

Water Data, is applicable to awards under these programs.

(c) *Contracts.* Administrative requirements for performance of research contracts will be established in the contract clauses in conformance with applicable procurement regulations and other interior or USGS acquisition policy documents. OMB Circular A-67 will also apply to some contract awards under this program.

§ 402.14 [Reserved]

Subpart D—Reporting

§ 402.15 Reporting procedures.

(a) Grantees or contractors will be required to submit the following technical reports to the USGS address identified under the terms and conditions of each award.

(1) *Quarterly Technical Progress Report.* This report shall include a description of all work accomplished, results achieved, and any changes that affect the project's scope of work, time schedule, and personnel assignments.

(2) *Draft Technical Completion Report.* The draft report will be required for review prior to submission of the final technical completion report.

(3) *Final Technical Completion Report.* The final report and a camera-ready copy shall be submitted to the USGS within 90 days after the expiration date of the award and shall include a summary of all work accomplished, results achieved, conclusions, and recommendations. The camera-ready copy shall be prepared in a manner suitable for reproduction by a photographic process. Format will be specified in the terms and conditions of the award.

(4) *Final Report Abstract.* A complete Water-Resources Scientific Information Center Abstract Form 102 and National Technical Information Service Form 79 shall be submitted with the final report.

(b) Grantees or contractors will be required to submit financial, administrative, and closeout reports as identified under the terms of each award. Reporting requirements will conform to the procedures described in the Departmental Manual of the Department of the Interior at 505 DM 1-5.

(c) Contracts for technology-development projects may also require delivery of hardware items produced and/or specifications, drawings, test results, or other data describing the funded technology.

CHAPTER VI—BUREAU OF MINES, DEPARTMENT OF THE INTERIOR

SUBCHAPTER A—HELIUM AND COAL

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SUBCHAPTER A—HELIUM AND COAL

PART 601—SALES OF HELIUM BY AND RENTAL OF CONTAINERS FROM THE BUREAU OF MINES

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- 601.8 Settlements under existing contracts.
- 601.9 Shipping containers.
- 601.10 [Reserved]
- 601.11 Applicability to Federal Agencies.

AUTHORITY: Pub. L. 86-777, approved Sept. 13, 1960, 74 Stat. 918 (50 U.S.C. 167-167n).

SOURCE: 46 FR 37506, July 21, 1981, unless otherwise noted.

§601.1 Purpose.

The purpose of this part 601 is to establish procedures governing the sale of helium and related services by the Bureau of Mines, and the rental of helium containers from the Bureau of Mines.

§601.2 Definitions.

(a) *Act* means the Helium Act, Pub. L. 86-777, approved September 13, 1960 (74 Stat. 918; 50 U.S.C. 167-167n).

(b) [Reserved]

(c) *Helium plant* means a facility operated by or for the U.S. Bureau of Mines for the production, purification, repurification, or shipment of helium.

(d) *Bureau* means the Bureau of Mines of the Department of the Interior.

(e) *Purchaser* means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, state or political subdivision thereof, having a new (after revision of this part) helium purchase contract with the Bureau, and any agency of the U.S. Government, purchasing helium from the Bureau or using helium containers rented from the Bureau.

(f) *Grade-A helium* means the grade of helium produced at the Bureau's helium plants, and is 99.995 percent pure helium, or better by volume.

(g) *Standard cubic foot (scf)* is a 1-cubic foot volume of Grade-A helium measured at a pressure of 14.7 pounds per square inch absolute and a temperature of 70° Fahrenheit.

(h) *Cylinder* means a standard-type cylinder of approximately 1.5 cubic feet internal volume, designed for a filling pressure of 1,800 pounds per square inch gage or more, which will stand vertically without external support with the center of the valve outlet not less than 50½ inches nor more than 58½ inches above the floor, equipped with a standard-type cylinder valve, safety relief device, and valve-protective cap, or a similar cylinder acceptable to the Bureau as a standard type.

(i) *Valve* means a standard-type cylinder valve acceptable to the Bureau of Mines having a valve outlet conforming to Specification No. 580 or No. 350 as described by the latest edition of Compressed Gas Association, Inc., Pamphlet V-1, ANSI B57.1-1977; *Provided*, That at the Bureau's option, valves with outlets conforming to other specifications may be accepted as alternate standards.

(j) *Tank car* means a railroad car permanently equipped with multiple tubes manufactured in accordance with 49 CFR 179.500.

(k) *Tube trailer* means a road-type semitrailer without motive power permanently equipped with multiple tubes manufactured in accordance with 49 CFR 178.36, 178.37, or 178.45.

(l) *Tube module* means one or more seamless steel tubes, manufactured in accordance with 49 CFR 179.500, that by means of a framework are joined together to form a unit. Valves may be manifolded.

(m) *Liquid helium trailer* means a special road-type semitrailer without motive power, equipped with a vacuum-jacketed container suitable for transporting 1,000 U.S. gallons or more of liquid helium. The container may be separable or an integral part of the chassis and dependent upon design, may or may not require a Department of Transportation (DOT) special permit for transporting.

(n) *Liquid helium dewar (dewar)* means a portable or skid-mounted, vacuum-jacketed container suitable for shipping less than 1,000 U.S. gallons of liquid helium.

(o) *Schedule of Prices and Charges (Schedule)* means a listing of prices and charges for products and services provided under contract pursuant to this part.

(p) *Federal Agency* is any department, independent establishment, commission, administration, foundation, authority, board, or bureau of the U.S. Government, or any corporation owned, controlled, or in which the U.S. Government has a proprietary interest, as these terms are defined in 5 U.S.C. 101-05; 5 U.S.C. 551(1); 5 U.S.C. 552(e); or in 18 U.S.C. 6, but does not include Federal agency contractors.

(q) *Contracting officer* is the person executing a contract on behalf of the Government, and includes any duly appointed successor.

§ 601.3 Contract application forms and procedures.

(a) Any prospective helium purchaser may make application to the Bureau to become a purchaser of helium, and, if desired, rent containers from the bureau and, upon meeting the requirements of this part and upon execution of a purchase (and container rental) contract with the Bureau, may purchase helium (and rent containers) from the Bureau. To be eligible, a prospective purchaser must: demonstrate adequate financial resources to pay for helium and helium-related services in advance, hold a certificate of competency and/or a determination of eligibility from the Small Business Administration if the prospective purchaser is a small business concern and is determined to be nonresponsible and/or ineligible by the contracting officer, and be otherwise qualified and eligible to enter into a Bureau contract under applicable laws and regulations.

(b) The information collection requirement contained in this paragraph has been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1032-0111. The information is being collected to identify firms desiring to enter into a contract. This infor-

mation will be used to complete contract documents and establish cash advance required. The obligation to respond is required to obtain a benefit.

(c) The contract shall include, among other things, duties and responsibilities of the parties, definitions, term, minimum contract volume, and other conditions, such as advance payments, deposits, surety bonds, repurchase rights of the Government, liabilities, reservations with respect to sales and deliveries, power of inspection, notification to repurchasers, violations and penalties, cancellation and assignment of contract, termination, general provisions, and standard provisions.

(d) Application forms are available upon written request from Division of Helium Operations, 1100 S. Fillmore St., Amarillo, Texas 79101. Applicable contract form(s) and Schedule will be included for examination by the prospective purchaser.

(e) Upon approval by the Contracting Officer of the returned application, the contract will become effective when executed by both parties.

§ 601.4 [Reserved]

§ 601.5 Schedule of prices and charges.

(a) The Schedule of Prices and Charges (Schedule) is published by the Bureau of Mines, Division of Helium Operations, and is periodically updated. The Schedule is available upon request from the Division of Helium Operations, 1100 S. Fillmore St., Amarillo, Texas 79101, telephone 806-376-2638 or FTS 735-1638. The Schedule shows prices and charges for helium, ordinary related services, use or rental of Bureau-owned helium containers or equipment, cash advance, and deposit required, and bonds and/or insurance to guarantee return of containers.

(b) Terms and conditions under which products and services can be acquired under contract pursuant to this part are shown in appendix 1 to the Schedule. The terms and conditions are reviewed at least annually, and are revised as required.

(c) Revisions to the Schedule are determined at least annually by the Division of Helium Operations in accordance with Office of Management and

Budget (OMB) Circular No. A-25, as revised. In no case will a revised Schedule become effective in less than 30 days after date of distribution to all Bureau helium customers known at the time of distribution.

§ 601.6 Purchase price of helium.

(a) The purchase price of Grade-A helium shipped f.o.b. origin shall be the price stated in the Schedule that is in effect on the date the helium is shipped from the helium plant.

(b) [Reserved]

(c) The purchase price of Grade-A helium shipped f.o.b. destination shall be the price stated in the Schedule that is in effect on the date the helium is shipped from the helium plant plus any service charges, container charges, transportation charges, and other charges incurred in making such delivery. Delivery of helium f.o.b. destination is made only in Bureau-furnished containers.

§ 601.7 Service charges.

In addition to the purchase price of helium, the following charges for services and use of equipment rented from the Bureau shall be paid by the purchaser.

(a) *For filling containers.* The charge for filling helium containers shall be as shown in the Schedule that is in effect on the date the helium is shipped from the helium plant.

(b) *For ordinary work performed on containers supplied by the purchaser and for ordinary services performed in connection with shipment of helium from a helium plant.* The charge for ordinary work shall be as shown in the Schedule that is in effect on the date the work is performed.

(c) *For extraordinary expenses.* Such expenses incurred in connection with any contract or delivery for which prices are not stated in the effective Schedule including, but not limited to, costs of work on purchaser's containers, filling, servicing, and rental of containers of types other than those stated in the effective Schedule, purifying helium beyond normal plant purity, (delete "liquefying helium") analytical services, shipment of helium from other than a helium plant selected by the Bureau, and unusual han-

dling, transportation, and communications, may be determined by the Bureau and charged to the purchaser as they arise on the basis of the cost of rendering the services, making due allowance for contingencies, overhead expense, and commercial common-carrier rates.

(d) *For use of helium containers supplied by the Bureau.* The charge for use of each Bureau-supplied container shall be as shown in the Schedule in effect on the date of shipment from a helium plant.

§ 601.8 Settlements under existing contracts.

Contracts for the purchase of helium or for the rent of Bureau-owned shipping containers which are in effect on the effective date of the amended regulations in this part shall remain in effect, subject to the terms and conditions of the amended regulations in this part, for a period of not more than 90 days after the effective date of these amended regulations or until replaced by new contract or contracts as described in these amended regulations, should such replacement occur prior to expiration of the 90 days. In the event that purchaser does not enter into replacement contract or contracts within 90 days after effective date of these regulations, the existing contract(s) shall terminate and purchaser shall pay any sums due Bureau under terms of the contracts and shall return any Bureau-owned shipping containers outstanding under any container rent contract so terminated.

§ 601.9 Shipping containers.

(a) *Containers may be provided by the purchaser or the Bureau.* The purchaser may provide containers or may request the Bureau to provide them under contract. Containers provided by the purchaser must be satisfactory to the Bureau in all respects, must be free internally from oil or water, and shall comply with the requirements for shipment in interstate commerce. The Bureau will not use or fill any container which in its opinion is unsafe or unsuitable.

(b) *Provisions applicable to all types of containers supplied by the Bureau.* Specific provisions for all types of containers, such as, cylinders, tank cars, tube

trailers, tube modules, liquid helium trailers, and liquid helium dewars, are detailed in the container rental contract and the Schedule.

§ 601.10 [Reserved]

§ 601.11 Applicability to Federal Agencies.

The regulations in this part are applicable to Federal agencies procuring helium or services from Bureau or using containers furnished by Bureau; *except that* Federal agencies shall not be required to: (a) enter into contracts for the purchase of helium or lease of containers, (b) furnish advance payments, or (c) provide surety for the return of containers or payment of bills.

PART 602—HELIUM DISTRIBUTION CONTRACTS

Sec.

602.1 Purpose.

602.2 Definitions.

602.3 Bureau helium distribution contracts.

APPENDIX TO PART 602

AUTHORITY: The Helium Act of 1960, Pub. L. 86-777 (50 U.S.C. 167, et seq.); 5 U.S.C. 301.

SOURCE: 46 FR 60436, Dec. 10, 1981, unless otherwise noted.

§ 602.1 Purpose.

The purpose of this part 602 is to establish procedures governing distribution of Bureau of Mines helium by a system of authorized private helium distributors. To the same end, the regulations prescribe certain requirements that must be met by private helium distributors under new contracts, entered into with the Bureau of Mines with an effective date of January 15, 1982, or later, to distribute Bureau of Mines helium.

§ 602.2 Definitions.

As used in this part—

(a) *Helium Act* means Pub. L. 86-777, 74 Stat. 918 (50 U.S.C. 167-167n).

(b) *Helium* means the element helium regardless of its physical state.

(c) *Bureau of Mines helium* or *Bureau helium* is helium, regardless of physical state or purity, available for purchase or purchased from the Secretary or a Bureau helium distribution contractor after the effective date of this revision

of 30 CFR part 602. Bureau helium cannot be obtained from any other source of supply. Bureau of Mines helium includes volumes of helium available for delivery or delivered to the purchaser or Bureau helium distribution contractors in the Grade-A gaseous physical state or liquid physical state, and volumes of Grade-A gaseous helium used as raw stock to produce (1) liquid helium, and the liquid produced therefrom, (2) a gaseous or liquid mixture having a purity of helium different from Grade-A, (3) a gaseous or liquid mixture having a concentration of helium-4 isotope different from the concentration of such isotope in Grade-A helium, and (4) helium mixtures different in any other way from Grade-A gaseous helium. Bureau helium does not include private helium stored under contract with the Bureau and re-delivered to the private enterprise in crude, Grade-A gaseous, or liquid helium form.

(d) *Grade-A helium* means the grade of helium produced at the Bureau's helium plants, and it is 99.995 percent pure helium or better, by volume.

(e) *Federal agency* means any department, independent establishment, commission, administration, foundation, authority, board, or bureau of the U.S. Government, or any corporation owned, controlled, or in which the U.S. Government has a proprietary interest, as these terms are defined in 5 U.S.C. 101-105; 5 U.S.C. 551 (1); 5 U.S.C. 552(e); or in 18 U.S.C. 6, but does not include Federal agency contractors.

(f) *Bureau helium distribution contractor* is a private helium merchant (as defined by the Texas Business and Commercial Code Ann., title 1, sec. 2.104 (Uniform Commercial Code)) that, by new contract with an effective date of January 15, 1982, or later with the Bureau, has Bureau helium available for distribution.

(g) *Private helium purchaser* means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, state or political subdivision thereof, purchasing or wanting to purchase helium. The term does not include Federal agencies, but does include Federal agency contractors.

(h) *Helium requirement or requirement of helium* is all helium, regardless of physical state or in mixture with other gases, that is required by or delivered to a Federal agency to accomplish an objective, project, mission, or program of the Federal agency.

(i) *Major helium requirement or major requirement of helium* is a helium requirement or delivery of 5,000 standard cubic feet (scf), measured at 14.7 pounds per square inch absolute pressure and 70° Fahrenheit temperature, or more, including liquid helium gaseous equivalent, during a calendar month, including the first 5,000 scf per calendar month when the "helium requirement" equals or exceeds 5,000 scf per calendar month.

(j) *Secretary* is the Secretary of the Department of the Interior.

(k) *Bureau* is the Bureau of Mines of the U.S. Department of the Interior.

§602.3 Bureau helium distribution contracts.

(a) Any private helium merchant may make application to the Bureau to become a Bureau helium distribution contractor and, upon meeting the requirements of this part and upon execution of a three-year distribution contract with the Bureau, may become a Bureau helium distribution contractor. To be eligible, a prospective contractor must demonstrate: adequate financial resources to pay for Bureau helium and helium-related services in advance, adequate facilities and equipment to meet delivery schedules and quality standards required by purchasers of Bureau helium, a satisfactory record of performance in the distribution of helium, and/or other compressed gases, a certificate of competency and/or a determination of eligibility from the Small Business Administration if the prospective contractor is a small business concern and is determined to be nonresponsible and/or ineligible by the contracting officer, and be otherwise qualified and eligible to receive an award of a Bureau helium distribution contract under applicable laws and regulations. Effective January 15, 1982, and thereafter, only those helium merchants having a valid Bureau helium distribution contract shall be included on Bureau lists of Bureau helium dis-

tribution contractors. (The currently approved helium distribution contract is set out in the Appendix to this part.)

(b) The information collection requirements contained in this section have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1032-0113. The information is being collected to identify firms desiring to become helium distribution contractors. This information will be used to determine responsible applicants as possible contractors, to establish an accountability of helium transfer between distributors, and to report distributor annual sales, transfers, and purchases of Bureau of Mines helium as certification of compliance with 30 CFR 602. The obligation to respond is required to obtain a benefit.

(c) Bureau helium distribution contracts shall require the Bureau helium distribution contractor to deliver only Bureau helium to supply (1) major helium requirements of any Federal agency, whether or not Bureau helium is specified by the agency, and (2) any helium requirement of any Federal agency if procurement documents in any manner specify or evidence intent to acquire Bureau helium. Information about which Federal agencies have major helium requirements is available from Bureau of Mines Division of Helium Operations, 1100 S. Fillmore St., Amarillo, Texas 79101, telephone 806 376-2638 or FTS 735-1638.

(d) Bureau helium distribution contracts shall also require the Bureau helium distribution contractor to deliver only Bureau helium to:

(1) Any private helium purchaser, including Federal agency contractors, if procurement documents in any manner specify or evidence intent to acquire Bureau helium, or

(2) Another Bureau helium distribution contractor if certification as Bureau helium is required or furnished.

(e) Contracts shall include provisions for sources of supply of Bureau helium, quantity, quality, delivery requirements, Bureau helium book inventory, actual physical volume of helium in inventory, commingling, accounting and reporting procedures, records and facilities examinations, shipping points, payments, and contract termination.

APPENDIX TO PART 602

Bureau Helium Distribution Contract No. 14-09-0060 — Between United States Department of the Interior, Bureau of Mines and —

Contents

Preamble
 Article I, Definitions
 Article II, Term of Contract
 Article III, Bureau Helium Distribution Contractor
 Article IV, Bureau of Mines
 Article V, Conditions
 Article VI, General Provisions
 Addendum "A"—Application
 Addendum "B"—Certificate of Resale of Bureau of Mines Helium (Form HA-285a)
 Addendum "C"—Bureau of Mines Helium: Stocks, Receipts, and Distribution Annual Report (Form 6-1575-A(1-77) Rev.)

BUREAU HELIUM DISTRIBUTION

Contract

This contract, made this — day of —, 19—, pursuant to the Helium Act (Act of 1960, Pub. L. 86-777, 74 Stat. 918, 50 U.S.C. 167 et seq., 5 U.S.C. 301), between the United States of America, Department of the Interior, Bureau of Mines, hereinafter styled Bureau of Mines, represented by the officer executing this contract, and — whose principal address is — hereinafter styled Bureau Helium Distribution Contractor, or Contractor.

Witnesseth that:

Whereas, pursuant to provisions of the Helium Act: "The Department of Defense, the Atomic Energy Commission, and other agencies of the Federal Government, to the extent that supplies are readily available, shall purchase all major requirements of helium from the Secretary," (of the Department of the Interior);

Whereas, the Bureau of Mines, by virtue of authority delegated by the "Secretary" (of the Department of the Interior) under the Helium Act administers the production and distribution of helium for Federal use;

Whereas, the authorization of private helium merchants to participate in the distribution of Bureau of Mines helium for Federal use is advantageous to both the United States Government and the private helium merchants; and

Whereas, an application to become a Bureau Helium Distribution Contractor, attached to and forming a part of this contract (Addendum A), has been received by the Bureau of Mines from the private helium, merchant named as a party to this contract.

Now Therefore, in consideration of the mutual and dependent covenants herein contained, it is mutually agreed between the parties as follows:

Article I—Definitions

1.1 *Bureau helium distribution contractor* is a private helium merchant (as defined by the Texas Business and Commercial Code Ann., Title 1, Sec. 2.104 (Uniform Commercial Code)) that by new contract with an effective date of January 15, 1982, or later with the Bureau, has Bureau helium available for distribution.

1.2 *Bureau* is the Bureau of Mines of the United States Department of the Interior.

1.3 *Bureau of Mines helium* or *Bureau helium* is helium, regardless of physical state or purity, available for purchase or purchased from the secretary or another Bureau helium distribution contractor after the effective date of this contract. Bureau helium cannot be obtained from any other source of supply. Bureau of Mines helium includes volumes of helium available for delivery or delivered to purchasers or Bureau helium distribution contractors in the Grade-A gaseous physical state or liquid physical state and volumes of Grade-A gaseous helium used as raw stock to produce (1) liquid helium and the liquid produced therefrom, (2) a gaseous or liquid mixture having a purity of helium different from Grade-A, (3) a gaseous or liquid mixture having a concentration of helium-4 isotope different from the concentration of such isotope in Grade-A helium, and (4) helium mixtures different in any other way from Grade-A gaseous helium. Bureau helium does not include private helium stored under contract with the Bureau and redelivered to the private enterprise (owner) in crude Grade-A gaseous, or liquid helium form.

1.4 *Contracting officer* is the person executing this contract on behalf of the Government and includes a duly appointed successor or authorized representative.

1.5 *Federal agency* is any department, independent establishment, commission, administration, foundation, authority, board, or bureau of the United States Government, or any corporation owned, controlled, or in which the United States Government has a proprietary interest, as these terms are defined in 5 U.S.C. 101-05; 5 U.S.C. 551(1); 5 U.S.C. 552(e); or in 18 U.S.C. 6, but does not include Federal agency contractors.

1.6 *Federal Agency Contractor* is any individual, corporation, partnership, firm, association, trust, estate, public or private institution, or a State or political subdivision thereof which has entered into or that is obligated by a contract or cooperative agreement with a Federal agency, or received a grant from a Federal agency, or which subcontracts with a Federal Agency Contractor.

1.7 *Private helium purchaser* means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, state or political subdivision thereof, purchasing or wanting to purchase helium. The term does not include Federal

agencies, but does include Federal agency contractors.

1.8 *Helium* is the element helium regardless of its physical state.

1.9 *Helium requirement or requirement of helium* is all helium, whether in the gaseous or liquid state or in mixtures with other gases, that is required by or delivered to a Federal agency, to accomplish an objective, project, mission, or program of the Federal agency.

1.10 *Major helium requirement or major requirement of helium* is a helium requirement of 5,000 scf or more during a calendar month, including the first 5,000 scf per calendar month when the "helium requirement" equals or exceeds 5,000 scf per calendar month.

1.11 *Secretary* is the Secretary of the Department of the Interior.

1.12 *Shipping point* is a shipping facility of the Bureau Helium Distribution Contractor from which Bureau of Mines helium is available.

1.13 *Standard cubic foot (scf)* is a 1-cubic-foot volume of Grade-A helium measured at a pressure of 14.7 pounds per square inch absolute and a temperature of 70° Fahrenheit. Volumes of liquid helium shall be expressed in liters or U.S. gallons. One liter of liquid helium is equivalent to 26.63 standard cubic feet of gaseous helium. One U.S. gallon of liquid helium is equivalent to 100.8 standard cubic feet of gaseous helium. One pound of liquid helium is equivalent to 96.67 standard cubic feet of gaseous helium. Appropriate Grade-A gaseous equivalents of volumes of helium mixtures different in any way from Grade-A gaseous helium may be used, and such equivalents must be used when required by the Division of Helium Operations, Bureau of Mines, Amarillo, Texas.

1.14 *Grade-A helium* means the grade of helium produced at the Bureau's helium plants, and it is 99.995 percent pure helium or better, by volume.

Article II—Term of Contract

2.1 This contract shall be effective on the date heretofore stated and shall remain effective for a period of three (3) years thereafter unless sooner terminated as hereinafter provided in section 6.2 or for default.

Article III—Bureau Helium Distribution Contractor

3.1 The Bureau Helium Distribution Contractor (hereafter styled Contractor) shall deliver only Bureau of Mines helium to supply: (1) major helium requirements of a Federal agency without regard as to whether or not Bureau of Mines helium is specified by the agency, (2) any quantity of helium to a Federal agency if procurement documents specify in any manner that Bureau of Mines helium be furnished, (3) any quantity of helium to private helium purchasers if procure-

ment documents specify in any manner the intent that Bureau of Mines helium be furnished, (4) any quantity of helium to another Bureau helium distribution contractor if certification as Bureau of Mines helium is required or furnished.

3.2 Helium delivered for Federal use under the terms of this contract shall conform to the quality, quantity, and delivery requirements agreed to between the Contractor and the purchasing Federal Agency or private helium purchaser.

3.3 Each delivery of helium that requires Bureau of Mines helium in accordance with Sec. 3.1 of this contract shall be made only from an inventory of Bureau of Mines helium on hand except as provided in Sec. 3.4 of this contract.

3.4 Helium is a fungible commodity; therefore, the Contractor may commingle Bureau of Mines helium with helium from other sources. For purposes of Bureau helium accounting records, as much of the Contractor's helium inventory will be considered Bureau of Mines helium as is equal to the volume of: (1) helium purchased from the Bureau of Mines and delivered to the Contractor, plus (2) helium delivered to the Contractor by another Bureau helium distribution contractor and certified as Bureau of Mines helium in accordance with Sec. 3.11 of this contract, less (3) helium deliveries in accordance with Sec. 3.1 of this contract. The Contractor may, except as restricted by Sec. 3.6 of this contract, sell as Bureau of Mines helium volumes of helium from its inventory even though its inventory does not contain, at the time of sale, sufficient helium purchased from the Bureau of Mines or helium received from and certified as Bureau of Mines helium by another Bureau helium distribution contractor to meet the Bureau of Mines helium requirements of the purchaser; however, the Contractor shall report such sales as sales of Bureau of Mines helium and shall, within thirty (30) calendar days following the end of a reporting period or discovery of a negative inventory of Bureau of Mines helium, whichever is sooner, place a firm procurement order with the Bureau of Mines or another Bureau helium distribution contractor for sufficient Bureau of Mines helium to restore its Bureau of Mines helium inventory to a positive value. Failure to order sufficient helium within the thirty (30) day period shall be sufficient grounds to terminate this contract for cause, according to Sec. 3.7.

3.5 The Contractor's opening inventory of Bureau of Mines helium on its initial report to the Bureau shall be any Bureau of Mines helium received and not delivered in accordance with the provisions of this contract within the thirty (30) day period immediately preceding the effective date of this contract, except that, in the event that the Contractor was an Eligible Private Helium Distributor at the time of entering into this

contract, opening inventories under this contract will be determined by the Bureau of Mines based on the Eligible Distributor's reports for the previous reporting periods and examination of Eligible Distributor's helium accounting records by a Bureau representative.

3.6 The inventory balance of Bureau helium at the end of an annual reporting period may be carried forward as the opening inventory for the subsequent period, provided, however, that at no time shall the inventory of Bureau helium exceed the total volume of helium in physical inventory.

3.7 At the end of each annual reporting period, the Contractor shall have a positive or zero balance of Bureau of Mines helium in its inventory. Negative closing balances of Bureau of Mines helium at the end of the annual reporting period, whether reported by the Contractor on its "Bureau of Mines Helium" (Addendum C), or revealed through Bureau of Mines examination of the Contractor's Bureau helium accounting records, if not changed to a positive value within thirty (30) days according to Sec. 3.4, shall be sufficient cause for termination of this contract.

3.8 The Contractor shall not add or delete shipping points designated in the original application (Addendum A) except through amendment of this contract. The Contracting Officer, upon receipt of a written request from the Contractor to amend the contract to add or delete shipping points, along with a full explanation of the reason therefor, may send a contract amendment to the Contractor for execution or notify the Contractor of rejection of the request.

3.9 The Contractor shall keep Bureau helium accounting records necessary to show compliance with this contract. Such records shall be kept in a central location and shall be retained for one (1) year following the last day of the applicable annual reporting period. Helium accounting records shall include but are not limited to the following: (1) records of sales of Bureau of Mines helium to each Federal agency and to each private helium purchaser, (2) all pertinent documents supporting sales of Bureau of Mines helium, (3) helium sales contracts between the Contractor and another Federal Agency Contractor who, in the opinion of the Contracting Officer, may reasonably be considered a Federal Agency Contractor, (4) all pertinent documents supporting any contention that a Federal Agency Contractor was not required to use Bureau of Mines helium to meet the requirements of a Federal Agency, or a Federal Agency Contractor whose order intended delivery of Bureau of Mines helium in the opinion of the Contracting Officer, (5) certificates of Resale of Bureau of Mines helium certifying the resale of helium as required by Sec. 3.11 of this contract.

3.10 The Contracting Officer or his duly authorized representative shall have access

to and the right to examine, during the Contractor's normal business hours, any pertinent books, documents, records, and physical facilities involving transactions related in any way to this contract.

3.11 Sales of Bureau of Mines helium to another Bureau helium distribution contractor shall be certified on a "Certificate of Resale of Bureau of Mines Helium" as illustrated in Addendum B to this contract. The original of the Certificate shall be furnished to the buyer. The Contractor shall submit a fully executed copy of each Certificate issued during a reporting period with its annual report of "Bureau of Mines Helium." One copy of each Certificate issued shall be retained in the Central Bureau helium accounting records of the Contractor.

3.12 Receipts of Bureau of Mines helium from another Bureau helium distribution contractor shall be substantiated by the original "Certificate of Resale of Bureau of Mines Helium" executed and issued by the selling Bureau helium distribution contractor at the time of the sale and retained in the buying contractor's Bureau helium accounting records according to Sec. 3.9(5). The buying contractor shall submit a copy of each original Certificate received during a reporting period with its annual report of "Bureau of Mines Helium," (Addendum C). No claimed receipt of Bureau of Mines helium from another Bureau helium distribution contractor will be allowed on an annual report unless fully supported by copies of valid Certificates.

3.13 The Form No. 6-1575-A Rev., "Bureau of Mines Helium" attached as Addendum C to this contract, shall be used by the Contractor to report the stocks, receipts, and distribution of Bureau of Mines helium. The required reporting period is January 1 through December 31 of each calendar year. The reports are due at the Bureau of Mines office indicated below on or before the thirtieth (30th) day of January of each year following the applicable preceding reporting period. The completed forms shall be submitted to the Department of the Interior, Bureau of Mines, Division of Helium Operations, 1100 S. Fillmore St., Amarillo, Texas 79101. Copies of the blank form may be obtained from the above address.

Article IV—Bureau of Mines

4.1 The Bureau of Mines will place the Contractor's name, address, and locations of designated shipping points on the Bureau of Mines list of Bureau Helium Distribution Contractors.

4.2 The Bureau of Mines will furnish its list of Bureau Helium Distribution Contractors to known users of Bureau of Mines Helium, and to other parties upon request, for their use in obtaining Bureau of Mines helium.

4.3 The Bureau of Mines authorizes the Contractor to sell and distribute Bureau of Mines helium in accordance with the provision of this contract and to compete in the open market for such sales of Bureau of Mines helium that are otherwise reserved to the Secretary of the Department of the Interior.

4.4 The Bureau of Mines will furnish, upon request by the contractor, information as to which Federal agencies have major helium requirements.

Article V—Conditions

5.1 *Repurchase rights.* The Bureau of Mines shall have the right to repurchase from the original purchaser helium that has been sold by the Bureau and that has not been resold, lost or dissipated, when needed for United States Government use, as provided in Sec. 6(e) of the Helium Act. However, small volumes of Bureau helium purchased by the Contractor from another Bureau helium distribution contractor shall not be subject to repurchase by the Bureau.

5.2 *Liability*

(a) The Bureau of Mines warrants the quality and quantity of helium delivered to the original purchaser only and assumes no further liability, financial or otherwise, in connection with any sale or delivery of helium hereunder, including but not limited to claims relating to: (1) losses on business transactions or commitments between original purchaser and third parties, such as the Contractor, (2) losses on original purchaser's helium containers filled by the Bureau, or (3) losses occasioned by transportation delays.

(b) Contractor shall be liable for any and all actual damages to the Government caused by Contractor, Contractor's representatives, or Contractor's owned or leased equipment.

(c) Contractor is hereby advised that helium requirements of the United States Government shall have priority over non-Government requirements and that such priority requirements of the Government or occasions of Force Majeure may cause delay or deferral of shipment of any helium ordered by Contractor from the Bureau of Mines or another Bureau helium distribution contractor under this contract.

Article VI—General Provisions

6.1 This contract cannot be assigned or otherwise transferred without the express written approval of the Contracting Officer.

6.2 This contract may be terminated at any time by either party by serving not less than sixty (60) days' written notice of termination upon the other party, stating therein the date that such termination shall be effective. In the event of contract termination under the provisions of this Sec. 6.2, a report of receipts and distribution of Bureau of

Mines helium, as required by Sec. 3.13 of this contract, shall be submitted for the period from January 1 to the effective date of the termination in the calendar year in which the termination occurs within 15 days after the effective date of the termination.

6.3 *Disputes*

(A) Except as otherwise provided in this contract, any dispute concerning a question of fact arising under this contract which is not disposed of by agreement shall be decided by the Contracting Officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the Contractor. The decision of the Contracting Officer shall be final and conclusive unless, within 30 days from the date of receipt of such copy, the Contractor mails or otherwise furnishes to the Contracting Officer a written appeal addressed to the Secretary. The decision of the Secretary or his duly authorized representative for the determination of such appeals shall be final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this clause, the Contractor shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the Contractor shall proceed diligently with the performance of the contract and in accordance with the Contracting Officer's decision.

(b) This "Disputes" clause does not preclude consideration of law questions in connection with decisions provided for in Sec. 6.3.a above, *Provided*, That nothing in this contract shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

Standard Provisions

The remainder of the contract is comprised of nine standard provisions as follows:

- 6.4 Officials Not to Benefit
- 6.5 Covenant Against Contingent Fees
- 6.6 Utilization of Small Business Concerns
- 6.7 Utilization of Labor Surplus Area Concerns
- 6.8 Utilization of Minority Business Enterprises
- 6.9 Equal Opportunity
- 6.10 Affirmative Action for Handicapped Workers
- 6.11 Affirmative Action for Disabled Veterans and Veterans of the Vietnam Era
- 6.12 Clean Air and Water

In witness whereof, the parties hereto have caused this contract to be fully executed in duplicate by their proper officers the day and year first above written.

United States of America, Department of the Interior, Bureau of Mines.

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30 CFR Ch. VI (7-1-98 Edition)

By _____

Contracting Officer.

Bureau Helium Distribution Contractor.

(Name of Individual or Company)

By _____

(Signature)

Title _____

(The following is to be executed if Contractor is a Corporation.)

I, the undersigned, hereby certify that I am the _____ Secretary of the above-

named corporation; that the officer who signed this contract on behalf of such corporation was then acting in the capacity indicated; and that the records of the corporation, of which I have custody, indicate that such officer has the authority to so bind the corporation and that such authority is within the scope of its corporate power, and has not been revoked.

(Signature)

(Affix Corporate Seal)

Form 6-1561-X
Helium Ops. (9-81)

Addendum A
UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF MINES
WASHINGTON D.C. 20241

O. M. B. No. 1032-0113
Approval Expires 12 31 '83



Application to enter into a contract with the United States
Department of the Interior, Bureau of Mines, as a
Bureau Helium Distribution Contractor

"The Paperwork Reduction Act of 1980 (44 U.S.C. 35) requires us to inform you that this information is being collected to determine essential applicant data necessary for completion of a contract. This information will be used to determine the legitimacy of applicants as possible helium distribution contractors. The obligation to respond is required to obtain a benefit."

Application is hereby made on this date, _____, 19____,
by _____ whose principal address
is _____ to
enter into a contract with the United States Department of the Interior,
Bureau of Mines, as a "Bureau Helium Distribution Contractor." Upon
acceptance of this application and execution of the contract by both
parties, the Contractor may sell and distribute Bureau of Mines helium
for Federal use and may compete in the open market for such sales that
are otherwise reserved, by Statute, to the Secretary of the Department
of the Interior.

Applicant submits the following information and attests to its
accuracy and completeness, with the understanding that the Bureau of
Mines may make further inquiry of Applicant or others. (If additional
space is needed to answer any question, additional sheets may be
attached. If additional sheets are used, please reference all answers
to the applicable question number.)

1. As of the date of this application, applicant is or is not
distributing helium for Federal use as a Bureau of Mines "Eligible
Private Helium Distributor."

2. If the answer to 1. above is negative, applicant has or has
not previously been an Eligible Private Helium Distributor.

3. Indicate the range of total volume of helium (commercial and/or Bureau of Mines helium) distributed by the Company during the past calendar year:

More than 2,000 Mcf of gaseous helium

Less than

More than 50,000 liters of liquid helium

Less than

4. Indicate the range of total volume of other compressed or liquefied gases distributed by the company during the past calendar year.

More than 5,000 Mcf of compressed gases

Less than

More than 100,000 liters of liquefied gases

Less than

5. List each shipping point, along with the mailing address thereof, that Applicant wishes to designate for distribution of Bureau of Mines helium for Federal use.

OVER

6. Describe Applicant's facilities and equipment to be used in supplying helium requirements of Federal use customers.

a. Plant and container filling

b. Containers

c. Quality control and methods.

d. Does Applicant have rail siding within or adjacent to its facilities?

7. Based on past performance records, estimate delivery time to Federal use customers that Applicant anticipates serving.

_____ % within 24 hours after receipt of order.

_____ % longer than 24 hours after receipt of order.

8. Based on Applicant's present accounting system, describe any problems that would result from the records and reporting requirements of the contract.

9. Present a statement of facts concerning Applicant's financial capability, including the maintenance of an inventory of Bureau of Mines helium to meet anticipated sales for Federal use.

The Government reserves the right to reject any application and not award a contract.

Applicant hereby acknowledges that it has reviewed the attached contract documents and agrees to the terms thereof, and further agrees that this application, if approved, will be attached to and form a part of the resulting contract.

Name of Applicant

Name and Title of Signer
(Print or Type)

Signature

Date

Form 6-1580-A
Helium Oper. (9-81)



Addendum B
UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF MINES
WASHINGTON D.C. 20241

O. M. B. No. 1032-0113
Approval Expires 12/31/83

**INDIVIDUAL COMPANY
DATA—PROPRIETARY**

The data furnished in this report will be treated in confidence by the Department of the Interior, except that they may be disclosed to Federal defense agencies, or to the Congress upon official request for appropriate purposes.

CERTIFICATE
OF
RESALE
OF
BUREAU OF MINES HELIUM

"The Paperwork Reduction Act of 1980 (44 U.S.C. 35) requires us to inform you that: This information is being collected to determine distributor accountability and certification of compliance with the 30 CFR 602. This information will be used to account for helium transfer between distributors. The obligation to respond is required to obtain a benefit."

I certify that on this _____ day of _____, 198____,
_____ standard cubic feet of Bureau of Mines helium (convert
liquid helium to its gaseous helium equivalent) was sold from

(Company) _____,

to

(Company) _____.

Name _____

Title _____

Company _____

Address _____

Signature _____

Form 6-1575-A
Helium Oper. 9-81)



Addendum C
UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF MINES
WASHINGTON D.C. 20241

BUREAU OF MINES HELIUM:
Stocks, Receipts, and Distribution

Year 19_____

C. M. B. No. 1032-0113
Approval Expires 12/31/83

**INDIVIDUAL COMPANY
DATA—PROPRIETARY**

The data furnished in this report will be treated in confidence by the Department of the Interior, except that they may be disclosed to Federal defense agencies, or to the Congress upon official request for appropriate purposes.

To: Bureau of Mines, Helium Operations,
Department of the Interior
1100 South Fillmore Street
Amarillo, Texas 79101

"The Paperwork Reduction Act of 1980 (44 U.S.C. 35) requires us to inform you that: This information is being collected for the purpose of distributor accountability and certification of compliance with the Regulation. This information will be used to report annual sales, transfers, and purchases of Bureau helium as certification of compliance with 30 CFR 602. The obligation to respond is required to obtain a benefit."

This report is required by contract. The Bureau of Mines may withhold deliveries under a contract or terminate a contract with a private helium distributor for failure to comply with the reporting provisions specified by contract.

SECTION 1. COMPANY IDENTIFICATION.

Each distributor should prepare this report. Indicate opening stocks, receipts, distribution and closing balance, in Section 2 for indicated annual period.

1. Your company name _____
2. Address _____

SECTION 2. STOCKS, RECEIPTS, AND DISTRIBUTION FOR INDICATED ANNUAL PERIOD.

Because sales of Bureau of Mines helium to civilian consumers are not required to be reported, the closing balance of Bureau of Mines helium may exceed the total closing helium inventory. However, it is not possible for the opening inventory of Bureau of Mines helium to exceed the total helium inventory at the beginning of a reporting period. Purchases and transfers from sources other than the Bureau of Mines must be supported by copies of certificates from suppliers. Copies of this certificate are enclosed with this mailing.

Item (1)	Liquid and Gaseous Helium Standard Cubic Feet (2)
1. Opening Inventory:	
(a) Carryover closing balance from previous period or total helium inventory, whichever is smaller	_____
2. Receipts:	
(a) By purchase from Bureau of Mines	_____
(b) By purchase from another distributor	_____
(c) Total receipts (equals 2 (a) plus 2 (b))	_____
3. Total Available for Distribution this Period (equals 1 (a) plus 2 (b))	_____
4. Distribution:	
(a) By sale to Federal agencies	_____
(b) By certified sale to another distributor	_____
(c) Total distribution (equals 4 (a) plus 4 (b))	_____
5. Closing Balance (equals 3 minus 4 (c))	_____
6. CLOSING INVENTORY (actual helium on hand at end of period)	_____

Liquid helium shall be reported in gaseous helium equivalent. One liter of liquid helium is equivalent to 26.63 standard cubic feet and 1 gallon of liquid helium is equivalent to 100.82 standard cubic feet.

CERTIFICATION—I certify that the foregoing report is true, correct, and complete to the best of my knowledge and belief.

Name _____ Title _____
Signature _____ Date _____

Name of person to be contacted regarding this report			Tel. area code	No.	Ext.
Address No.	Street	City	State	Zip	

**SUBCHAPTERS B—L [RESERVED]
SUBCHAPTER M—RULES AND REGULATIONS FOR THE
ADMINISTRATION OF GRANTS**

**PART 652—MINING AND MINERAL
RESOURCES RESEARCH INSTITUTE
PROGRAM**

- Sec.
- 652.1 Scope.
 - 652.2 Objectives.
 - 652.3 Authority.
 - 652.4 Administration.
 - 652.5 Definitions.
 - 652.6 Eligibility.
 - 652.7 Responsibilities of institutions designated as mineral institutes.
 - 652.8 Applications for allotment grants.
 - 652.9 Generic mineral technology centers.
 - 652.10 Application for research grants.
 - 652.11 Transfers of research and allotment grant funds.
 - 652.12 Governing provisions for grants.
 - 652.13 Reports.
 - 652.14 Information collection.
 - 652.15 Advisory committee.
 - 652.16 Site visits.
 - 652.17 Grant modifications.
 - 652.18 Grant reduction and termination.

AUTHORITY: 30 U.S.C. 1221-1230; Pub. L. 98-409; Pub. L. 100-483.

SOURCE: 54 FR 38378, Sept. 18, 1989, unless otherwise noted.

§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.

§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.

§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.

(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.

§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.

§ 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.

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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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) through (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.

§ 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 § 652.8 and § 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 non-institute organizations, universities, or individuals shall be made available to the Bureau of Mines upon request.

§ 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 from Publications Services, 725 17th Street NW., Room 2200, Washington, DC 20503. 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 Pub. L. 96-517.

[54 FR 38378, Sept. 18, 1989, as amended at 55 FR 35300, Aug. 29, 1990]

§ 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 non-expendable 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 _____.

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 _____ under research grant number _____.

§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.

§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.

§ 652.16

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§ 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.

§ 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.

§ 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.

[54 FR 38378, Sept. 18, 1989; 55 FR 35301, Aug. 29, 1990]

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