

**Summary of the Application**

*Applicant:* United States Surimi Commission, C/o Mundt MacGregor LLP, 999 Third Avenue, Suite 4200, Seattle, Washington 98104-4082.

*Contact:* Paul MacGregor, Attorney at Law, Telephone: (206) 624-5950.

*Application No.:* 90-6A007.

*Date Deemed Submitted:* April 13, 1999.

*Proposed Amendment:* USSC seeks to amend its Certificate to add Tyson Seafood Group (a division of Tyson Foods, Inc.) of Kirkland, WA as a new "Member" of the Certificate within the meaning of section 325.2(1) of the Regulations (15 CFR 325.2(1)).

Dated: April 20, 1999.

**Morton Schnabel,**

*Director, Office of Export Trading Company Affairs.*

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**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

[Docket No. 990309066-9066-01; I.D. 030299A]

RIN 0648-ZA62

**Financial Assistance for Research and Development Projects in the Northeastern Coastal States; Marine Fisheries Initiative (MARFIN)**

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

**ACTION:** Notice of Availability of Funds.

**SUMMARY:** NMFS announces that funding will be available to assist persons in carrying out research and development projects that optimize the management of fisheries in the Northeastern Coastal States, focusing on the New England region. Priority funding consideration in 1999 is given to research on stock identification and applied research to facilitate analyses of resource management strategies for finfish and shellfish being managed by fishery management plans in the Northeast Region. NMFS issues this notice describing the conditions under which applications will be accepted and selected for funding.

**DATES:** Applications for funding under this program will be accepted between April 26, 1999 and 5 p.m. eastern standard time on May 26, 1999. Applications received after that time will not be considered for funding. No facsimile applications will be accepted.

**ADDRESSES:** Send applications to: Harold C. Mears, Director, State, Federal & Constituent Programs Office, Northeast Regional Office, NMFS, One Blackburn Drive, Gloucester, MA 01930.

**FOR FURTHER INFORMATION CONTACT:** Kenneth L. Beal, 978-281-9267.

**SUPPLEMENTARY INFORMATION:**

**I. Authority**

The Secretary of Commerce (Secretary) is authorized under 15 U.S.C. 713c-3 to conduct any biological, technological, or other research pertaining to American fisheries and, under 16 U.S.C. 742f, to take such steps as may be required for the development, advancement, management, conservation, and protection of the fisheries resources.

**II. Catalog of Federal Domestic Assistance**

This program is described in the "Catalog of Federal Domestic Assistance," under program number 11.433, Marine Fisheries Initiative.

**III. Program Description**

MARFIN financial assistance began in FY 1986 in the NMFS Southeast Region and was expanded to New England for the first time in FY 1998. MARFIN is a competitive Federal assistance program that promotes and endorses programs which seek to optimize benefits from U.S. marine fishery resources through cooperative research and development efforts. Projects to be funded under the Northeastern MARFIN Program are envisioned as multi-sector partnerships to complement the goals and objectives of the NOAA Fisheries Strategic Plan, a copy of which is available from the Northeast Regional Office (see **ADDRESSES**). The Plan's elements include shared stewardship responsibilities relating to sustainable fisheries, recovered protected species, and healthy living marine resource habitat.

The overall MARFIN program emphasizes projects that have the greatest probability of recovering, maintaining, improving, or developing fisheries; improving the understanding of factors affecting recruitment success; and/or generating increased values and opportunities for commercial and recreational marine fishery industries. During this second year of the Northeastern MARFIN Program, priority funding consideration will be given to projects involving new methods and/or technology to improve stock identification and the associated knowledge base upon which to develop management strategies for selected species of fish and shellfish currently

under fishery management plans in the Northeast Region. Projects will be evaluated as to the likelihood of achieving these benefits through both short-term and long-term research efforts, with consideration of the magnitude of the eventual economic or social benefits that may be realized. However, short-term projects which emphasize immediate benefits will receive priority consideration.

**IV. Funding Availability**

This solicitation announces that funding of approximately \$500,000 will be available in FY 1999. There is no guarantee that sufficient funds will be available to make awards for all approved projects. Publication of this notice does not obligate NMFS to award any specific project or to obligate all or any parts of the available funds.

**V. Matching Requirements**

Cost-sharing is not required for the MARFIN program. If an applicant chooses to share costs, and if that application is selected for funding, the applicant will be bound by the percentage of the cost share reflected in the award document signed by the Grants Officer.

**VI. Type of Funding Instrument**

The cooperative agreement has been determined to be the preferred and most appropriate funding instrument, dependent upon the nature and scope of the submitted project(s). NMFS is substantially involved in developing program research priorities, conducting cooperative activities with recipients, and evaluating the performance of recipients for effectiveness in meeting national and regional goals for fishery research in the northeastern United States.

**VII. Eligibility Criteria**

A. Applications for MARFIN projects may be made in accordance with the procedures set forth in this document by:

1. Any individual who is a citizen or national of the United States.

2. Any individual who is a citizen of the Northern Mariana Islands, being an individual who qualifies as such under Section 8 of the Schedule on Transitional Matters attached to their constitution.

3. Any individual who is a citizen of the Republic of the Marshall Islands, Republic of Palau, or the Federated States of Micronesia.

4. States or local governments, universities, corporations, partnerships, or other entities, non-profit or otherwise, if such an entity is a citizen

of the United States within the meaning of section 2 of the Shipping Act, 1916, as amended (46 app. U.S.C. 802).

B. Federal agencies, Federal instrumentalities, Federal employees, including NOAA employees (full-time, part-time, and intermittent personnel or their immediate families), and NOAA offices or centers are not eligible to submit an application under this solicitation, or aid in the preparation of an application during the 30-day solicitation period, except to provide information about the MARFIN program and the priorities and procedures included in this solicitation. However, NOAA employees are permitted to provide information about ongoing and planned NOAA programs and activities that may have implications for an application. Potential applicants are encouraged to contact Harold C. Mears at the NMFS Northeast Regional Office (see **ADDRESSES**) for information on NOAA grant programs.

### VIII. Award Period

Generally, the awards will be for a period of 1 year, but no more than 18 months at a time. If an application is selected for funding, NMFS has no obligation to provide any additional prospective funding in connection with that award in subsequent years. Any subsequent proposal to continue work on an existing project must be submitted to the competitive process for consideration and will not receive preferential treatment. Renewal of an award to increase funding or to extend the period of performance is at the total discretion of the Department of Commerce (DOC).

### IX. Indirect Costs

The budget may include an amount for indirect costs if the applicant has an established indirect cost rate with the Federal government. The total dollar amount of the indirect costs proposed in an application under this program must not exceed the indirect cost rate negotiated and approved by a cognizant Federal agency prior to the proposed effective date of the award. However, the Federal share of the indirect costs may not exceed 25 percent of the total proposed direct costs. Applicants with indirect cost rates above 25 percent may use the amount above the 25-percent level as part of the non-Federal share. Information must be included with the application of the current, approved, negotiated Indirect Cost Agreement with the Federal Government by indicating a web site address or by providing a current copy, if no web site is available.

### X. Application Forms and Kit

Before submitting an application under this program, applicants should contact the NMFS Northeast Regional Office for a copy of this solicitation's MARFIN Application Package (see **ADDRESSES**).

Applications for project funding under this program must be complete and in accordance with instructions in the MARFIN Application Package. Each application must include all specified sections as listed in the Application Package, including, but not limited to the following: Cover sheet (SF 424), Budget (SF 424A), and Narrative Project Description (Goals & Objectives; Impacts; Evaluation; Need for Governmental Assistance; Participation by Persons Other Than the Applicant; Federal, State and Local Government Activities and Permits; Project Statement of Work; and Project Management). Project applications must identify the principal participants and include copies of any agreements describing the specific tasks to be performed by all participants. Applications should give a clear presentation of the proposed work, the methods for carrying out the project, its relevance to managing and enhancing the use of fishery resources in the New England Coastal States, and cost estimates as they relate to specific aspects of the project. Budgets must include a detailed breakdown by category of expenditures with appropriate justification for both the Federal and non-Federal shares. Applicants should not assume prior knowledge on the part of NMFS as to the relative merits of the project described in the application.

Applications are not to be bound in any manner and must be printed on one side, only. All incomplete applications will be returned to the applicant. Three copies (one signed original and two signed copies) of each application are required and must be submitted to the NMFS Northeast Regional Office, State, Federal & Constituent Programs Office (see **ADDRESSES**). You may opt to submit additional copies (ten are needed for reviewing purposes). This is especially helpful if your proposal contains color or hard-to-duplicate material.

### XI. Project Funding Priorities

Proposals should exhibit familiarity with related work that is completed or ongoing. Where appropriate, proposals should be multi-disciplinary. Coordinated efforts involving multiple institutions or persons are encouraged. The area of emphasis for FY 1999 is new methods and/or techniques to improve

the ability of scientists to identify the stock structure of selected species of fish and shellfish to improve fisheries management. In addition to referencing specific area(s) of special interest, proposals should state whether the research will apply to the New England coastal states only, or to other areas as well.

Successful applicants may be required to collect and manage the data in accordance with standardized procedures and formats approved by NMFS and to participate with NMFS in specific cooperative activities which will be determined by consultations between NMFS and successful applicants before project grants are awarded. Research methods may involve some of the following techniques, although new approaches to improve stock identification methodology will be welcomed.

- A. Genetic techniques:
  - 1. Allozyme analyses
  - 2. Mitochondrial DNA (mtDNA) analyses
    - a. Mitochondrial DNA restriction fragment length polymorphism (mtDNA RFLP)
    - b. mtDNA d-loop
    - c. Amplified fragment length polymorphism (AFLP)
    - d. Microsatellite DNA markers
    - e. Cytogenetics
- B. Microconstituent analysis (MCA)
  - 1. Laser ablation
  - 2. Reference material (RM)
  - 3. Isotope dilution
  - 4. Preconcentration techniques
- C. Fatty acid profiles
- D. Neural nets as a classification tool
- E. Image processing tools

The following species have been identified for stock identification purposes, and a synopsis of the most important research issue is listed for each species:

Silver hake, *Merluccius bilinearis*: How much mixing occurs on and around Georges Bank? Are there distinct spawning stocks? Where does reproduction take place?

Atlantic herring, *Clupea harengus*: Are there separate spawning stocks in the Gulf of Maine and Georges Bank? Are larval distribution and larval growth patterns different?

Yellowtail flounder, *Limanda ferruginea*: How discrete are the mid-Atlantic and southern New England stocks? How much mixing exists among stocks, for both larvae and adults?

Cod, *Gadus morhua*: How much migration and mixing occurs between Georges Bank, Gulf of Maine, Browns Bank and Scotian Shelf stocks? Are there resident fish which do not migrate in the Gulf of Maine?

Haddock, *Melanogrammus aeglefinus*: Are there separate stocks on Georges Bank (east vs. west)?

Striped bass, *Morone saxatilis*: How much do individual stocks (e.g. Roanoke) contribute to coastal fisheries? What are emigration patterns from spawning/nursery areas? Do large females return to their natal rivers to spawn annually?

Sea scallop, *Placopecten magellanicus*: Are Mid-Atlantic and Georges Bank stocks separate? Are closed areas a source of larvae to other areas?

Goosefish (monkfish), *Lophius americanus*: Is the population composed of one or two stocks?

Northern shortfin squid, *Illex illecebrosus*: Where is the spawning migration route from the north to Florida? Is this species hybridizing with congeners south of New Jersey?

Ocean quahog, *Arctica islandica*: Is the population off the coast of Maine genetically distinct from populations to the south? Is the Maine population a source of larvae to southern areas? Is the Georges Bank population a source of larvae to the Mid-Atlantic?

Atlantic surfclam, *Spisula solidissima*: What is the southern boundary of this species in relation to the northern boundary of *Spisula solidissima similis* and *Spisula ravenelii*?

American lobster, *Homarus americanus*: Where are migrations to/from with respect to management areas, and are these areas defined properly? What are the inshore/offshore linkages between larvae and adults?

American shad, *Alosa sapidissima*: Stocks have been transported and introduced to different rivers. What is the present population structure across the Northeast Region?

Blueback herring, *Alosa aestivalis*: How much gene flow exists between rivers, with respect to distance? How much genetic variation exists in reestablished populations?

Alewife, *Alosa pseudoharengus*: How much gene flow exists between rivers, with respect to distance? How much genetic variation exists in reestablished populations?

## XII. Evaluation Criteria

Cooperatively developed applications that propose activities of two or more qualified applicants to address important fishery conservation and management issues or problems identified in the Project Funding Priorities for this solicitation may be evaluated as a group by NMFS. If selected for funding, individual cooperative awards may be made to each individual applicant. Application

procedures for this type of proposal are also included in the FY 1999 MARFIN Application Package.

A. Unless otherwise specified by statute, in reviewing applications for cooperative agreements, including those that include consultants and contracts, NOAA will make a determination regarding the following:

1. Is the involvement of the applicant necessary to the conduct of the project and the accomplishment of its goals and objectives?

2. Is the proposed allocation of the applicant's time reasonable and commensurate with the applicant's involvement in the project?

3. Are the proposed costs for the applicant's involvement in the project reasonable and commensurate with the benefits to be derived from the applicant's participation?

B. Applications meeting the above requirements will be forwarded for technical evaluation. Applicants submitting applications not meeting the above requirements will be notified. Evaluations may involve experts from NOAA organizations as well as from non-NOAA entities (such as universities, state fishery agencies, and members of the fishing industry). All reviewers will be required to sign non-disclosure and conflict of interest statements concerning the application they are reviewing. The reviewers will assign scores to applications based on the following evaluation criteria:

1. Does the proposal have a clearly stated goal(s) with associated objectives that meet the needs outlined in the Narrative Project Description? (30 points)

2. Does the proposal clearly identify and describe, in the Project Outline and Statement of Work, scientifically valid methodologies and analytical procedures that will adequately address project goals and objectives? (30 points)

3. How and to what degree would attainment of the project objectives contribute to enhancement of the knowledge base for fishery management? (20 points)

4. Are the proposed costs appropriate for the scope of work proposed? (10 points)

5. Do the principal investigators provide a scientifically realistic timetable to enable full accomplishment of all aspects of the Statements of Work? (10 points)

## XIII. Selection Procedures

All applications will be considered by a NMFS Science Group composed of 3 or more NMFS employees, and ranked into two categories: "Recommended," and "Not Recommended." This group

will consider the proposals based on technical review comments, technical review scores, and the project funding priorities (Section XI), using each member's expertise in the problem areas. This group will rank proposals on a consensus basis. Proposals ranked as "Not Recommended" will not be given further consideration for selection and funding, and will be returned to the respective applicants. Proposals ranked as "Recommended" will be presented to a Constituent Panel of non-NOAA fishery experts who will individually consider the problem addressed in each project proposal, the technical evaluation, the need for funding, funds available, and the priority areas for research listed in Section XI. (Project Funding Priorities). These Constituent Panel members will provide individual recommendations to NMFS on each proposal classified as "Recommended." No consensus advice will be given by the panel. The individual comments, recommendations and evaluations of the non-NOAA Constituent Panel members, and recommendations of the NMFS Science Group, will be presented to the Northeast Region, NMFS' Regional Administrator. The Regional Administrator, in consultation with the Assistant Administrator for Fisheries, will (a) Determine which projects do not substantially duplicate other projects which are currently being funded by NOAA or are approved for funding by other Federal offices, (b) select the projects to be funded, (c) determine the amount of funds available for each project, and (d) determine which components of the selected projects shall be funded. The exact amount of funds awarded, the final scope of activities, the project duration, and specific NMFS cooperative involvement with the activities of each project will be determined in pre-award negotiations among the applicant, the NOAA Grants Office, and the NMFS Program Staff. Projects must not be initiated by recipients until a signed financial assistance award is received from the NOAA Grants Office. Successful applicants will be generally recommended within 210 days from the date of publication of this document. The earliest start date of awards will be approximately 90 days after each project is selected and after all NMFS/applicant negotiations of cooperative activities have been completed (the earliest start date of awards will be approximately 300 days after the date of publication of this document). Applicants should consider this selection and processing time in developing requested start dates for their applications.

**XIV. Other Requirements**

**A. Federal policies and procedures.** Recipients and subrecipients are subject to all Federal laws and Federal and DOC policies, regulations, and procedures applicable to Federal financial assistance awards. Women and minority individuals and groups are encouraged to submit applications under this program.

**B. Past performance.** Any first-time applicant for Federal grant funds under this announcement is subject to a pre-award accounting survey prior to execution of the award. Unsatisfactory performance under prior Federal awards may result in an application not being considered for funding.

**C. Pre-award activities.** If applicants incur any costs prior to an award being made, they do so solely at their own risk of not being reimbursed by the Government. Notwithstanding any verbal or written assurance that they may have received, there is no obligation on the part of DOC to cover pre-award costs.

**D. No obligation of future funding.** If an application is selected for funding, DOC has no obligation to provide any additional future funding in connection with the award. Renewal of an award to increase funding or extend the period of performance is at the total discretion of DOC.

**E. Delinquent Federal debts.** No award of Federal funds shall be made to an applicant or to its subrecipients who have any outstanding delinquent Federal debt or fine until either:

1. The delinquent account is paid in full;
2. A negotiated repayment schedule is established and at least one payment is received; or
3. Other arrangements satisfactory to DOC are made.

**F. Name check review.** All non-profit and for-profit applicants are subject to a name check review process. Name checks are intended to reveal if any key individuals associated with the applicant have been convicted of, or are presently facing, such criminal charges as fraud, theft, perjury, or other matters that significantly reflect on the applicant's management, honesty, or financial integrity. Potential non-profit and for-profit recipients may also be subject to reviews of Dun and Bradstreet data or other similar credit checks.

**G. Primary applicant certifications.** All primary applicants must submit a completed Form CD 511, "Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying," and the following explanations are hereby provided:

1. **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 earlier applies;

2. **Drug-free workplace.** Grantees (as defined at 15 CFR 26.605) are subject to 15 CFR part 26, subpart F, "Government-wide Requirements for Drug-Free Workplace (Grants)," and the related section of the certification form prescribed earlier applies; also please enter the Principal Place of Performance, i.e. where the work will be done, on the form.

3. **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 prescribed above applies to applications/bids for grants, cooperative agreements, contracts for more than \$100,000, loans and loan guarantees for more than \$150,000, or the single family maximum mortgage limit for affected programs, whichever is greater; and

4. **Anti-lobbying disclosures.** Any applicant who has paid or will pay for lobbying using any funds must submit a Form SF-LLL, "Disclosure Form to Report Lobbying," as required under 15 CFR part 28, appendix B.

**H. Lower tier certifications.** Recipients shall require applicants/bidders for subgrants, contracts, subcontracts, or other lower tier covered transactions at any tier under the award to submit, if applicable, 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 the use of recipients and should not be transmitted to DOC. A form SF-LLL submitted by any tier recipient or subrecipient should be submitted to DOC in accordance with the instructions contained in the award document.

**I. 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 as provided in 18 U.S.C. 1001.

**J. Intergovernmental review.** Applications under this program are subject to the provisions of E.O. 12372, "Intergovernmental Review of Federal Programs."

**K. American-made equipment and products.** Applicants are hereby notified that they are encouraged, to the extent feasible, to purchase American-made equipment and products with funding provided under this program.

**Classification**

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

Cooperative agreements awarded pursuant to pertinent statutes shall be in accordance with the Fisheries Research Plan (comprehensive program of fisheries research) in effect on the date of the award.

Federal participation under the MARFIN Program may include the assignment of DOC scientific personnel and equipment. Reasonable, negotiated financial compensation will be provided under awards for the work of eligible grantee workers.

This notice contains information-collection requirements which are subject to the Paperwork Reduction Act and which have been approved by the Office of Management and Budget under OMB control numbers -0043 and -0046. 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 Paperwork Reduction Act unless that collection of information displays a currently valid OMB control number.

Dated: April 20, 1999.

**Penelope D. Dalton,**

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

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**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

[I.D. 041999A]

**Gulf of Mexico Fishery Management Council; Public Meetings**

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