

19107 (April 27, 2009). Therefore, in accordance with section 733(d) of the Act and our practice, we will instruct CBP to terminate the suspension of liquidation and to liquidate, without regard to antidumping duties, unliquidated entries of FSVs from the PRC entered, or withdrawn from warehouse, for consumption after April 20, 2009, and through April 26, 2009, the day preceding the date of publication of the ITC's final injury determination in the **Federal Register**. Suspension of liquidation will resume on and after April 27, 2009, the date of publication of the ITC's final injury determination in the **Federal Register**.

Pursuant to section 735(c)(1) of the Act, CBP should continue to require, effective April 27, 2009, a cash deposit equal to the estimated weighted-average dumping margins as listed in the *Order*.

This notice constitutes a correction to the antidumping duty order with respect to FSVs from the PRC. This corrected order is published in accordance with the section 736(a) of the Act and 19 CFR 351.211.

Dated: May 26, 2009.

**Ronald K. Lorentzen,**

*Acting Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### National Institute of Standards and Technology

[Docket Number: 090306281-9287-01]

#### Recovery Act Measurement Science and Engineering Research Fellowship Program

**AGENCY:** National Institute of Standards and Technology, Commerce.

**ACTION:** Notice.

**SUMMARY:** The National Institute of Standards and Technology (NIST) is establishing a financial assistance program for awardees to develop and implement with NIST a measurement science and engineering fellowship program as part of NIST's activities implementing the American Recovery and Reinvestment Act of 2009 (ARRA, or Recovery Act), Pub. L. 111-5, 123 Stat. 115. The fellowship program is intended to promote training and practical experience in science and engineering, and to advance NIST's mission to promote U.S. innovation and industrial competitiveness by advancing measurement science, standards, and technology in ways that enhance

economic security and improve our quality of life.

**DATES:** All applications must be received no later than 3 p.m. Eastern Daylight Saving Time on Monday, July 27, 2009. Late applications will not be reviewed or considered.

**ADDRESSES:** Proposals may be submitted in hard copy or in electronic format. Hard copy proposals may be submitted to Dr. Jason Boehm, National Institute of Standards and Technology, 100 Bureau Drive, Stop 1060, Gaithersburg, MD 20899-1060. Electronic proposals may be uploaded to <http://www.Grants.gov>.

**FOR FURTHER INFORMATION CONTACT:** For complete information about this program and instructions for applying by paper or electronically, read the Federal Funding Opportunity (FFO) Notice at <http://www.grants.gov>. A paper copy of the FFO may be obtained by calling (301) 975-5718. Technical questions should be addressed to Dr. Jason Boehm at the address listed in the **ADDRESSES** section above, or at Tel: (301) 975-8678; E-mail:

[jason.boehm@nist.gov](mailto:jason.boehm@nist.gov); Fax: (301) 216-0529. Grants Administration questions should be addressed to Grants and Agreements Management Division, National Institute of Standards and Technology, 100 Bureau Drive, Stop 1650, Gaithersburg, MD 20899-1650; Tel: (301) 975-5718; E-mail: [grants@nist.gov](mailto:grants@nist.gov); Fax: (301) 840-5976. For assistance with using Grants.gov contact [support@grants.gov](mailto:support@grants.gov).

#### SUPPLEMENTARY INFORMATION:

**Authority:** 15 U.S.C. 272(b) and (c), 15 U.S.C. 278g-1(a),(b), 15 U.S.C. 278(h), Public Law 111-5, 123 Stat. 115.

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

**Program Description:** The primary program objectives of the NIST Recovery Act Measurement Science and Engineering Fellowship Program are:

1. To provide opportunities for scientists and engineers in training to perform research in broad areas of measurement science at NIST through research fellowships called Research Training Fellowships. Research Training Fellowships will be offered to qualified undergraduate students and graduate students at U.S. universities and colleges, and to postdoctoral researchers, in fields of science and engineering that contribute to NIST's measurement science programs.
2. To provide opportunities for practicing scientists and engineers in the public and private sectors to perform research in broad areas of

measurement science at NIST through research fellowships called Senior Research Fellowships. Senior Research Fellowships will be offered to qualified scientists and engineers working at U.S. private firms, U.S. non-profit organizations, U.S. universities and colleges, and other organizations in fields of science and engineering that contribute to NIST's measurement science programs.

NIST intends this financial assistance program to address both types of opportunities listed above through a single cooperative agreement, or through more than one cooperative agreement.

Through the cooperative agreement(s), the program will advance purposes established in Section 3 of the Recovery Act by creating jobs, promoting economic recovery, providing investments needed to increase economic efficiency by spurring technological advances in science, and by making investments in areas of research that will provide long-term economic benefits.

NIST performs a broad range of research, measurements, modeling, and other activities to support its broad measurement science and engineering programs in ten operating units comprising the NIST laboratories. Further details about this program may be found in the Federal Funding Opportunity announcement for this program.

**Funding Availability:** The funding instrument used in this program will be a cooperative agreement. Proposals will be considered for cooperative agreements with durations between one and three years, subject to the availability of funds, satisfactory progress, and the continuing relevance to the objectives of NIST. The anticipated level of funding is up to \$20,000,000 (\$20 million) total for the fellowships program for up to three years. NIST anticipates making one to five awards. Projects are expected to start by January 2010.

NIST will determine whether to fund one award for the full amount; to divide available funds into multiple awards of any size, and negotiate scopes of work and budgets as appropriate; or not to select any proposal for funding, upon completing the selection process described below.

**Cost Share Requirements:** None.

**Eligibility:** This program is open to U.S. institutions of higher education; U.S. hospitals; U.S. non-profit organizations; U.S. commercial organizations; state, local, and Indian tribal governments.

## Evaluation Criteria

The applications will be evaluated and scored on the basis of the following evaluation criteria:

1. *Technical merit of the proposal:* Assesses whether the proposal accurately addresses the program goals and objectives. (40 pts)
2. *Overall qualifications of the applicant:* This assesses whether the applicant possesses the necessary education, experience, training, facilities, and administrative resources to accomplish the project. (30 pts)
3. *Project costs:* The proposal budget is evaluated to determine if it is realistic and commensurate with the project needs and time-frame. (30 pts)

## Selection Factors

The Selecting Official shall recommend award based upon the rank order and recommendations of the reviewers and upon one or more of the following selection factors:

- a. Availability of Federal funds;
- b. Redundancy;
- c. Balance/distribution of funds to ensure fellowship opportunities for all types of fellowships and scientific research areas described in the Federal Funding Opportunity for this program;
- d. Logistical concerns that would be detrimental to the success or timely completion of the proposal objectives; and
- e. Applicant's prior award performance.

Therefore, the highest scoring proposals may not necessarily be selected for an award. If an award is made to an applicant that deviates from the scores of the reviewers, the Selecting Official will justify the selection in writing based on selection factors described above.

## Review and Selection Process

*Initial Screening of all Applications:* All timely submitted applications received in response to this announcement will be reviewed to determine whether they are complete and responsive to the scope of the stated objectives of the Program. Incomplete or non-responsive applications will not be reviewed for technical merit. NIST will retain one copy of each incomplete or non-responsive application for three years for record keeping purposes. The remaining copies will be destroyed.

Each complete and responsive application will be reviewed by at least three independent, objective NIST employee reviewers, who are knowledgeable in the subject matter of this announcement and its objectives and who are able to conduct a review

based on the evaluation criteria as described in this notice. The reviewers will reach a consensus score resulting in a rank order of applications and make recommendations for funding to the Selecting Official. In making final selections, the Selecting Official (Chief Scientist, NIST) will select funding recipients based upon the rank order of the proposals and the selection factors. The final award of cooperative agreements will be made by the NIST Grants Officer in Gaithersburg, Maryland, based on compliance with application requirements as published in this notice, compliance with applicable legal and regulatory requirements, and whether the recommended applicants are determined to be responsible. Unsatisfactory performance on any previous Federal award may result in an application not being considered for funding. 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 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 solicitation. On the form SF-424, the applicant's 9-digit Dun and Bradstreet Data Universal Numbering System (DUNS) number must be entered in item 8.c. Organizational DUNS. The DUNS number provided MUST be the DUNS number for the entity within the applying institution that will be responsible for drawing down funds from the Automated Standard Application for Payment System (ASAP). Institutions that provide incorrect DUNS numbers may experience significant delays in receiving funds.

*Collaborations with NIST Employees:* All applications should include a description of any work proposed to be performed by an entity other than the applicant, and the cost of such work should ordinarily be included in the budget.

If an applicant proposes collaboration with NIST, the statement of work should include a statement of this intention, a description of the collaboration, and prominently identify the NIST employee(s) involved. Any collaboration by a NIST employee must be approved by appropriate NIST management and is at the sole

discretion of NIST. Prior to beginning the merit review process, NIST will verify the approval of the proposed collaboration. Any unapproved collaboration will be stricken from the proposal prior to the merit review.

*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 Office of 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, acting through NIST, may retain its ownership rights in any such inventions. Disposition of NIST's retained rights in such inventions will be determined solely by NIST, and may include, but is not limited to, the grant of a license(s) to parties other than the applicant to practice such inventions, or placing NIST's retained rights into the public domain.

*Collaborations Making Use of Federal Facilities:* All applications should include a description of any work proposed to be performed using Federal facilities. If an applicant proposes use of NIST facilities, the statement of work should include a statement of this intention and a description of the facilities. Any use of NIST facilities must be approved by appropriate NIST management and is at the sole discretion of NIST. Prior to beginning the merit review process, NIST will verify the availability of the facilities and approval of the proposed usage.

Any unapproved facility use will be stricken from the proposal prior to the merit review. Examples of some facilities that may be available for collaborations are listed on the NIST Technology Services Web site, <http://ts.nist.gov/>.

**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, and CD-346 have been approved by OMB under the respective Control Numbers 0348-0043, 0348-0044, 0348-0040, 0348-0046, and 0605-0001.

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 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 proposals containing research activities involving human subjects. The human subjects research activities in a proposal will require approval by Institutional Review Boards (IRBs) possessing a current registration filed with DHHS and to be performed by institutions possessing a current, valid Federal-wide Assurance (FWA) from DHHS that is linked to the cognizant IRB. In addition, NIST as an institution requires that IRB approval documentation go through a NIST administrative review; therefore, research activities involving human subjects are not authorized to start within an award until approval for the activity is issued in writing from the NIST Grants Officer. NIST will not issue

a single project assurance (SPA) for any IRB reviewing any human subjects protocol proposed to NIST.

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. NIST will follow any guidance issued by the National Institutes of Health (NIH) pursuant to the Executive Order and will develop its own procedures based on the NIH guidance before funding research using human embryonic stem cells. 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.

**Notification of Recovery Act Requirements:** Recovery Act limitations are applicable to the projects funded in this Notice. Recipients must comply with the following three provisions of the Recovery Act, as applicable, and any other terms required by the Act or that may be added to the recipient's award pursuant to guidance implemented by the Office of Management and Budget.

**Buy American Provisions of the Recovery Act:** Unless waived by DOC, none of the funds appropriated or otherwise made available by the Recovery Act may be used for a project for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel, and manufactured goods used in the project are produced in the United States. This provision shall be applied in a manner consistent with United States obligations under international agreements.

**Davis Bacon Act:** Under Section 1606 of the Recovery Act, projects using Recovery Act funds require the payment of not less than the prevailing wages under the Davis-Bacon Act to "all laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part by and through the Federal Government."

**False Claims Act:** Each recipient or sub-recipient awarded funds under the Recovery Act shall promptly refer to an appropriate inspector general any credible evidence that a principal, employee, agent, contractor, sub-grantee, subcontractor, or other person has submitted a false claim under the False Claims Act or has committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving those funds.

**Ensuring Responsible Spending of Recovery Act Funds.** The agency expects programs under this notice to be implemented in general compliance with any guidance issued by the Office of Management and Budget regarding the President's Memorandum for the Heads of Executive Departments and Agencies of March 20, 2009, Ensuring Responsible Spending of Recovery Act Funds, 74 FR 12531 (Mar. 25, 2009).

**Best Practices to Promote Equality of Opportunity.** Pursuant to OMB Guidance (see, "Updated Implementing Guidance for the American Recovery and Reinvestment Act of 2009," April 3, 2009) and consistent with the Recovery Act and other applicable laws, DoC encourages recipients to implement best practices to promote equality of opportunity, to provide opportunities for small and disadvantaged businesses, including veteran-owned small businesses and service disabled veteran-owned small businesses, and to follow sound labor practices.

**Reporting Requirements:** Reporting requirements are described in the Department of Commerce Financial Assistance Standard Terms and Conditions dated March, 2008, found on the Internet at: <http://oamweb.osec.doc.gov/docs/GRANTS/DOC%20STCsMAR08Rev.pdf>.

The references in Sections A.01 and B.01 of the Department of Commerce Financial Assistance Standard Terms and Conditions, dated March, 2008, to "Financial Status Report (SF-269)" and "SF-269" are hereby replaced with "Federal Financial Report (SF-425)" and "SF-425," respectively, as required by the Office of Management and Budget (OMB) (73 FR 61175, October 15, 2008). As authorized under 15 CFR 14.52 and 24.41, the OMB approved SF-

425 shall be used in the place of the SF-269 and SF-272 under the uniform administrative requirements and elsewhere under awards in this program where such forms are referenced.

**Programmatic Requirements-Performance (Technical) Reports:**

Unless otherwise specified in the award provisions, each research or senior fellow shall submit a brief report on his or her experiences and accomplishments during their fellowship within 30 days after the end of the work at NIST.

In addition, as set out in Sec. 1512(c) of the Recovery Act, no later than ten (10) days after the end of each calendar quarter, any recipient that received funds under the Recovery Act from NIST must submit a report to NIST that contains:

- a. The total amount of Recovery Act funds received from NIST;
- b. The amount of Recovery Act funds received that were expended or obligated to projects or activities;
- c. A detailed list of all projects or activities for which Recovery Act funds were expended or obligated; and
- d. Detailed information on any subcontracts or subgrants awarded by the recipient to include the data elements required to comply with the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109-282), allowing aggregate reporting on awards below \$25,000 or to individuals, as prescribed by the Director of the Office of Management and Budget.

Recipients that must report information in accordance with paragraph (d) above must register with the Central Contractor Registration database (<http://www.ccr.gov/>) or complete other registration requirements as determined by the Director of the Office of Management and Budget. Section 1512(d) further requires that no later than thirty (30) days after the end of each calendar quarter, NIST must make the information in reports submitted under section 1512(c) of the Recovery Act as outlined above publicly available by posting the information on a Web site. OMB Memo M-09-10, "Initial Implementing Guidance for the American Recovery and Reinvestment Act of 2009," which can be accessed at <http://www.recovery.gov/>, provides information on requirements for Federal agencies under the Recovery Act. Additional guidance may be forthcoming related to responsibilities of recipients of grants and cooperative agreements under the Recovery Act.

**Funding Availability and Limitation of Liability:** The funding periods and funding amounts referenced in this

notice and request for applications are subject to the availability of funds, as well as to Department of Commerce and NIST priorities at the time of award. The Department of Commerce and NIST will not be held responsible for application preparation costs. Publication of this notice does not obligate the Department of Commerce or NIST to award any specific grant or cooperative agreement or to obligate all or any part of available funds. No funding is anticipated at this time to provide further support beyond the award period to any project that may receive funds under this program.

**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: May 26, 2009.

**Patrick D. Gallagher,**

*Deputy Director.*

[FR Doc. E9-12665 Filed 5-29-09; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Institute of Standards and Technology

[Docket Number: 090306283-9284-01]

#### Recovery Act Measurement Science and Engineering Research Grants Program

**AGENCY:** National Institute of Standards and Technology, Commerce.

**ACTION:** Notice.

**SUMMARY:** The National Institute of Standards and Technology (NIST) is establishing a financial assistance

program to award research grants and cooperative agreements to support measurement science and engineering research proposals in the following six focus areas: Energy; environment and climate change; information technology/cybersecurity; biosciences/healthcare; manufacturing; and physical infrastructure, as part of NIST's activities implementing the American Recovery and Reinvestment Act of 2009 (ARRA or Recovery Act).

**DATES:** All proposals must be received no later than 3 p.m. Eastern Daylight Saving Time on Monday, July 13, 2009. Late proposals will not be reviewed or considered.

**ADDRESSES:** Proposals may be submitted in hard copy or in electronic format. Hard copy proposals may be submitted to Dr. Jason Boehm, National Institute of Standards and Technology, 100 Bureau Drive, Stop 1060, Gaithersburg, MD 20899-1060. Electronic proposals may be uploaded to <http://www.Grants.gov>.

**FOR FURTHER INFORMATION CONTACT:** For complete information about this program and instructions for applying by paper or electronically, read the Federal Funding Opportunity Notice (FFO) at <http://www.grants.gov>. A paper copy of the FFO may be obtained by calling (301) 975-5718. Technical questions should be addressed to Dr. Jason Boehm at the address listed in the

**ADDRESSES** section above, or at Tel: (301) 975-4455; E-mail: [jason.boehm@nist.gov](mailto:jason.boehm@nist.gov); Fax: (301) 216-0529. Grants Administration questions should be addressed to Grants and Agreements Management Division, National Institute of Standards and Technology, 100 Bureau Drive, Stop 1650, Gaithersburg, MD 20899-1650; Tel: (301) 975-5718; E-mail: [grants@nist.gov](mailto:grants@nist.gov); Fax: (301) 840-5976. For assistance with using Grants.gov contact [support@grants.gov](mailto:support@grants.gov).

**SUPPLEMENTARY INFORMATION:**

**Authority:** 15 U.S.C. § 272(b) and (c); Pub. L. 111-5, 123 Stat. 115.

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

*Program Description:* In response to the American Reinvestment and Recovery Act (Pub. L. 111-5, 123 Stat. 115), the National Institute of Standards and Technology (NIST) will provide grants and cooperative agreements for measurement science and engineering research in the following six focus areas of critical national importance: Energy; environment and climate change; information technology/cybersecurity; biosciences/healthcare; manufacturing;