs are soliciting applications for financial assistance for FY 2011: (1) The NIST Gaithersburg Summer Undergraduate Research Fellowship Programs, and (2) the NIST Boulder Summer Undergraduate Research Fellowship Programs. Each program will only consider applications that are within the scientific scope of the program as described in this notice and in the detailed program descriptions found in the Federal Funding Opportunity (FFO) announcement for these programs. Please note that due to a change in Department of Commerce policy, in future years these programs will be announced only on <http://www.grants.gov>; they will not be announced in the **Federal Register**.

**DATES:** See below.**ADDRESSES:** See below.**SUPPLEMENTARY INFORMATION:**

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

**Summer Undergraduate Research Fellowships (SURF) NIST Gaithersburg and Boulder Programs**

*Program Description:* NIST is one of the nation's premiere research institutions for the physical and engineering sciences and, as the lead Federal agency for technology transfer, it provides a strong interface between government, industry and academia. NIST embodies a science culture, developed from a large and well-equipped research staff that enthusiastically blends programs that address the immediate needs of industry with longer-term research that anticipates future needs. This occurs in few other places and enables the Center for Nanoscale Science and Technology (CNST), Engineering Laboratory (EL), Information Technology Laboratory (ITL), Material Measurement Laboratory (MML), NIST Center for Neutron

Research (NCNR), and Physical Measurement Laboratory (PML), to offer unique research and training opportunities for undergraduates, providing them a research-rich environment and exposure to state of the art equipment.

The *SURF NIST Gaithersburg Programs* are soliciting applications in the areas of physics, chemistry, biology, materials science, nanotechnology, neutron research, engineering, mathematics, and computer science as described in the Federal Funding Opportunity. The *SURF NIST Boulder Programs* are soliciting applications in the areas of physics, chemistry, biology, engineering, materials science, mathematics, and computer science as described in the Federal Funding Opportunity.

Applications for the Gaithersburg and Boulder programs are separate. Application to one program does not constitute application to the other, and applications will not be exchanged between the Gaithersburg and Boulder programs. If applicants wish to be considered at both sites, two separate applications must be submitted.

Both SURF programs provide an opportunity for the NIST laboratories and the National Science Foundation (NSF) to join in a partnership to encourage outstanding undergraduate students to pursue careers in science and engineering. The objective of the SURF programs is to build a mutually beneficial relationship among the student, the institution, and NIST. The programs are conducted in English and provide research opportunities for students to work with internationally known NIST scientists, to expose them to cutting-edge research and promote the pursuit of graduate degrees in science and engineering. It is expected that the students in the program will have a proficiency in writing and speaking English, the ability to live and work with others, a commitment to honesty, and an interest in learning new things and using their own innovativeness to develop new science. Safety is a top priority at NIST. Students participating in the SURF program will be expected to be safety-conscious, to attend NIST safety training, and to comply with all NIST safety policies and procedures.

The *SURF NIST Gaithersburg and Boulder Program* Directors will work with appropriate department chairs, outreach coordinators, and directors of multi-disciplinary academic organizations to identify outstanding undergraduates (including graduating seniors) who would benefit from off-

campus summer research in a world-class scientific environment.

**CNST, EL, ITL, MML/NCNR and PML SURF NIST Gaithersburg Programs**

**DATES:** All *SURF NIST Gaithersburg Program* applications, paper and electronic, must be received no later than 5 p.m. Eastern Standard Time on February 15, 2011.

**ADDRESSES:** For all *SURF NIST Gaithersburg Programs*, paper applications must be submitted to: Ms. Anita Sweigert, Administrative Coordinator, SURF NIST Gaithersburg Programs, National Institute of Standards and Technology, 100 Bureau Drive, Stop 8400, Gaithersburg, MD 20899-8400. Electronic applications must be submitted through [grants.gov](http://grants.gov).

**FOR FURTHER INFORMATION CONTACT:**

Program questions should be addressed to Ms. Anita Sweigert, Administrative Coordinator, SURF NIST Gaithersburg Programs, National Institute of Standards and Technology, 100 Bureau Drive, Stop 8400, Gaithersburg, MD 20899-8400, Tel: (301) 975-4200, E-mail: [anita.sweigert@nist.gov](mailto:anita.sweigert@nist.gov). The *SURF NIST Gaithersburg Program* Web site is: <http://www.nist.gov/surfgaithersburg>. All grants related administration questions concerning this program should be directed to Christopher Hunton, NIST Grants and Agreements Management Division at (301) 975-5718 or [christopher.hunton@nist.gov](mailto:christopher.hunton@nist.gov). For assistance with using Grants.gov contact [support@grants.gov](mailto:support@grants.gov) or the Help Desk at 800-518-4726.

**SUPPLEMENTARY INFORMATION**

*Electronic Access:* NIST strongly encourages all applicants to read the Federal Funding Opportunity Notice (FFO) available at <http://www.grants.gov> for complete information about this program and its requirements, and instructions for applying by paper or electronically. A paper copy of the FFO may be obtained by calling (301) 975-6328. The Gaithersburg and Boulder SURF programs will publish separate FFOs on <http://www.grants.gov>.

**Funding Availability**

Funds budgeted for payments to students under these programs are stipends, not salary. The stipend is an amount that is expected to be provided to the participating student to help defray the cost of living, for the duration of the program, in the Washington National Capital Region. The *SURF NIST Gaithersburg Programs* will not authorize funds for indirect costs or fringe benefits. The table below summarizes the anticipated funding levels from the National Science

Foundation (NSF) to operate our Research Experience for Undergraduates (REU) programs, subject to program renewals and availability of funds. In

some programs, anticipated NIST co-funding will supplement the number of awards supported. Program funding will be available to provide for the costs of

stipends (\$454.54 per week per student), plus travel and lodging (up to \$3,500 per student).

Program	Anticipated NSF funding	Anticipated NIST funding	Total program funding	Anticipated number of awards
CNST .....	\$47,400	\$18,000	\$65,400	~7
EL .....	92,500	47,500	140,000	~16
ITL .....	0	40,000	40,000	~5
MML/NCNR .....	130,000	18,000	31,000	~38
PML .....	184,000	95,000	279,000	~32

The actual number of awards made under this announcement will depend on the proposed budgets and the availability of funding. The funding instrument will be a cooperative agreement as NIST will be substantially involved in the program due to collaboration with funding recipients in the scope of work. For all *SURF NIST Gaithersburg Programs* described in this notice, NIST expects that individual awards to institutions will range from approximately \$3,000 to \$70,000. Funding for student housing will be included in cooperative agreements awarded under this notice.

The *SURF NIST Gaithersburg Program* is anticipated to run from May 23, 2011 through August 5, 2011; adjustments may be made to accommodate specific academic schedules (e.g., a limited number of 9-week cooperative agreements).

**Statutory Authority:** The authority for the *SURF NIST Gaithersburg Program* is 15 U.S.C. 278g-l, which authorizes NIST to fund financial assistance awards to students at institutions of higher learning within the United States who show promise as present or future contributors to the mission of the Institute.

**Eligibility:** NIST's *SURF Gaithersburg Programs* are open to colleges and universities in the United States and its territories with degree-granting programs in materials science, chemistry, nanoscale science, neutron research, engineering, computer science, mathematics, or physics. Participating students must be U.S. citizens or permanent U.S. residents.

**Cost Sharing or Matching:** The *SURF Gaithersburg Programs* do not require any cost sharing or matching funds.

**Review and Selection Process:** All *SURF NIST Gaithersburg Program* proposals must be submitted in accordance with the instructions given in the Federal Funding Opportunity. All applications received in response to this announcement will be reviewed to determine whether or not they are complete and responsive to the scope of

the stated objectives for each program. Incomplete or non-responsive applications will not be reviewed for technical merit. The Program will retain one copy of each non-responsive application for three years for record keeping purposes. The remaining copies will be destroyed.

Proposals must include the required forms listed in the FFO, and the following information:

(A) Student Information (student's name and university should appear on all of these documents):

(1) Student application information cover sheet;

(2) Academic transcript for each student nominated for participation (it is recommended that students have a G.P.A. of 3.0 or better, out of a possible 4.0);

(3) A statement of motivation and commitment from each student to participate in the 2011 *SURF Program*, including a description of the student's prioritized research interests;

(4) A resume for each student;

(5) Two letters of recommendation for each student that should address paragraph (A) of the evaluation criteria below; and

(6) Copy of passport, green card, or birth certificate as confirmation of U.S. citizenship or permanent legal resident status for each student.

(B) Information About the Applicant Institution:

(1) Description of the institution's education and research programs; and

(2) A summary list of the student(s) being nominated.

Institution proposals will be separated into student/institution packets. Each student/institution packet will be comprised of the required application forms, including a complete copy of the student information and a complete copy of the institution information. The student/institution packets will be directed to the *SURF NIST Gaithersburg Program* or MML/NCNR Sub-program designated by the student as his/her first choice.

The selection process occurs in three rounds. Each *SURF NIST Gaithersburg Program* will have three independent, objective NIST employees, who are knowledgeable in the scientific areas of the program, conduct a technical review of each student/institution packet based on the Evaluation Criteria for the *SURF NIST Gaithersburg Programs* described in this notice. For the first round of evaluations and placement, each technical reviewer will evaluate according to the Evaluation Criteria listed below and provide a score for each student/institution packet. Based on the average of the reviewers' scores, a rank order of the student/institution packets will be prepared within each laboratory.

The *SURF Program Director* (Selecting Official) for each program, who is a NIST program official who did not participate in the technical evaluations, will then apply the following Selection Factors, which may result in revisions to the rank order: relevance of the student's course of study to the program objectives of the NIST laboratory in which that *SURF NIST Gaithersburg Program* resides as described in the Program Description section of this notice and the corresponding Federal Funding Opportunity, the relevance of the student's statement of commitment to the goals of the *SURF NIST Gaithersburg Program*, fit of the student's interests and abilities to the available projects in that laboratory program, assessment of whether the laboratory experience is a new opportunity for the student which may encourage future postgraduate training, and the availability of funding.

Based on these results, the Program Director (Selecting Official) for each laboratory program will divide the rank ordered student/institution packets into three categories: Priority Funding; Fund if Possible; and Do Not Fund. Student/institution packets placed in the Priority Funding category will be selected for funding in that *SURF NIST Gaithersburg Program*, contingent upon availability of

funds. Student/institution packets placed in the Do Not Fund category will not be considered for funding by any other *SURF NIST Gaithersburg Program*.

Student/institution packets placed in the Fund if Possible Category may be considered for funding at a later time by the category-designating *SURF NIST Gaithersburg Program*. The "category-designating" program is the *SURF NIST Gaithersburg Program* whose Program Director first categorized the applicant packet as "Priority Funding", "Fund if Possible", or "Do Not Fund." This is the same *SURF NIST Gaithersburg Program* which was designated by the student in the application cover sheet as his/her first choice. In the interim, period these students will be released for consideration for funding by the *SURF NIST Gaithersburg Program* designated by the student as his/her second choice. The student's second choice laboratory's SURF Program Director will take into consideration the recommendations of the reviewers who conducted the technical reviews for the student's first choice *SURF NIST Gaithersburg Program*, apply the selection factors noted above as applied to that laboratory and arrive at a final rank order of the students available for the second round of selections and placements. Any *SURF NIST Gaithersburg Program* may choose not to participate in the second round, if the Program Director does not see suitable students in the second round appropriate for the available projects. Students not selected during the first or second round are available for the third round of selections.

Students not selected for funding by their first or second choice *SURF NIST Gaithersburg Program*, and students who did not designate a second choice, will then be considered for funding from all *SURF NIST Gaithersburg Programs* that still have slots available in a third round, using the same process as the second round. In making selections for the third round of selections and placement, each *SURF NIST Gaithersburg Program* Director (Selecting Official) will take into consideration the recommendations of the reviewers who conducted the technical reviews for the student's first choice *SURF NIST Gaithersburg Program*, the selection factors noted above as applied to that laboratory, and the rank order of the students in this selection round. Any *SURF NIST*

*Gaithersburg Program* may choose not to participate in the third round if there are no slots available. Substitutions for students who decline offers will be made from the remaining pool of ranked students consistent with the program review process.

The final approval of selected applications and award of cooperative agreements will be made by the NIST Grants Officer based on compliance with application requirements as published in this notice and other applicable legal and regulatory requirements. NIST also reserves the right to reject an application where information is uncovered that reflects adversely on an applicant's business integrity, resulting in a determination by the Grants Officer that an applicant is not presently responsible. Applicants may be asked to modify objectives, work plans, or budgets and provide supplemental information required by the agency prior to award. The decision of the Grants Officer is final.

The *SURF NIST Gaithersburg Programs* will retain one copy of each unsuccessful application for three years for recordkeeping purposes, and unsuccessful applicants will be notified in writing. The remaining copies will be destroyed.

**Evaluation Criteria:** For the *SURF NIST Gaithersburg Programs*, the evaluation criteria are:

(A) *Evaluation of Student's Interest in Participating in the Program, Academic Ability, Laboratory Experience and Advanced Degree Interest:* Evaluation of grade point average in courses relevant to the *SURF NIST Gaithersburg Programs*, career goals, honors and awards, commitment of the student to working in a laboratory environment, and interest in pursuing graduate school.

(B) *Institution's Commitment to Program Goals:* Evaluation of the institution's academic department(s) relevant to the discipline(s) of the student(s).

Each of these factors is given equal weight in the evaluation process.

#### **SURF NIST Boulder Programs**

**DATES:** All SURF NIST Boulder Program applications, paper and electronic, must be received no later than 5 p.m. Mountain Standard Time on February 15, 2011.

**ADDRESSES:** Paper applications for the *SURF NIST Boulder Program* must be

submitted to: Ms. Cynthia Kotary, Administrative Coordinator, SURF NIST Boulder Programs, National Institute of Standards and Technology, 325 Broadway, Mail Stop 104, Boulder, CO 80305-3337. Electronic applications must be submitted through <http://www.grants.gov>.

#### **FOR FURTHER INFORMATION CONTACT:**

Program questions should be addressed to Ms. Cynthia Kotary, Administrative Coordinator, SURF NIST Boulder Programs, National Institute of Standards and Technology, 325 Broadway, Mail Stop 104, Boulder, CO 80305-3337, Tel: (303) 497-3319, E-mail: [kotary@boulder.nist.gov](mailto:kotary@boulder.nist.gov); Web site: <http://www.nist.gov/surfboulder/>. All grants related administration questions concerning this program should be directed to Mr. Christopher Hunton, NIST Grants and Agreements Management Division at (301) 975-5718, or [Christopher.hunton@nist.gov](mailto:Christopher.hunton@nist.gov). For assistance with using Grants.gov contact [support@grants.gov](mailto:support@grants.gov) or the Help Desk at 800-518-4726.

#### **SUPPLEMENTARY INFORMATION:**

**Electronic Access:** NIST strongly encourages all applicants to read the Federal Funding Opportunity Notice (FFO) available at <http://www.grants.gov> for complete information about this program and its requirements, and instructions for applying by paper or electronically. A paper copy of the FFO may be obtained by calling (301) 975-6328. The Gaithersburg and Boulder SURF programs will publish separate FFOs on <http://www.grants.gov>.

**Funding Availability:** Funds budgeted for payments to students under this program are stipends, not salaries. The stipend is an amount that is expected to be provided to the participating student to help defray the cost of living, for the duration of the program, in Boulder, Colorado. The *SURF NIST Boulder Programs* will not authorize funds for indirect costs or fringe benefits. The table below summarizes the anticipated annual funding levels from the National Science Foundation (NSF) to operate the Research Experience for Undergraduates (REU) programs, subject to program renewals and availability of funds. In some programs, anticipated NIST co-funding will supplement the number of awards supported. Program funding will be available to provide for the costs of stipends, plus travel and lodging.

Laboratory	Anticipated NSF funding	Anticipated NIST funding	Total program funding	Anticipated number of awards
PML .....	\$55,500	\$75,000	\$130,500	~15

Laboratory	Anticipated NSF funding	Anticipated NIST funding	Total program funding	Anticipated number of awards
MML .....	18,500	25,000	43,500	~5
ITL .....	7,400	10,000	17,400	~2

The actual number of awards made under this announcement will depend on the proposed budgets and the availability of funding. The funding instrument will be a cooperative agreement as NIST will be substantially involved in the program due to collaboration with funding recipients in the scope of work. NIST expects that individual awards to institutions will range from approximately \$3,000 to \$70,000. Funding for student housing will be included in the cooperative agreements awarded under this notice.

The *SURF NIST Boulder Programs* are anticipated to run from May 23, 2011 through August 5, 2011; adjustments may be made to accommodate specific academic schedules (e.g., a limited number of 11-week cooperative agreements with the schedule shifted to begin after the regular start in order to accommodate institutions operating on quarter systems).

**Statutory Authority:** The authority for the *SURF NIST Boulder Program* is 15 U.S.C. 278g-l, which authorizes NIST to fund financial assistance awards to students at institutions of higher learning within the United States who show promise as present or future contributors to the mission of the Institute.

**Eligibility:** The *SURF NIST Boulder Programs* are open to colleges and universities in the United States and its territories with degree-granting programs in physics, chemistry, biology, engineering, materials science, mathematics, or computer science. Participating students must be U.S. citizens or permanent U.S. residents.

**Cost Sharing or Matching:** The *SURF NIST Boulder Program* does not require any cost sharing or matching funds.

**Review and Selection Process:** All *SURF NIST Boulder Programs* proposals must be submitted to the Administrative Coordinator listed in the Addresses section above. Proposals must include the required forms listed in the FFO, and the following information:

(A) Student Information (student's name and university should appear on all of these documents):

(1) Student application information cover sheet;

(2) Academic transcript for each student nominated for participation (it is recommended that students have a G.P.A. of 3.0 or better, out of a possible 4.0);

(3) A statement of motivation and commitment from each student to participate in the 2011 SURF Program, including a description of the student's prioritized research interests;

(4) A resume for each student;

(5) Two letters of recommendation for each student; and

(6) Copy of passport, green card, or birth certificate as confirmation of U.S. citizenship or permanent legal resident status for each student.

(B) Information About the Applicant Institution:

(1) Description of the institution's education and research programs; and

(2) A summary list of the student(s) being nominated, with one paragraph of commentary about each student from a dean or department chair that describes why the students would be successful in the SURF Boulder Program.

Institution proposals will be separated into student/institution packets. Each student/institution packet will be comprised of the required application forms, including a complete copy of the student information and a complete copy of the institution information. The student/institution packets will be directed to a review committee of NIST staff appointed by the SURF NIST Boulder Directors.

First, all applications received in response to this announcement will be reviewed to determine whether or not they are complete and responsive to the scope of the stated program objectives. Incomplete or non-responsive proposals will not be reviewed for technical merit, and the applicant will be so notified. The Program will retain one copy of each non-responsive application for three years for record-keeping purposes. The remaining copies will be destroyed.

Second, each SURF student/university packet will be reviewed by at least three independent, objective NIST employees, who are knowledgeable in the scientific areas of the program and are able to conduct a technical review of each student/university packet based on the Evaluation Criteria described in this notice. The normalized scores based on this merit review will be averaged for each student/institution applicant packet, creating a rank order. The Selecting Official, the Special Assistant to the Director of NIST Physical Measurement Laboratory, shall award in the rank order unless a proposal is

justified to be selected out of rank order based upon one or more of the following factors: Availability of funding, and balance or distribution of funds by research or technical disciplines.

The final approval of selected applications and award of financial assistance will be made by the NIST Grants Officer based on compliance with application requirements as published in this notice, compliance with applicable legal and regulatory requirements, and whether the recommended applicants appear to be responsible. Applicants may be asked to modify objectives, work plans, or budgets and provide supplemental information required by the agency prior to award. The decisions of the Grants Officer are final.

Unsuccessful applicants will be notified in writing. The Program will retain one copy of each unsuccessful application for three years for record keeping purposes. The remaining copies will be destroyed.

**Evaluation Criteria:** For the *SURF NIST Boulder Programs* the evaluation criteria are as follows:

(A) *Evaluation of Student's Academic Ability and Commitment to Program Goals (80%)*: Includes evaluation of completed course work; expressed research interest; compatibility of the expressed research interest with SURF NIST Boulder research areas; research skills; grade point average in courses relevant to the *SURF NIST Boulder Programs*; career goals; honors and activities;

(B) *Evaluation of Applicant Institution's Commitment to Program Goals (20%)*: Includes evaluation of the institution's academic department(s) relevant to the discipline(s) of the student(s).

The following information applies to all programs announced in this notice:

**The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements:** The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements, which are contained in the **Federal Register** Notice of February 11, 2008 (73 FR 7696) are applicable to this notice.

**Dun and Bradstreet Data Universal Numbering System:** On the form SF-424 items 8.b. and 8.c., the applicant's 9-digit Employer/Taxpayer Identification

Number (EIN/TIN) and 9-digit Dun and Bradstreet Data Universal Numbering System (DUNS) number must be consistent with the information on the Central Contractor Registration (CCR) (<http://www.ccr.gov>) and Automated Standard Application for Payment System (ASAP). For complex organizations with multiple EIN/TIN and DUNS numbers, the EIN/TIN and DUNS numbers MUST be the numbers for the applying organization. Organizations that provide incorrect/inconsistent EIN/TIN and DUNS numbers may experience significant delays in receiving funds if their proposal is selected for funding. Please confirm that the EIN/TIN and DUNS numbers are consistent with the information on the CCR and ASAP.

**Use of NIST Intellectual Property:** If the applicant anticipates using any NIST-owned intellectual property to carry out the work proposed, the applicant should identify such intellectual property. This information will be used to ensure that no NIST employee involved in the development of the intellectual property will participate in the review process for that competition. In addition, if the applicant intends to use NIST-owned intellectual property, the applicant must comply with all statutes and regulations governing the licensing of Federal government patents and inventions, described at 35 U.S.C. 200–212, 37 CFR part 401, 15 CFR 14.36, and in section B.21 of the Department of Commerce Pre-Award Notification Requirements, 73 FR 7696 (February 11, 2008). Questions about these requirements may be directed to the Chief Counsel for NIST, 301–975–2803.

Any use of NIST-owned intellectual property by a proposer is at the sole discretion of NIST and will be negotiated on a case-by-case basis if a project is deemed meritorious. The applicant should indicate within the statement of work whether it already has a license to use such intellectual property or whether it intends to seek one.

If any inventions made in whole or in part by a NIST employee arise in the course of an award made pursuant to this notice, the United States government may retain its ownership rights in any such invention. Licensing or other disposition of NIST's rights in such inventions will be determined solely by NIST, and include the possibility of NIST putting the intellectual property into the public domain.

**Paperwork Reduction Act:** The standard forms in the application kit involve a collection of information

subject to the Paperwork Reduction Act. The use of Standard Forms 424, 424A, 424B, SF–LLL, CD–346, and SURF Program Student Applicant Information have been approved by the Office of Management and Budget (OMB) under the respective Control Numbers 0348–0043, 0348–0044, 0348–0040, 0348–0046, 0605–0001, and 0693–0042. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

**Research Projects Involving Human Subjects, Human Tissue, Data or Recordings Involving Human Subjects:** Any proposal that includes research involving human subjects, human tissue, data or recordings involving human subjects must meet the requirements of the Common Rule for the Protection of Human Subjects, codified for the Department of Commerce at 15 CFR part 27. In addition, any proposal that includes research on these topics must be in compliance with any statutory requirements imposed upon the Department of Health and Human Services (DHHS) and other Federal agencies regarding these topics, all regulatory policies and guidance adopted by DHHS, the Food and Drug Administration, and other Federal agencies on these topics, and all Presidential statements of policy on these topics.

NIST will accept the submission of human subjects protocols that have been approved by Institutional Review Boards (IRBs) currently registered with DHHS and performed by entities possessing a current, valid Federal-wide Assurance (FWA) from DHHS, that are appropriately linked to the IRB that approved the protocol. NIST will not issue a single project assurance (SPA) for any IRB reviewing any human subjects protocol proposed to NIST.

Generally, the NIST does not fund research involving human subjects in foreign countries. NIST will consider, however, the use of preexisting tissue, cells, or data from a foreign source on a limited basis if the following criteria are satisfied:

1. The scientific source is considered unique,
2. An equivalent source is unavailable within the United States,
3. An alternative approach is not scientifically of equivalent merit, and
4. The specific use qualifies for an exemption under the Common Rule.

President Obama has issued Executive Order No. 13,505 (74 FR 10667, March 9, 2009), revoking previous Executive Orders and Presidential statements regarding the use of human embryonic stem cells in research. On July 30, 2009, President Obama issued a memorandum directing that agencies that support and conduct stem cell research adopt the “National Institutes of Health Guidelines for Human Stem Cell Research” (NIH Guidelines), which became effective on July 7, 2009, “to the fullest extent practicable in light of legal authorities and obligations.” On September 21, 2009, the Department of Commerce submitted to the Office of Management and Budget a statement of compliance with the NIH Guidelines. In accordance with the President’s memorandum, the NIH Guidelines, and the Department of Commerce statement of compliance, NIST will support and conduct research using only human embryonic stem cell lines that have been approved by NIH in accordance with the NIH Guidelines and will review such research in accordance with the Common Rule and NIST implementing procedures, as appropriate. NIST will not support or conduct any type of research that the NIH Guidelines prohibit NIH from funding. NIST will follow any additional policies or guidance issued by the current Administration on this topic.

**Research Projects Involving Vertebrate Animals:** Any proposal that includes research involving vertebrate animals must be in compliance with the National Research Council’s “Guide for the Care and Use of Laboratory Animals” which can be obtained from National Academy Press, 2101 Constitution Avenue, NW., Washington, DC 20055. In addition, such proposals must meet the requirements of the Animal Welfare Act (7 U.S.C. 2131 *et seq.*), 9 CFR parts 1, 2, and 3, and if appropriate, 21 CFR part 58. These regulations do not apply to proposed research using pre-existing images of animals or to research plans that do not include live animals that are being cared for, euthanized, or used by the project participants to accomplish research goals, teaching, or testing. These regulations also do not apply to obtaining animal materials from commercial processors of animal products or to animal cell lines or tissues from tissue banks.

**Limitation of Liability:** Funding for the programs listed in this notice is contingent upon the availability of Fiscal Year 2010 appropriations. Funding for the programs listed in this notice is contingent upon the availability of Fiscal Year 2011

appropriations. NIST issues this notice subject to the appropriations made available under the current continuing resolution, S. Amend. to H.R. 3081, "Continuing Appropriations Resolution, 2011," Public Law 111-242, as amended by H.J. Res. 101, "Further Continuing Appropriations, 2011," Public Law 111-290; H.J. Res. 105, "Further Continuing Appropriations, 2011," Public Law 111-317; and H.R. 3082, "Further Continuing Appropriations, 2011," Public Law 111-322. NIST anticipates making awards for the programs listed in this notice provided that funding for the programs is continued beyond March 4, 2011, the expiration of the current continuing resolution. In no event will NIST or the Department of Commerce be responsible for proposal preparation costs if these programs fail to receive funding or are cancelled because of agency priorities. Publication of this announcement does not oblige NIST or the Department of Commerce to award any specific project or to obligate any available funds.

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

*Executive Order 13132 (Federalism):* It has been determined that this notice does not contain policies with federalism implications as that term is defined in Executive Order 13132.

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

*Administrative Procedure Act/Regulatory Flexibility Act:* Notice and comment are not required under the Administrative Procedure Act (5 U.S.C. 553) or any other law, for rules relating to public property, loans, grants, benefits or contracts (5 U.S.C. 553(a)). Because notice and comment are not required under 5 U.S.C. 553, or any other law, for rules relating to public property, loans, grants, benefits or contracts (5 U.S.C. 553(a)), a Regulatory Flexibility Analysis is not required and has not been prepared for this notice, 5 U.S.C. 601 *et seq.*

Dated: December 27, 2010.

**David Robinson,**

*Associate Director for Management Resources.*

[FR Doc. 2010-33075 Filed 12-30-10; 8:45 am]

**BILLING CODE 3510-13-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-BA60**

#### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Amendment 5 to the Golden Crab Fishery Management Plan of the South Atlantic

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

**ACTION:** Notice of Intent (NOI) to prepare an environmental impact statement (EIS); request for comments.

**SUMMARY:** NMFS, Southeast Region, in collaboration with the South Atlantic Fishery Management Council (Council), intends to prepare an EIS to describe and analyze a range of alternatives for management actions to be included in Amendment 5 to the Golden Crab Fishery Management Plan of the South Atlantic Region (Amendment 5). These alternatives will consider measures to develop a catch share program for the golden crab fishery. The purpose of this NOI is to solicit public comments on the scope of issues to be addressed in the EIS.

**DATES:** Written comments on the scope of issues to be addressed in the EIS will be accepted from January 12 to February 14, 5 p.m., Eastern time.

**ADDRESSES:** You may submit comments, identified by RIN 0648-BA60, by any one of the following methods:

- *Electronic Submissions:* Submit all electronic public comments via the Federal e-Rulemaking Portal <http://www.regulations.gov>.

- *Mail:* Karla Gore, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

*Instructions:* No comments will be posted for public viewing until after the comment period is over. All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (for example, name, address, *etc.*) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

To submit comments through the Federal e-Rulemaking Portal: <http://www.regulations.gov>, enter "NOAA-NMFS-2010-0279" in the keyword search, then select "Send a Comment or Submission." NMFS will accept

anonymous comments (enter N/A in the required fields if you wish to remain anonymous). You may submit attachments to electronic comments in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

**FOR FURTHER INFORMATION CONTACT:** Karla Gore; phone: (727) 824-5305.

**SUPPLEMENTARY INFORMATION:** The Golden Crab FMP relies on a system of traditional fishery management plus limited access. Traditional fishery management includes: measures to provide biological protection to the resource (escape gaps in traps and no retention of female crabs); gear regulations (allowable gear, requirement for degradable panel, tending requirements, gear identification, and maximum trap size by zone); depth limitations and prohibition of possession of whole fish or fillets of snapper-grouper species; data collection requirements (vessel/fishermen and dealer/processor reporting); and a framework procedure to adjust the management program.

The golden crab fishery resource is not overfished or undergoing overfishing. However, there are underlying social and economic problems resulting from gear conflicts, high regulatory costs, and limited markets. To solve these social and economic problems, managers have increasingly turned to various forms of controlled access or effort limitation. Combining more traditional fishery management measures with controlled access has allowed the Council to solve problems in the golden crab fishery.

The Council is considering development and implementation of a catch share program for golden crab in order to: avoid a derby fishery from developing; place limitations on vessel harvest similar to historical participation; and maintain fishermen harvesting flexibility. Recent information indicates increased participation and renewed interest in participation in the golden crab fishery due to technological improvements that have increased quality, price, and marketability of golden crab.

NMFS, in collaboration with the Council, will develop an EIS to describe and analyze management alternatives to address the management needs described above. Those alternatives will include a "no action" alternative regarding each action.

In accordance with NOAA's Administrative Order 216-6, Section 5.02(c), Scoping Process, NMFS, in collaboration with the Council, has identified preliminary environmental issues as a means to initiate discussion