

FEDERAL REGISTER: 54 FR 38377 (September 18, 1989)

DEPARTMENT OF THE INTERIOR

AGENCY: Bureau of Mines (BOM); Office of Surface Mining Reclamation and Enforcement (OSM)

30 CFR Part 652; 30 CFR Part 890

Mining and Mineral Resources Research Institute Program

ACTION: Final rule.

SUMMARY: This part sets forth the administrative policies and procedures for the Mining and Mineral Resources Research Institute Program. These rules are needed owing to the transfer of responsibility for the program to the Bureau of Mines, and the revised operation of the program.

EFFECTIVE DATE: October 18, 1989.

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SUPPLEMENTARY INFORMATION:

This rulemaking redesignates the existing regulations found at 30 CFR part 890 as a new part 652 and revises and updates the regulations so they reflect the transfer of responsibility and revised operation of the program. By Secretarial Order No. 3073, dated February 1, 1982, the Secretary of the Interior transferred administrative responsibility for the Department's mineral institute program from the Office of Surface Mining Reclamation and Enforcement to the Bureau of Mines. These regulations contain mineral institute eligibility criteria and a description of the characteristics of generic mineral technology centers. A description of the specific responsibilities of mineral institute directors, rules for the transfer of funds between cooperating institutions, and an exposition of the role of the Advisory Committee on Mining and Mineral Resources Research in making recommendations to the Secretary both on the operation of the program and in the determination of institute eligibility are included. Descriptions of the types of reports required under the program and sample statements for crediting the program in the professional literature are provided.

The Department of the Interior has determined this document is not a major rule under E.O. 12291 and certifies this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (*5 U.S.C. 601 et seq.*).

The information collection requirements contained in this rule have been approved by the Office of Management and Budget under *44 U.S.C. 3501 et seq.*, and assigned clearance number 1032-0116.

The Department of the Interior has determined that this document does not constitute a major federal action significantly affecting the quality of the human environment under The National Environmental Policy Act of 1969.

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(Catalog of Federal Domestic Assistance Program No. 15.308, Grants for Mining and Mineral Resources and Research Institutes.)

BACKGROUND AND DISCUSSION

A proposed rule was published in the Federal Register Vol. 53, No. 183, Wednesday, September 21, 1988, on pages 36582-36585. Written comments were solicited for 30 days. Two comments were received, both from mineral institute directors. One respondent stated satisfaction with the description and rules; the second respondent urged adoption of a preproposal system with responsibility placed on each generic center to screen the preproposals and recommend detailed proposals to the Bureau. The Bureau finds the present procedure to be satisfactory at this time in producing a research program having variety and quality.

No change in these rules would be required to adopt an alternative proposal selection system. The Bureau intends to continue to evaluate management options under this rule and could make changes similar to those proposed if conditions warrant.

Since the drafting of this rule Public Law 98-409 has been amended by Public Law 100-483, which extended authorization for the mineral institutes program through September 30, 1994, and made other clarifications. No provisions of Public Law 100-483 required changes in this rule. References to Public Law 100-483 have been added.

LIST OF SUBJECTS IN 30 CFR PARTS 652 AND 890

Grant program -- natural resources, Mineral resources, Mines, Environmental protection, Research, Scholarships and fellowships.

Therefore, Title 30 is amended by redesignating Part 890 of chapter VII as Part 652 of Chapter VI, removing and reserving Subchapter S of Chapter VII, and revising newly redesignated Part 652 to read as follows:

PART 652 -- MINING AND MINERAL RESOURCES RESEARCH INSTITUTE PROGRAM

Section

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Authority: *30 U.S.C. 1221-1230*; Pub. L. 98-409; Public Law 100-483.

SECTION 652.1 - SCOPE.

This part sets forth policies and procedures for the assistance of institutions of higher learning that have been designated as State Mining and Mineral Resources Research Institutes and for the support of mining and mineral resources research at these institutions through specialized generic mineral technology research centers.

SECTION 652.2 - OBJECTIVES.

The objectives of the assistance provided by the Mining and Mineral Resources Research Institute program are:

(a) To support research and training in mining and mineral resources problems related to the mission of the Department of the Interior;

(b) To improve the advanced training of mineral scientists and engineers through grants which encourage State and industry support of mineral education;

(c) To support, and encourage support of, research centers of generic expertise in mineral technology;

(d) To assist the States in carrying on the work of competent and qualified mining and mineral resources research institutes; and

(e) To provide support for graduate and postdoctoral students in mining and mineral resources disciplines including mining engineering, extractive metallurgy, geology, reclamation, engineering, economics, chemistry, physics, biology, ecology, and others.

SECTION 652.3 - AUTHORITY.

The authority for this program is the Mining and Mineral Resources Research Program Act of 1984 and the Mining and Mineral Resources Research Institute Amendments of 1988.

(30 U.S.C. 1221-1230; Pub. L. 98-409 and Pub. L. 100-483)

(a) 30 U.S.C. 1221 authorizes the Secretary to make grants to assist States on a matching basis in carrying on the work of competent and qualified mining and mineral resources research institutes.

(b) 30 U.S.C. 1222 authorizes the Secretary to make grants to the institutes for specific research and demonstration projects, and for research into any aspects of mining and mineral resources problems related to the mission of the Department of the Interior deemed desirable and not otherwise under study.

(c) 30 U.S.C. 1229 authorizes the Secretary to appoint an Advisory Committee on Mining and Mineral Resources Research jointly chaired by the Assistant Secretary of the Interior responsible for minerals and mining and a committee member elected by the Committee from among those members who are not Federal employees.

SECTION 652.4 - ADMINISTRATION.

Responsibility for administration of the Mining and Mineral Resources Research Institute Program is assigned to the Director of the Bureau of Mines and subject to the supervisory authority of the Assistant Secretary to whom he/she reports.

SECTION 652.5 - DEFINITIONS.

As used in this part, the term --

ACT means the State Mining and Mineral Resources Research Program Act of 1984 and subsequent amendments.

(30 U.S.C. 1221-1230; Pub. L. 98-409, Pub. L. 100-483)

ADVISORY COMMITTEE means the Advisory Committee on Mining and Mineral Resources Research appointed by the Secretary pursuant to 30 U.S.C. 1229.

ALLOTMENT GRANT means funds made available to a mineral institute for the support of mineral-related research and education on a matching (formula) basis in a particular fiscal year pursuant to 30 U.S.C. 1221 and under the regulations contained herein.

BUREAU means the Bureau of Mines.

CALL FOR PROPOSALS means a letter from the Director to eligible mineral institutes and generic mineral technology centers requesting proposals for allotment or research grants, and specifying the format and date for receipt at the Office and other conditions. Separate Calls for proposals are issued annually for allotment and research grants. Applications for funds may be submitted only in response to a Call for Proposals.

DIRECTOR means Director of the Bureau of Mines.

GENERIC MINERAL TECHNOLOGY CENTER means a cooperative mineral resources research effort in a specific area of broad applicability across the minerals industry headquartered in one institute with participation by one or more affiliate mineral institutes as authorized under *30 U.S.C. 1222*.

GRANT AGREEMENT means the legal document that sets forth the rules for the administration of the grant, including the responsibilities and privileges of the recipient, the amount of the award, reports required, and applicable rules and regulations.

MINERAL INSTITUTE means a competent and qualified mining and mineral resources research institute, department, or component of a college or university that conducts mineral resources research, which is determined to be eligible in accordance with the provisions of the Act, and which is designated by the Secretary as a State Mining and Mineral Resources Institute.

MINERAL RESOURCES RESEARCH means research, investigations, demonstrations, and experiments of a basic or practical nature relating to mineral exploration, extraction, processing, development, production, mining and technology, supply and demand, conservation and best use of available supplies, and the mineral-related aspects of other disciplines; and the training of mineral engineers and scientists through such activity; and the planning and coordination of such cooperative activity with other mineral institutes and those other agencies and individuals as may contribute to the solution of mining and mineral resources problems.

OFFICE means Office of Mineral Institutes.

SECRETARY means the Secretary of the Interior or his authorized representative.

SECTION 652.6 - ELIGIBILITY.

Only institutions of higher learning (post-secondary institutions having graduate research programs) designated by the Secretary, after consultation with, and upon the advice of the Advisory Committee, as a State Mining and Mineral Resources Research Institute are eligible to receive funds under this program. Only one institution may be designated per State. To qualify as a mineral institute, institutions must meet all the following criteria as determined by the Advisory Committee:

- (a) Be either a public college or university or, in a State not having an eligible public college or university, a private college or university in that State.
- (b) Be recommended by the Governor of the State, as eligible, in the absence of contrary act by the legislature of the State.
- (c) Have in existence a substantial program of graduate instruction and research in mining or mineral extraction or closely related fields which has a demonstrated history of achievement.
- (d) Evidence institutional commitment to the purposes of the Act.
- (e) Exhibit significant industrial cooperation in activities within the scope of the Act.
- (f) Have in existence an engineering program in mining or minerals extraction that is accredited by the Accreditation Board for Engineering and Technology, or show evidence of equivalent institutional capability.

(g) Employ at least six full-time permanent faculty members in the department or component of the institution conducting instruction and research in mining and mineral extraction.

(h) Meet such other criteria as the Advisory Committee shall deem necessary or desirable.

SECTION 652.7 - RESPONSIBILITIES OF INSTITUTIONS DESIGNATED AS MINERAL INSTITUTES.

(a) Each institution designated as mineral institute has the duty of planning and conducting mineral resources research. To carry out its responsibility, it shall appoint a mineral institute director from its faculty or staff, who is professionally qualified in minerals research and education.

(b) Mineral institute directors shall be responsible for preparation of allotment grant proposals; for the technical administration of allotment grant agreements; for periodic reporting to the Bureau of Mines; for the preparation and transmission to the Bureau of Mines of an annual institute status report; for providing such coordination as may be necessary between various departments, units, and individuals at that institution to achieve a focused minerals program of value to the mineral institute's State and region; for the coordination between and among the minerals programs of the several mineral institutes; for responding to requests for information regarding the minerals program at that institution from the Bureau of Mines, the Advisory Committee, and the public; and for the selection and transmission of the best research proposals from that institution for inclusion in the generic mineral technology center program.

SECTION 652.8 - APPLICATIONS FOR ALLOTMENT GRANTS.

Applications for annual allotment grants shall be submitted in response to an annual call for proposals issued by the Bureau of Mines to mineral institutes. To receive a new allotment grant, a mineral institute must have submitted all reports due and shall not have been found by the Secretary to have improperly diminished, lost, or misapplied funds previously received. Such funds shall be replaced by the State concerned and until so replaced no subsequent grant shall be allotted or paid to the institute of that State. Each allotment grant application shall be responsive to *30 U.S.C. 1221(b)* and as a minimum shall consist of the following elements in duplicate:

(a) A completed Standard Form 424.

(b) A plan to provide for the training of individuals as mineral engineers and scientists under a curriculum appropriate to the field of mineral resources and mineral engineering and related fields.

(c) A budget to support that plan.

(d) Assurance that Federal funds will supplement and, to the extent practicable, increase the level of funds that would otherwise have been available for the purposes of the Act, and in no case supplant such funds.

(e) Such other information as is requested in the Call for Proposals.

The Secretary shall deny or reduce funds to mineral institutes where proposals or portions thereof are not complementary to the mission of the Department or the goals of this program.

SECTION 652.9 - GENERIC MINERAL TECHNOLOGY CENTERS.

All research supported under this program, except for that funded through allotment grants, is funded through established generic mineral technology centers (generic centers). Each generic center provides a focus for mineral research in a specific area of broad applicability across the minerals industry. Each generic center has the following characteristics:

- (a) It is headquartered in one mineral institute with participation by one or more affiliate institutions.
- (b) A generic center director supervises the operation of the center including the coordination of related projects; makes arrangements for an annual seminar; provides for operation of a reference center; makes recommendations to the Bureau of Mines on budget revisions, equipment purchases, and other grant modifications; and provides technical leadership for the center.
- (c) A reference center serves as a centralized repository of literature concerning the generic research area and also is a repository of all periodic and final reports, dissertations, and contributions to the technical literature resulting from generic center research.
- (d) An annual seminar provides opportunity for students and principal investigators to exchange ideas and present their latest research in the generic area.
- (e) A Research Council, consisting of experts in the generic research area from industry, government and, where possible, academia, attends the annual seminars, receives periodic reports, evaluates research proposals, and provides recommendations to the Bureau of Mines on the program of the center.
- (f) New proposals for research, submitted through generic center and mineral institute directors, are evaluated on a competitive basis, in writing, and through Council discussion.

SECTION 652.10 - APPLICATION FOR RESEARCH GRANTS.

Proposals may be submitted to the Bureau of Mines in any of the generic mineral technology areas through mineral institute and generic mineral technology center directors in response to an annual call for proposals which describes the format of the proposals. Proposals shall address the requirements of *30 U.S.C. 1222* (b)-(d) as detailed in the call for proposals. No portion of any research grant shall be applied to the acquisition by purchase or lease of any land or interests therein or the rental, purchase, construction, preservation or repair of any building.

SECTION 652.11 - TRANSFERS OF RESEARCH AND ALLOTMENT GRANT FUNDS.

Under *30 U.S.C. 1223*(b), mineral institutes are authorized to conduct cooperative programs with other mineral institutes and with such other agencies and individuals as may contribute to the solution of the mining and mineral resource problems involved. Mineral institutes may utilize their funds to pay for projects at other institutions under the following limitations:

- (a) The mineral institute director (for allotment grants) or the generic mineral technology center director (for research grants) for the institution awarded the funds by the Bureau, or the designated representative of the above, shall administer, conduct and supervise all funded programs.
- (b) All proposals to fund noninstitute activities shall be specifically set forth in the grant proposal applications required under Section 652.8 and Section 652.10 and must be explicitly approved by the Bureau of Mines.
- (c) All subgrants and subcontracts, service agreements, and interdivisional work authorizations shall be subject to the same terms and conditions as the grant.
- (d) Copies of all agreements for funding of programs conducted by noninstitute organizations, universities, or individuals shall be made available to the Bureau of Mines upon request.

SECTION 652.12 - GOVERNING PROVISIONS FOR GRANTS.

Performance under all grants shall be in accord with the terms and conditions set forth in OMB Circulars A-110 (General Administration), A-21 (Cost Principles), A-88 (Indirect Cost Rates and Audit), and all other applicable laws and regulations. Copies of the OMB circulars are available for public inspection at the Bureau of Mines, Division of Budget,

Room 1007, 2401 E Street NW., Washington, DC 20241. All uses, products, processes, patents, and other developments under this program, with such exceptions as the Secretary may make in the public interest, are to be made promptly available to the public. Patentable inventions shall be governed by the provisions of Public Law 96-517.

SECTION 652.13 - REPORTS.

The following reports are required from program participants:

(a) Annual Institute Status Report (*30 U.S.C. 1223(a)(3)*). On or before September 1 of each year, the mineral institute director for each institute shall submit to the Office a written report on work accomplished; the status of projects underway; a listing of scholarship and fellowship holders supported under this program, their departmental affiliation, citizenship, amount of award, and thesis title, if selected; and a statement of disbursements of funds received under this program. This report shall cover all activities under both the allotment grant and research grant program.

(b) Periodic Technical Reports. Each mineral institute and generic center director shall make brief periodic written reports as specified in the grant document to the Office describing progress made on each active project. Generic center directors shall also send their periodic reports to members of the applicable Research Councils.

(c) Periodic Financial Reports. Each mineral institute and generic center shall submit completed Standard Form-269 reports concurrent with the periodic technical progress reports.

(d) Annual Property Report. Each mineral institute and generic center shall submit by November 15 a completed Bureau of Mines Form 6-359 on nonexpendable property.

(e) Final Reports. The annual institute status report will serve as the final report for allotment grants. A final report is required for each approved generic center research project. Principal investigators are encouraged to publish in the technical literature any information developed in the course of carrying out a research project. A published journal article may be substituted for a final report, provided the Grantee delivers five copies of the reprint to the Office. If the findings of a research project are not published, five copies of a final report shall be furnished. An unpublished final report should be prepared in accordance with ANSI 239.18-1974, "American National Standard Guidelines for Format and Production of Scientific and Technical Reports."

(1) Credits. Every final research report or publication in the technical literature shall contain one of the following statements or the equivalent:

This research has been supported by the Department of the Interior's Mineral Institute Program administered by the Bureau of Mines under allotment grant number XXXX .

This research has been supported by the Department of the Interior's Mineral Institute Program administered by the Bureau of Mines through the Generic Mineral Technology Center for XXXX under research grant number XXXX .

SECTION 652.14 - INFORMATION COLLECTION.

The information collection requirements contained in this section have been approved by the Office of Management and Budget under *44 U.S.C. 3501* et seq. and assigned clearance number 1032-0116. The information is being collected to evaluate the effectiveness of the programs and responses are required to obtain a benefit in accordance with *30 U.S.C. 1221-1230*. Public reporting burden for this information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information is as follows:

- Performance Report . . . 16 hours
- Report of Funded Scholarship and Fellowships . . . 2 hours
- Summary Report of Inventions and Subgrants . . . 1 hour
- Grantee Inventory of Property Purchased from Grant Funds . . . 2 hours
- Budget Information Report . . . 8 hours.

Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Office of Statistical Standards, Bureau of Mines, Washington, DC 20241; and to the Office of Management and Budget, Paperwork Reduction Project (OMB No. 1032-0116), Washington, DC 20503.

SECTION 652.15 - ADVISORY COMMITTEE.

An Advisory Committee on Mining and Mineral Resources Research, appointed by the Secretary under *30 U.S.C. 1229*, shall consult with and make recommendations to the Secretary on the operation of and the making of grants under this program and it shall determine the eligibility of a college or university to participate as a Mining and Mineral Resources Research Institute under the Act and make such recommendation to the Secretary.

SECTION 652.16 - SITE VISITS.

In relation to the substantive scientific and administrative operations of grantees, the Bureau of Mines or the Advisory Committee may perform inspections of activities authorized and financed pursuant to these regulations. Such inspections may cover acceptability of progress, consistency with approved plans, and institute eligibility.

SECTION 652.17 - GRANT MODIFICATIONS.

(a) The mineral institute and generic center directors are responsible for promptly notifying the Office of events which may require modification of grant agreements, such as:

- (1) Rebudgetings,
- (2) No-cost time extensions, or
- (3) Changes in scope.

(b) Permission of the Office is also required for the following actions under a grant:

- (1) Equipment purchase of \$1000 or more,
- (2) Property transfer, or
- (3) Foreign travel.

SECTION 652.18 - GRANT REDUCTION AND TERMINATION.

If a mineral institute or generic mineral technology center does not follow the provisions and terms of a grant or does not fully implement a grant program, the Director may reduce the size of or may suspend or terminate a grant.

Dated: July 10, 1989.

Doyle G. Frederick, Principal Deputy Assistant Secretary of the Interior.