

reviewers. The panel members may then take into account the following: (a) diversity of geographic location, (b) diversity of applicants, (c) proposed budget and (d) Chesapeake Bay management priorities. Each review panel member will then provide a numerical ranking of the submitted new proposals along with suggestions for modifications and/or improvements (i.e., budget, personnel, technical approach, etc.). No consensus advice will be given by the review panel members.

D. Funding Decision. After applications have been evaluated and ranked numerically by the review panel, the Director of the NCBO, in consultation with Program Staff, will determine the projects to be recommended for funding based upon the technical evaluations and panel review comments, and determine the amount of funds available for the program. Numeric ranking will be the primary consideration for deciding which of the proposals will be selected for funding. In making the final selections, NCBO may consider continuation projects, matching leverage, costs, geographical distribution, inter-jurisdictional and inter-institutional collaboration and duplication with other federally funded projects. Accordingly, numerical ranking is not the sole factor in deciding which proposals will be selected for funding. The Director of the NCBO will prepare a written justification for any recommendations for funding that fall outside the ranking order, or for any cost adjustments. The exact amount of funds awarded to each project will be determined in pre-award negotiations among the applicant, the Grants Office, and NCBO staff. Potential grantees should not initiate projects in expectation of Federal funding until an award document signed by an authorized NOAA official has been received.

E. Applications not selected for funding will be held in the Program Office for a period of at least 12 months and then destroyed.

V. Administrative Requirements

A. Obligations of the Applicant
Periodic workshops—Investigators will be expected to prepare for and attend one or two workshops with other Fisheries Research Program researchers to encourage interdisciplinary dialogue and collaboration.

B. Other Requirements

1. **Indirect Cost Rate.** The budget may include an amount for indirect costs if the applicant has an established indirect cost rate with the Federal government.

Regardless of any approved indirect cost rate applicable to the award, the maximum dollar amount of allocable indirect costs for which the Department of Commerce will reimburse the recipient shall be the lesser of the line item amount for the Federal share of indirect costs contained in the approved budget of the award, or the Federal share of the total allocable indirect costs of the award based on the indirect cost rate approved by an oversight or cognizant Federal agency and current at the time the cost was incurred, provided the rate is approved on or before the award end date. However, the Federal share of the indirect costs may not exceed 25 percent of the total proposed direct costs for this Program. Applicants with indirect costs above 25 percent may use the amount above the 25 percent level as cost sharing. If the applicant does not have a current negotiated rate and plans to seek reimbursement for indirect costs, documentation necessary to establish a rate must be submitted within 90 days of receiving an award.

2. **Pre-award Notification Requirements.** The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements contained in the **Federal Register** notice of October 1, 2001 (66 FR 49917), as amended by the **Federal Register** notice published October 30, 2002 (67 FR 66109), is applicable to this solicitation.

3. **Financial Management Certifications/preaward Accounting Survey**—Successful applicants, at the discretion of the NOAA Grants Officer, may be required to have their financial management systems certified by an independent public accountant as being in compliance with Federal standards specified in the applicable Office of Management and Budget (OMB) Circulars prior to execution of the award. Any first-time applicant for Federal grant funds may be subject to a preaward accounting survey by the DOC specified in the applicable OMB Circulars/Code of Federal Regulations prior to execution of the award.

Classification

This action has been determined to be “not significant” for purposes of Executive Order 12866. Applications under this program are subject to Executive Order 12372, “Intergovernmental Review of Federal Programs.”

Pursuant to Section 553(a)(2) of the Administrative Procedure Act, prior notice and an opportunity for public comment are not required for this notification concerning grants, benefits,

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

This document contains collection-of-information requirements subject to the Paperwork Reduction Act. The use of Standard Forms (SF) 424, 424A, and 424B have been approved by OMB under their respective control numbers 0348–0043, 0348–0044, and 0348–0040. 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 Paperwork Reduction Act, unless that collection displays a currently valid OMB control number.

Dated: January 7, 2003.

Rebecca Lent,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 010603B]

Receipt of an Application for Direct Take Permit (1412)

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

ACTION: Notice of availability for public comment.

SUMMARY: NMFS has received an application for a direct take permit (Permit 1412) from the Confederated Tribes of the Colville Reservation (Colville Tribes) pursuant to the Endangered Species Act of 1973, as amended (ESA). As required by the ESA, the Colville Tribes have prepared a Conservation Plan, in the form of a Hatchery and Genetic Management Plan (HGMP), designed to minimize and mitigate any such take of endangered or threatened species. The Permit application is for the direct and incidental take of ESA-listed adult and juvenile salmonids associated with carrying out the hatchery program for endangered Upper Columbia River steelhead in the Okanogan River and its tributaries in the state of Washington. The duration of the proposed Permit is 5 years. NMFS is furnishing this notice in order to allow other agencies and the public an opportunity to review and comment on these documents. All