

increase the maximum amount of an award generally made for the Conservation Project Support program. Four commenters supported the change by indicating that this change is an appropriate response to rising costs for conservation activities. The Institute agrees that the change is appropriate. The commenter opposing the change believes that research for species survival projects will be neglected by zoos, who may choose to use the larger amount for changing in-house environments. The Institute has no evidence that zoos will make this choice. Historically, the projects for species survival have been more numerous than any other type of project submitted by zoos.

Other

No comments were received regarding removing references to "Special Project" grants from the regulations or regarding the requirement of final reports on Museum Assessment Program grants or Conservation Assessment Program grants.

The Institute has considered all comments and has again reviewed the necessity and appropriateness of the proposed changes. In light of this consideration and review, following consultation with the National Museum Services Board, the Institute has determined that the amendments to regulations should be adopted as proposed in the March 6, 1995 notice. The final regulations set forth below reflect this determination.

Executive Order 12866

These amendments have been reviewed in accordance with Executive Order 12866. They are classified as non-major because they do not meet the criteria of major regulations established in the Order.

List of Subjects in 45 CFR Part 1180

Grant programs, Museums, National Boards.

Dated: December 4, 1995.

Mamie Bittner,

Director of Public and Legislative Affairs.

The Institute of Museum Services amends Part 1180 Subchapter E of Chapter XI of Title 45 of the Code of Federal Regulations as set forth below:

PART 1180—GRANTS REGULATIONS

1. The authority citation for part 1180 continues to read as follows:

Authority: 20 USC 960–968.

2. Section § 1180.5 is amended by adding a new paragraph (f):

§ 1180.5 Eligibility and burden of proof—Who may apply.

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(f) In a given year, a museum that has not received two consecutive General Operating Support awards in the immediately preceding two-year cycles is eligible to apply for General Operating Support.

3. Section § 1180.20 is amended by revising paragraph (f)(1) to read as follows:

§ 1180.20 Guidelines and standards for conservation projects

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(f) *Limits for Federal funding.* (1) The normal amount of a Conservation Project Support grant will be established through a notice published in the Federal Register. Beginning in FY 1996, the normal maximum amount is \$50,000. Unless otherwise provided by law, if the Director determines that exceptional circumstance warrant, the Director, consistent with the policy direction of the Board, may award a conservation grant which obligates an amount in Federal funds in excess of the normal maximum award. IMS may establish a maximum award level for exceptional project grants for a particular fiscal year through information made available in guidelines or other material distributed to all applicants.

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4. Section § 1180.17 is revised to read as follows:

§ 1180.17 Reports

In its final reports a grantee shall briefly detail how the expenditure of the grant funds has satisfied the proposed use of the funds as stated in its General Operating Support application or has accomplished the proposal as set forth in its application and has served the purpose of the Act as reflected in the applicable evaluation criteria in § 1180.13.

5. Section § 1180.35 is amended by revising its heading and paragraphs (a) and (b) to read as follows:

§ 1180.35 Group applications.

(a) Eligible museums may apply as a group for a project grant.

(b) If a group of museums applies for a grant, the members of the group shall either:

(1) Designate one member of the group to apply for the grant; or

(2) Establish a separate, eligible legal entity, consisting solely of the museum group, to apply for the grant.

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§ 1180.40 [Removed and reserved]

6. Section 1180.40 is removed and reserved.

7. Section 1180.41 is revised to read as follows:

§ 1180.41 The cost analysis; basis for grant amount.

Before the Director sets the amount of a grant, a cost analysis of the project is made which involves an examination of:

(a) The cost data in the detailed budget for the project;

(b) Specific elements of cost; and

(c) The necessity, reasonableness, and allowability under applicable statutes and regulations.

8. Section 1180.45 is amended by revising paragraph (a) to read as follows:

§ 1180.45 Use of consultants.

(a) Subject to Federal statutes and regulations, a grantee shall adhere to its general policies and practices when it hires, uses, and pays a consultant as part of the staff.

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9. Section 1180.48 is revised to read as follows:

§ 1180.48 General conditions on publications.

(a) Content of materials. Subject to any specific requirements that apply to its grant, a grantee may decide the format and content of materials that it publishes or arranges to have published.

(b) Required Statement. The grantee shall ensure that any publication that contains materials also contains the following statement:

The contents of this (insert type of publication, e.g., book, report, film) were developed in whole or in part under a grant from the Institute of Museum Services. However, the contents do not necessarily represent the policy of the Institute, and endorsement by the Federal Government should not be assumed.

10. Section 1180.49 is revised to read as follows:

§ 1180.49 Copyright policy for grantees.

A grantee may copyright materials in accordance with government-wide policy applicable to copyright of publications developed under Federal grants.

11. Section 1180.50 is revised to read as follows:

§ 1180.50 Definition of "materials."

As used in §§ 1180.48 through 1180.49, materials means a copyrightable work developed in whole or in part with funds from a grant from the Institute.

12. Section 1180.58 is revised to read as follows: