

5 United States Code Appendix Section 2 et seq., and the General Services Administration (GSA) rule on Federal Advisory Committee Management, Title 41 Code of Federal Regulations subpart 101-6.10, the Secretary of Commerce has determined that the establishment of the Advanced Technology Program (ATP) Advisory Committee (the "Committee") is in the public interest in connection with the performance of duties imposed on the Department by law.

The Committee will advise the Director of the National Institute of Standards and Technology (NIST) on ATP programs, plans, and policies.

The Committee will consist of not fewer than six nor more than twelve members appointed by the Director of NIST and its membership will be balanced to reflect the wide diversity of technical disciplines and industrial sectors represented in ATP projects. NIST invites and requests nominations of individuals for appointment to the Committee.

The Committee will function solely as an advisory body, in compliance with the provision of the Federal Advisory Committee Act.

**Authority:** Federal Advisory Committee Act: 5 U.S.C. App. 2 and General Services Administration Rule: 41 CFR subpart 101-6.10.

Dated: June 14, 1999.

**Karen H. Brown,**

*Deputy Director.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[Docket No. 960223046-9151-04; I.D. 050799B]

RIN 0648-ZA09

### Financial Assistance for Research and Development Projects to Strengthen and Develop the U.S. Fishing Industry

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

**ACTION:** Notice of solicitation for applications.

**SUMMARY:** NMFS (hereinafter referred to as "we" or "us") issues this document to describe how you, the applicant, can apply for funding under the Saltonstall-Kennedy (S-K) Grant Program and how we will determine whether to fund your proposal.

Under the S-K Program, we provide financial assistance for research and development projects that address various aspects of U.S. fisheries (commercial or recreational), including, but not limited to, harvesting, processing, marketing, and associated infrastructures.

**DATES:** We must receive your application by close of business August 20, 1999, in one of the offices listed in section I.E. Applications Addresses of this document. You must submit one signed original and nine signed copies of the completed application (including supporting information). We will not accept facsimile applications.

**ADDRESSES:** You can obtain an application package from, and send your completed application(s) to, the NMFS Regional Administrator located at any of the offices listed in section I.E. Applications Addresses of this document.

**FOR FURTHER INFORMATION CONTACT:** Alicia L. Jarboe, S-K Program Manager, (301) 713-2358.

#### SUPPLEMENTARY INFORMATION:

#### I. Introduction

##### A. Background

The Saltonstall-Kennedy Act (S-K Act), as amended (15 U.S.C. 713c-3), established a fund (known as the S-K fund) that the Secretary of Commerce uses to provide grants or cooperative agreements for fisheries research and development projects addressed to any aspect of U.S. fisheries, including, but not limited to, harvesting, processing, marketing, and associated infrastructures. U.S. fisheries<sup>1</sup> include any fishery, commercial or recreational, that is or may be engaged in by citizens or nationals of the United States, or citizens of the Northern Mariana Islands, the Republic of the Marshall Islands, Republic of Palau, and the Federated States of Micronesia.

The objectives of the S-K Grant Program, and therefore the funding priorities, have changed over the years since the program began in 1980. The original focus of the program was to develop underutilized fisheries within the U.S. Exclusive Economic Zone (EEZ).

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), originally passed in 1976, directed us to

give the domestic fishing industry priority access to the fishery resources in the EEZ.

To accelerate development of domestic fisheries, the American Fisheries Promotion Act of 1980 amended the S-K Act to stimulate commercial and recreational fishing efforts in underutilized fisheries.

In the following years, the efforts to Americanize the fisheries were successful to the point that most nontraditional species were fully developed and some traditional fisheries became overfished. Therefore, we changed the emphasis of the S-K Program to resource conservation and management. Funding priorities included a range of conservation and management issues and aquaculture.

In 1996, the Sustainable Fisheries Act (SFA) (Pub. L. 104-297), was enacted. The SFA amended the Magnuson-Stevens Act and supported further adjustment to the S-K Program to address the current condition of fisheries.

The Magnuson-Stevens Act, as amended by the SFA, requires us to undertake efforts to prevent overfishing, rebuild overfished fisheries, insure conservation, protect essential fish habitats, and realize the full potential of U.S. fishery resources. It further requires that we take into account the importance of fishery resources to fishing communities; provide for the sustained participation of such communities; and, to the extent possible, minimize the adverse economic impacts of conservation and management measures on such communities. The Magnuson-Stevens Act defines a "fishing community" as "a community which is substantially dependent on or substantially engaged in the harvest or processing of fishery resources to meet social and economic needs, and includes fishing vessel owners, operators, and crew and United States fish processors that are based in such community." (16 U.S.C. 1802 (16)).

The NOAA Strategic Plan, updated in 1998, has three goals under its Environmental Stewardship Mission: Build Sustainable Fisheries (BSF), Recover Protected Species, and Sustain Healthy Coasts. The S-K Program supports fisheries research and development activities that directly relate to the BSF goal.

The revised objectives for BSF, consistent with the Magnuson-Stevens Act, are:

1. Eliminate and prevent overfishing and overcapitalization.
2. Attain economic sustainability in fishing communities.

<sup>1</sup>For purposes of this document, a fishery is defined as one or more stocks of fish, including tuna, and shellfish that are identified as a unit based on geographic, scientific, technical, recreational and economic characteristics, and any and all phases of fishing for such stocks. Examples of a fishery are Alaskan groundfish, Pacific whiting, New England whiting, and eastern oysters.

3. Develop environmentally and economically sound marine aquaculture.

Our goal for the FY 2000 S-K Grant Program announced in this document is to address the needs of fishing communities in terms of the preceding BSF objectives. This goal is reflected in the funding priorities listed in section II of this document. Successful applications will be those aimed at helping fishing communities to resolve issues that affect their ability to fish; make full use of those species that are currently under Federal or state fishery management plans (FMPs) and cultured species; and address the socioeconomic impacts of overfishing and overcapitalization.

The S-K Program is open to applicants from a variety of sectors, including industry, academia, and state and local governments. However, the scope of this program is limited to marine species and Great Lakes species.

#### *B. Changes from the Last Solicitation Notice*

We have changed some of the conditions and procedures in this document from the last S-K Grant Program solicitation notice published on March 2, 1998 (63 FR 10191). Therefore, we encourage you to read the entire document before preparing your application.

#### *C. Funding*

We are soliciting applications for Federal assistance, pursuant to 15 U.S.C. 713c-3(c). This document describes how you can apply for funding under the S-K Grant Program, and how we will determine which applications we will fund.

Funding for projects depends on an allocation of funds by Congress for the S-K Grant Program in Fiscal Year (FY) 2000, which begins on October 1, 1999. We expect about \$1.5 million to be available for FY 2000. We cannot guarantee that sufficient funds will be available to make awards for all approved applications submitted under this program.

In order to be funded under the S-K Grant Program, applications must propose activities that: address the funding priorities listed in section II of this document; are expected to produce a direct benefit (e.g., tool, information, service, or technology) to the fishing community (as defined in section I.A. of this document); and can be accomplished within 18 months. Acceptable research and development activities include applied research, demonstration projects, pilot or field testing, or business plan development.

However, we will not fund projects that primarily involve infrastructure construction, port and harbor development, or start-up or operational costs for private business ventures. Furthermore, if your proposed project primarily involves data collection, it must be directed to a specific problem or need and be of a fixed duration, not of a continuing nature, in order to be considered.

#### *D. Catalog of Federal Domestic Assistance*

The S-K Grant Program is listed in the "Catalogue of Federal Domestic Assistance" under number 11.427, Fisheries Development and Utilization Research and Development Grants and Cooperative Agreements Program.

#### *E. Applications Addresses*

Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930; (978) 281-9267.

Southeast Region, NMFS, 9721 Executive Center Drive, North, St. Petersburg, FL 33702-2432, (727) 570-5324.

Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802-4213, (562) 980-4033.

Northwest Region, NMFS, 7600 Sand Point Way, NE., BIN C15700, Building 1, Seattle, WA 98115, (206) 526-6115.

Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802 or Federal Building, 709 West 9th Street, 4th Floor, Juneau, AK 99801-1668, (907) 586-7224.

#### *F. Electronic Access Addresses*

This solicitation and the application package are available on the NMFS S-K Home Page at: [www.nmfs.gov/sfweb/skhome.html](http://www.nmfs.gov/sfweb/skhome.html).

The 1998 updated Executive Summary of the NOAA Strategic Plan is available at: [www.strategic.noaa.gov/](http://www.strategic.noaa.gov/) and the Magnuson-Stevens Act is available at: [www.nmfs.gov/sfa/magact/](http://www.nmfs.gov/sfa/magact/).

The list of species that are currently under Federal FMPs is in the publication, *Status of Fisheries of the United States*, available at: [www.nmfs.gov/sfa/reports.html](http://www.nmfs.gov/sfa/reports.html).

## **II. Funding Priorities**

Your proposal must address one of the priorities listed below as they pertain to marine or Great Lakes species. If you select more than one priority, you should list first on your application the priority that most closely reflects the objectives of your proposal.

If we do not receive proposals that adequately respond to the priorities listed, we may use S-K funds to carry

out a national program of research and development addressed to aspects of U.S. fisheries pursuant to section 713c-3(d) of the

S-K Act, as amended.

The priorities are not listed in any particular order and each is of equal importance.

#### *A. Conservation Engineering*

Reduce or eliminate adverse interactions (that affect fishing activity) between fishing operations and nontargeted, protected, or prohibited species (e.g., juvenile or sublegal-sized fish and shellfish, females of certain crabs, Endangered Species Act (ESA)-listed fish, marine turtles, seabirds, or marine mammals), including the inadvertent take, capture, or destruction of such species.

Improve the survivability of fish discarded or intentionally released and of protected species released in fishing operations.

Reduce or eliminate impacts of fishing activity on essential fish habitat that adversely affect the sustainability of the fishery.

#### *B. Optimum Utilization of Fishery Resources Currently under Federal or State Management, and Cultured Species*

Reduce or eliminate technical barriers to trade.

Minimize harvest losses.

Develop usable products from economic discards (whole fish discarded because they are an undesirable species, size, or sex, or parts of fish discarded as not commercially useful) and byproducts of processing.

#### *C. Fishing Community Transition*

Help fishing communities to address the socioeconomic effects of overfishing and overcapitalized fisheries through such activities as planning and demonstration projects. Specific areas for these activities could include retraining of fishermen for alternative employment, alternative uses for existing fishing industry infrastructure, and planning for fishing capacity reduction. Activities may complement, but should not duplicate, programs available from other Federal, state, or local agencies.

#### *D. Marine Aquaculture in the Off-Shore Environment*

Advance the implementation of marine aquaculture in the off-shore environment (i.e., the EEZ) by addressing technical aspects such as systems engineering, environmental compatibility, and culture technology. Applications should demonstrate that

the goal is to support off-shore industry development.

Reduce or eliminate legal and social barriers to off-shore aquaculture development, e.g., legal constraints, use conflicts, exclusionary mapping, appropriate institutional roles.

### III. How to Apply

#### A. Eligibility

To apply for grants or cooperative agreements, you must follow the instructions in this document. You are eligible to apply if:

1. You are a citizen or national of the United States;

2. You are a citizen of the Northern Mariana Islands (NMI), being an individual who qualifies as such under section 8 of the Schedule on Transitional Matters attached to the constitution of the NMI;

3. You are a citizen of the Republic of the Marshall Islands, Republic of Palau, or the Federated States of Micronesia; or

4. You represent an entity that is a corporation, partnership, association, or other non-Federal entity, non-profit or otherwise (including Indian tribes), if such entity is a citizen of the United States or NMI, within the meaning of section 2 of the Shipping Act, 1916, as amended (46 U.S.C. app. 802).

We support cultural and gender diversity in our programs and encourage women and minority individuals and groups to submit applications. Furthermore, we recognize the interest of the Secretaries of Commerce and Interior in defining appropriate fisheries policies and programs that meet the needs of the U.S. insular areas, so we also encourage applications from individuals, government entities, and businesses in U.S. insular areas.

We encourage applications from members of the fishing community, and applications that involve fishing community cooperation and participation. We will consider the extent of fishing community involvement when evaluating the potential benefit of funding a proposal.

You are not eligible to submit an application under this program if you are an employee of any Federal agency; a Regional Fishery Management Council (Council); or an employee of a Council. However, Council members who are not Federal employees can submit an application to the S-K Program.

Our employees, including full-time, part-time, and intermittent personnel, are not allowed to help you prepare your application, except to provide you with information on program goals, funding priorities, application procedures, and completion of

application forms. Since this is a competitive program, we will not provide assistance in conceptualizing, developing, or structuring proposals, or write letters of support for a proposal.

#### B. Duration and Terms of Funding

We will award grants or cooperative agreements for a maximum period of 18 months.

We do not fund multi-year projects under the S-K Program. If we select your application for funding and you wish to continue work on the project beyond the funding period, you must submit another proposal to the competitive process for consideration, and you will not receive preferential treatment.

If we select your application for funding, we have no obligation to provide any additional future funding in connection with that award. Renewal of an award to increase funding or extend the period of performance is totally at our discretion.

Even though we are publishing this announcement we are not required to award any specific grant or cooperative agreement, nor are we required to obligate any part or the entire amount of funds available.

#### C. Cost Sharing

We are requiring cost sharing in order to leverage the limited funds available for this program and to encourage partnerships among government, industry, and academia to address the needs of fishing communities. You must provide a minimum cost share of 10 percent of total project costs, but your cost share must not exceed 50 percent of total costs. (For example, if the proposed total budget for your project is \$100,000, you must contribute at least \$10,000, but no more than \$50,000, toward the total costs. Accordingly, the Federal share you apply for would range from \$50,000 to \$90,000.) If your application does not comply with these cost share requirements, we will return it to you and will not consider it for funding. The funds you provide as cost sharing may include funds from private sources or from state or local governments, or the value of in-kind contributions. You may not use Federal funds to meet the cost sharing requirement except as provided by Federal statute. In-kind contributions are non-cash contributions provided by you as the applicant or by non-Federal third parties. In-kind contributions may include but are not limited to, personal services volunteered to perform tasks in the project, and permission to use, at no cost, real or personal property owned by others.

We will determine the appropriateness of all cost sharing proposals, including the valuation of in-kind contributions, on the basis of guidance provided in 15 CFR parts 14 and 24. In general, the value of in-kind services or property you use to fulfill your cost share will be the fair market value of the services or property. Thus, the value is equivalent to the cost for you to obtain such services or property if they had not been donated. You must document the in-kind services or property you will use to fulfill your cost share.

If we decide to fund your application, we will require you to account for the total amount of cost share included in the award document.

#### D. Format

Your application must be complete and must follow the format described here. Your application should not be bound in any manner and must be printed on one side only. You must submit one signed original and nine signed copies of your application.

##### 1. Cover Sheet

You must use Office of Management and Budget (OMB) Standard Form 424 and 424B (4-92) as the cover sheet for each project. (In order to complete item 16 of Standard Form 424, see section V.A.5. of this document.)

##### 2. Project Summary

You must complete NOAA Form 88-204 (10-98), Project Summary, for each project. You must list on the Project Summary the specific priority to which the application responds (see section II. of this document).

##### 3. Project Budget

You must submit a budget for each project, using NOAA Form 88-205 (10-98), Project Budget and associated instructions. You must provide detailed cost estimates showing total project costs. Indicate the breakdown of costs between Federal and non-Federal shares, divided into cash and in-kind contributions. To support the budget, describe briefly the basis for estimating the value of the cost sharing derived from in-kind contributions. Specify estimates of the direct costs in the categories listed on the Project Budget form.

You may also include in the budget an amount for indirect costs if you have an established indirect cost rate with the Federal government. For this solicitation, the total dollar amount of the indirect costs you propose in your application must not exceed the indirect cost rate negotiated and approved by a cognizant Federal agency prior to the proposed effective date of the award, or 100 percent of the total proposed direct

costs dollar amount in the application, whichever is less. The Federal share of the indirect costs may not exceed 25 percent of the total proposed direct costs. If you have an approved indirect cost rate above 25 percent of the total proposed direct cost, you may use the amount above the 25-percent level up to the 100-percent level as part of the non-Federal share. You must include a copy of the current, approved, negotiated indirect cost agreement with the Federal government with your application.

We will not consider fees or profits as allowable costs in your application.

The total costs of a project consist of all allowable costs you incur, including the value of in-kind contributions, in accomplishing project objectives during the life of the project. A project begins on the effective date of an award agreement between you and an authorized representative of the U.S. Government and ends on the date specified in the award. Accordingly, we cannot reimburse you for time that you expend or costs that you incur in developing a project or preparing the application, or in any discussions or negotiations you may have with us prior to the award. We will not accept such expenditures as part of your cost share.

#### 4. Narrative Project Description

You must provide a narrative description of your project that may be up to 15 pages long. The narrative should demonstrate your knowledge of the need for the project, and show how your proposal builds upon any past and current work in the subject area, as well as relevant work in related fields. You should not assume that we already know the relative merits of the project you describe. You must describe your project as follows:

##### *a. Project goals and objectives.*

Identify the specific priority listed earlier in the solicitation to which the proposed project responds. Identify the problem/opportunity you intend to address and describe its significance to the fishing community. State what you expect the project to accomplish.

If you are applying to continue a project we previously funded under the S-K Program, describe in detail your progress to date and explain why you need additional funding. We will consider this information in evaluating your current application.

*b. Project impacts.* Describe the anticipated impacts of the project on the fishing community in terms of reduced bycatch, increased product yield, or other measurable benefits. Describe how you will make the results of the project available to the public.

*c. Evaluation of project.* Specify the criteria and procedures that you will use to evaluate the relative success or failure of a project in achieving its objectives.

*d. Need for government financial assistance.* Explain why you need government financial assistance for the proposed work. List all other sources of funding you have or are seeking for the project.

*e. Federal, state, and local government activities and permits.* List any existing Federal, state, or local government programs or activities that this project would affect, including activities requiring: certification under state Coastal Zone Management Plans; section 404 or section 10 permits issued by the Corps of Engineers; experimental fishing or other permits under FMPs; environmental impact statements to meet the requirements of the National Environmental Policy Act; or scientific permits under ESA and/or the Marine Mammal Protection Act. Describe the relationship between the project and these FMPs or activities, and list names and addresses of persons providing this information. If we select your project for funding, you are responsible for complying with all applicable requirements.

*f. Project statement of work.* The statement of work is an action plan of activities you will conduct during the period of the project. You must prepare a detailed narrative, fully describing the work you will perform to achieve the project goals and objectives. The narrative should respond to the following questions:

(1) What is the project design? What specific work, activities, procedures, statistical design, or analytical methods will you undertake?

(2) Who will be responsible for carrying out the various activities? (Highlight work that will be subcontracted and provisions for competitive subcontracting.)

(3) What are the major products?

You must include milestones, describing the specific activities and associated time lines to conduct the scope of work. Describe the time lines in increments (e.g., month 1, month 2), rather than by specific dates. You must identify the individual(s) responsible for the various specific activities.

This information is critical for us to conduct a thorough review of your application, so we encourage you to provide sufficient detail.

*g. Participation by persons or groups other than the applicant.* Describe how government and non-government entities, particularly members of fishing communities, will participate in the project, and the nature of their

participation. We will consider the degree of participation by members of the fishing community in determining which applications to fund.

*h. Project management.* Describe how the project will be organized and managed. Identify the principal participants in the project. If you do not identify the principal investigator, we will return your application without further consideration. Include copies of any agreements between you and the participants describing the specific tasks to be performed. Provide a statement of the qualifications and experience (e.g., resume or curriculum vitae) of the principal investigator(s) and any consultants and/or subcontractors, and indicate their level of involvement in the project. If any portion of the project will be conducted through consultants and/or subcontracts, you must follow procurement guidance in 15 CFR part 24, "Grants and Cooperative Agreements to State and Local Governments," and 15 CFR part 14, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, Other Non-Profit, and Commercial Organizations." If you select a consultant and/or a subcontractor prior to submitting an application, indicate the process that you used for selection.

#### 5. Supporting Documentation

You should include any relevant documents and additional information (i.e. maps, background documents) that will help us to understand the project and the problem/opportunity you seek to address.

## IV. Screening, Evaluation, and Selection Procedures

### A. Initial Screening of Applications

When we receive applications at any of the NMFS Regional Offices, we will first screen them to ensure that they were received by the deadline date (see DATES); include OMB form 424 signed and dated by an authorized representative (see section III.D. of this document); were submitted by an eligible applicant (see section III.A. of this document); provide for at least a 10-percent cost share but not more than 50 percent (see section III.C. of this document); involve an eligible activity (see section I.C. of this document); address one of the funding priorities in this document for marine and Great Lakes species (see section II.A.-D. of this document); and include a budget, statement of work, and milestones, and identify the principal investigator (see sections III.D.3. and III.D.4. of this document). If your application does not

conform to these requirements and the deadline for submission has passed, we will return it to you without further consideration.

We do not have to screen applications before the submission deadline, nor do we have to give you an opportunity to correct any deficiencies that cause your application to be rejected.

#### *B. Evaluation of Proposed Projects*

##### *1. Technical Evaluation*

After the initial screening, we will solicit individual evaluations of each project application from three or more appropriate private and public sector experts to determine the technical merit. These reviewers will be required to certify that they do not have a conflict of interest concerning the application(s) they are reviewing. They will assign scores ranging from a minimum of 60 (poor) to a maximum of 100 (excellent) to applications based on the following criteria, with weights shown in parentheses:

*a. Soundness of project design/conceptual approach.* Applications will be evaluated on the conceptual approach; the likelihood of project results in the time frame specified in the application; whether there is sufficient information to evaluate the project technically; and, if so, the strengths and/or weaknesses of the technical design relative to securing productive results. (50 percent) *b. Project management and experience and qualifications of personnel.* The organization and management of the project will be evaluated. The project's principal investigator and other personnel, including consultants and contractors participating in the project, will be evaluated in terms of related experience and qualifications. Applications that include consultants and contractors will be reviewed to determine if your involvement, as the primary applicant, is necessary to the conduct of the project and the accomplishment of its objectives. (25 percent)

*c. Project evaluation.* The effectiveness of your proposed methods to monitor and evaluate the success or failure of the project in terms of meeting its original objectives will be examined. (10 percent)

*d. Project costs.* The justification and allocation of the budget in terms of the work to be performed will be evaluated. Unreasonably high or low project costs will be taken into account. (15 percent)

Following the technical review, we will determine the weighted score for each individual review and average the individual technical review scores to determine the final technical score for

each application. Then, we will rank applications in descending order by their final technical scores and determine a "cutoff" score that is based on the amount of funds available for grants. We will eliminate from further consideration those applications that scored below the cutoff.

##### *2. Constituent Panel(s)*

For those applications at or above the cutoff technical evaluation score, we will solicit individual comments and evaluations from a panel or panels of three or more representatives selected by the Assistant Administrator for Fisheries (AA). Panel members will be chosen from the fishing industry, state government, non-government organizations, and others, as appropriate. We will provide panelists with a summary of the technical evaluations, and, for applications to continue a previously funded project, information on progress on the funded work to date.

Each panelist will evaluate the applications in terms of the significance of the problem or opportunity being addressed, the degree of fishing community involvement in conducting the project, and the merits of funding each project. Each panelist will provide a rating from 0-4 (poor to excellent) for each project, and provide comments if they wish. Panel members will be required to certify that they do not have a conflict of interest and that they will maintain confidentiality of the panel deliberations.

Following the Constituent Panel meeting, we will average the individual ratings for each project. We will then develop a ranking of projects based on the individual ranks within each of the priority areas.

#### *C. Selection Procedures and Project Funding*

After projects have been evaluated and ranked, we will use this information, along with input from the NMFS Regional Administrators (RAs) and Office Directors (ODs), to develop recommendations for project funding. RAs/ODs will prepare a written justification for any recommendations for funding that fall outside the ranking order, or for any cost adjustments.

The AA will review the funding recommendations and comments of the RAs/ODs and determine the projects to be funded. In making the final selections, the AA may consider costs, geographical distribution, and duplication with other federally funded projects. Awards are not necessarily made to the highest ranked applications.

We will notify you in writing whether your application is selected or not. If

your application is unsuccessful, we will return it to you. Successful applications will be incorporated into the award document.

The exact amount of funds, the scope of work, and terms and conditions of a successful award will be determined in preaward negotiations between you and NOAA/NMFS representatives. The funding instrument (grant or cooperative agreement) will be determined by NOAA Grants. You should not initiate your project in expectation of Federal funding until you receive a grant award document signed by an authorized NOAA official.

#### *V. Administrative Requirements*

##### *A. Your Obligations as an Applicant*

You must:

1. Meet all application requirements and provide all information necessary for the evaluation of the proposal, including one signed original and nine signed copies of the application.

2. Be available to respond to questions during the review and evaluation of the proposal(s).

3. Submit a completed Form CD-511, "Certification Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying." The following explanations are provided:

*a. Nonprocurement debarment and suspension.* Prospective participants (as defined at 15 CFR 26.105) are subject to 15 CFR part 26, "Nonprocurement Debarment and Suspension" and the related section of the certification form prescribed above applies;

*b. Drug-free workplace.* Grantees (as defined at 15 CFR 26.605) are subject to 15 CFR part 26, subpart F, "Governmentwide Requirements for Drug-Free Workplace (Grants)," and the related section of the certification form prescribed above applies;

*c. Anti-lobbying.* Persons (as defined at 15 CFR 28.105) are subject to the lobbying provisions of 31 U.S.C. 1352, "Limitation on Use of Appropriated Funds to Influence Certain Federal Contracting and Financial Transactions," and the lobbying section of the certification form applies to applications/bids for grants, cooperative agreements, and contracts for more than \$100,000, and loans and loan guarantees for more than \$150,000; and

*d. Anti-lobbying disclosures.* Any applicant who has paid or will pay for lobbying using any funds must submit an SF-LLL, "Disclosure of Lobbying Activities," as required under 15 CFR part 28, appendix B.

4. If applicable, require applicants/bidders for subgrants, contracts,

subcontracts, or other lower tier covered transactions at any tier under the award to submit a completed Form CD-512, "Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions and Lobbying" and disclosure form SF-LLL, "Disclosure of Lobbying Activities." Form CD-512 is intended for your use and should not be sent to the Department of Commerce (Commerce). You should send an SF-LLL submitted by any tier recipient or subrecipient to Commerce only if your application is recommended for funding. Instructions will be contained in the award document. We will provide you with all required forms.

5. Complete Item 16 on Standard Form 424 (4-92) regarding clearance by the State Point Of Contact (SPOC) established as a result of E.O. 12372. You can get the list of SPOCs from any of the NMFS offices listed in this document or from the S-K Home Page (see section I.F. Electronic Access Addresses of this document). It is also included in the "Catalog of Federal Domestic Assistance." You must contact the SPOC, if your state has one, to see if applications to the S-K Program are subject to review. If SPOC clearance is required, you are responsible for getting that clearance in time to submit your application to the S-K Program by the deadline.

6. Complete Standard Form 424B (4-92), "Assurances—Non-construction Programs."

#### *B. Your Obligations as a Successful Applicant (Recipient)*

If you are selected to receive a grant award for a project, you must:

1. Manage the day-to-day operations of the project, be responsible for the performance of all activities for which funds are granted, and be responsible for the satisfaction of all administrative and managerial conditions imposed by the award.

2. Keep records sufficient to document any costs incurred under the award, and allow access to these records for audit and examination by the Secretary of Commerce, the Comptroller General of the United States, or their authorized representatives; and, submit financial status reports (SF 269) to GMD in accordance with the award conditions.

3. Submit semiannual project status reports on the use of funds and progress of the project to us within 30 days after the end of each 6-month period. You will submit these reports to the individual identified as the NMFS Program Officer in the funding agreement.

4. Submit a final report within 90 days after completion of each project to the NMFS Program Officer. The final report must describe the project and include an evaluation of the work you performed and the results and benefits in sufficient detail to enable us to assess the success of the completed project.

We are committed to using available technology to achieve the timely and wide distribution of final reports to those who would benefit from this information. Therefore, you are required to submit final reports in electronic format, in accordance with the award terms and conditions, for publication on the NMFS S-K Home Page. You may charge the costs associated with preparing and transmitting your final reports in electronic format to the grant award. We will consider requests for exemption from the electronic submission requirement on a case-by-case basis.

We will provide you with OMB-approved formats for the semiannual and final reports.

5. In addition to the final report in section V.B.4. of this document, we request that you submit any publications printed with grant funds (such as manuals, surveys, etc.) to the NMFS Program Officer for dissemination to the public. Submit either three hard copies or an electronic version of any such publications.

#### *C. Other Requirements of Recipients*

1. Federal Policies and Procedures  
If you receive Federal funding, you are subject to all Federal laws and Federal and Commerce policies, regulations, and procedures applicable to financial assistance awards. You must comply with general provisions that apply to all recipients under Commerce grant and cooperative agreement programs.

2. Name Check Review  
You may be subject to a name check review process. We use name checks to determine if you or any key individuals named in your application have been convicted of, or are presently facing, criminal charges such as fraud, theft, perjury, or other matters that significantly reflect on your management, honesty, or financial integrity.

3. Financial Management Certification/Preaward Accounting Survey

You may, at the discretion of the NOAA Grants Officer, be required to have your financial management systems certified by an independent public accountant as being in compliance with Federal standards specified in the applicable OMB

Circulars prior to execution of the award. If you are a first-time applicant for Federal grant funds, you may be subject to a preaward accounting survey by Commerce prior to execution of the award.

4. Past Performance  
Unsatisfactory performance under prior Federal awards may result in an application not being considered for funding.

5. Delinquent Federal Debts  
We will not award any Federal funds to you or any subrecipients who have an outstanding delinquent Federal debt or fine until either:

- The delinquent account is paid in full,
- A negotiated repayment schedule is established and at least one payment is received, or
- Other arrangements satisfactory to Commerce are made.

6. Buy American  
You are encouraged to the extent feasible to purchase American-made equipment and products with the funding provided under this program.

7. Preaward activities  
If you incur any costs prior to receiving an award agreement signed by an authorized NOAA official, you do so solely at your own risk of not being reimbursed by the Government. Notwithstanding any verbal or written assurance that you may have received, there is no obligation on the part of Commerce to cover preaward costs.

8. False statements  
A false statement on the application is grounds for denial or termination of funds and grounds for possible punishment by a fine or imprisonment (18 U.S.C. 1001).

#### **Classification**

Prior notice and an opportunity for public comments are not required by the Administrative Procedure Act or any other law for this notice concerning grants, benefits, and contracts.

Furthermore, a regulatory flexibility analysis is not required for purposes of the Regulatory Flexibility Act.

This action has been determined to be not significant for purposes of E.O. 12866.

Applications under this program are subject to Executive Order 12372, "Intergovernmental Review of Federal Programs."

This document contains collection-of-information requirements subject to the Paperwork Reduction Act (PRA). The collection of this information has been approved by OMB under control numbers 0348-0040, 0348-0043, 0348-0046, and 0648-0135. Notwithstanding any other provision of law, no person is

required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to

the requirements of the PRA unless that collection of information displays a currently valid OMB control number.

A solicitation for applications will also appear in the "Commerce Business Daily."

Dated: June 15, 1999.

**Penelope D. Dalton,**

*Assistant Administrator for Fisheries,  
National Marine Fisheries Service.*

[FR Doc. 99-15723 Filed 6-18-99; 8:45 am]

BILLING CODE 3510-22-F

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 060899A]

#### Marine Mammals; File No. P466B

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

**ACTION:** Receipt of application for amendment.

**SUMMARY:** Notice is hereby given that Scott D. Kraus, Ph.D., Edgerton Research Laboratory, New England Aquarium, Central Wharf, Boston, MA 02110-3309, has requested an amendment to scientific research Permit No. 1014.

**DATES:** Written or telefaxed comments must be received on or before July 21, 1999.

**ADDRESSES:** The amendment request and related documents are available for review upon written request or by appointment in the following office(s):

Permits and Documentation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910 (301/713-2289);

Regional Administrator, Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930, (978/281-9250); and

Regional Administrator, Southeast Region, NMFS, 9721 Executive Center Drive North, St. Petersburg, FL 33702-2432 (813/570-5312).

Written comments or requests for a public hearing on this request should be submitted to the Chief, Permits and Documentation Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this

particular amendment request would be appropriate.

Comments may also be submitted by facsimile at (301) 713-0376, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period. Please note that comments will not be accepted by e-mail or other electronic media.

**FOR FURTHER INFORMATION CONTACT:** Ruth Johnson 301/713-2289.

**SUPPLEMENTARY INFORMATION:** The subject amendment to Permit No. 1014, issued on August 29, 1996 (61 FR 51688) is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered fish and wildlife (50 CFR parts 222-226).

Permit No. 1014 authorizes the permit holder to: take up to 350 northern right whales (*Eubaleana glacialis*) by harassment during approach closer than 100 feet by vessel or less than 1000 ft. by aircraft. Of these 80 may be biopsy darted; 10 radio tagged, 15 satellite tagged, and 50 ultrasonically measured; collect tissue samples dead stranded animals and exported to Canada, South Africa, New Zealand, Australia and England; and export 100 samples taken legally in other countries.

The permit holder requests an amendment to: play sounds back to up to 100 right whales annually. Sounds projected will not exceed the sound pressure levels found in the normal oceanic environment. Additionally, up to 50 whales will be tagged with suction-cup acoustic recording tags to determine received sound levels from both playback experiments and controlled vessel approaches.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: June 10, 1999.

**Ann D. Terbush,**

*Chief, Permits and Documentation Division,  
Office of Protected Resources, National  
Marine Fisheries Service.*

[FR Doc. 99-15720 Filed 6-18-99; 8:45 am]

BILLING CODE 3510-22-F

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

[Docket No. 980326078-9120-02]

#### Internet Usage Policy

**AGENCY:** Patent and Trademark Office, Commerce.

**ACTION:** Notice.

**SUMMARY:** The Patent and Trademark Office (PTO) is publishing the final Internet usage policy to provide guidance to PTO employees regarding the use of the Internet for official PTO business. The policy covers communications with applicants via Internet electronic mail (e-mail), and using the Internet to search for information concerning patent applications and elements appearing in trademark applications. Guidelines for citing electronic information are provided in the attachment.

**DATES:** The Internet usage policy is effective June 21, 1999.

**FOR FURTHER INFORMATION CONTACT:** Magdalen Greenlief, by mail to her attention addressed to Box Comments—Patents, Assistant Commissioner for Patents, Washington, D.C. 20231; by telephone at (703) 305-8813; by facsimile transmission to (703) 305-8825; or by electronic mail through the Internet to "magdalen.greenlief@uspto.gov".

**SUPPLEMENTARY INFORMATION:** The PTO published a "Request for Comments on Proposed Internet Usage Policy" in the **Federal Register** on October 26, 1998 (63 FR 57101) and in the Official Gazette of the Patent and Trademark Office on November 17, 1998 (1216 OG 74). The proposed policy is being adopted without change. The attached guidelines for citing electronic information have been revised.

#### Discussion of Public Comments

Sixteen comments were received by the PTO in response to the request for comments. All comments have been fully considered. The comments generally support (1) the use of Internet e-mail for communications between applicant and the PTO, and (2) the use of the Internet to perform searches provided the confidentiality of pending patent applications is not compromised.