

contact the appropriate Program official to obtain information.

**Fees and/or Profit:** It is not the intent of NIST to pay fee or profit for any of the financial assistance awards that may be issued pursuant to this announcement.

**Automated Standardized Application for Payment System (ASAP):** During FY 2002 and becoming mandatory in FY 2003, the Department of Commerce will begin using the Department of Treasury's ASAP. NIST began using the ASAP system in July 2001 and continues to establish new accounts in ASAP. Awards made pursuant to this announcement may contain the ASAP payment clause. In order to receive payments for services under these awards, recipients will be required to register with the Department of Treasury and indicate whether or not they will use the on-line or voice response method of withdrawing funds from their ASAP established accounts. More information regarding ASAP can be found on-line at <http://www.fms.treas.gov/asap/index.html>.

#### Paperwork Reduction Act

The standard forms in the application kit involve a collection of information subject to the Paperwork Reduction Act. The use of Standard Forms 424, 424A, 424B, SF-LLL, and CD-346 have been approved by OMB under the respective Control Numbers 0348-0043, 0348-0044, 0348-0040, 0348-0046, and 0605-0001.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

#### Type of Funding Instrument

The funding instrument will be a grant or cooperative agreement, depending on the nature of the proposed work. A grant will be used unless NIST is "substantially involved" in the project, in which case a cooperative agreement will be used. A common example of substantial involvement is collaboration between NIST scientists and recipient scientists or technicians. Further examples are listed in Section 5.03.d of Department of Commerce Administrative Order 203-26, which can be found at [http://www.doc.gov/oebam/GCA\\_manual.htm](http://www.doc.gov/oebam/GCA_manual.htm). NIST will make decisions regarding the use of a cooperative agreement on a case-by-case basis. Funding for contractual arrangements for services

and products for delivery to NIST is not available under this announcement.

#### Classification

This funding notice was determined to be "not significant" for purposes of Executive Order 12866.

It has been determined that this notice does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

Applications under these programs are not subject to Executive Order 12372, "Intergovernmental Review of Federal Programs."

Because notice and comment are not required under 5 U.S.C. 553, or any other law, for notices relating to public property, loans, grants, benefits or contracts (5 U.S.C. 553(a)), a Regulatory Flexibility Analysis is not required and has not been prepared for this notice, 5 U.S.C. 601 *et seq.*

Dated: July 2, 2002.

**Karen H. Brown,**

*Deputy Director, NIST.*

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**BILLING CODE 3510-13-P**

#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

##### Coastal Zone Management: Federal Consistency Appeal by Collier Resources Company by an Objection by the State of Florida

**AGENCY:** National Oceanic and Atmospheric Administration.

**ACTION:** Dismissal of appeal.

On April 3, 2000, the Secretary of Commerce (Secretary) received a notice of appeal from Collier Resources Company (Appellant) pursuant to section 307(c)(3) (A) and (B) of the Coastal Zone Management Act of 1972 (CZMA), as amended, 16 U.S.C. 1451 *et seq.* and the Department of Commerce's implementing regulations 15 CFR part 930, subpart H. The appeal was taken from an objection by the State of Florida to Appellant's consistency certification for a National Park Service approval of a Landing Strips Plan of Operations to conduct geophysical exploration of a portion of their mineral estate beneath the Big Cypress National Preserve.

Appellant challenged Florida's CZMA objection on three procedural grounds: (1) Florida did not follow NOAA's regulations in listing the permits subject to CZMA consistency in its CMP and therefore, Appellant is not required to submit to CZMA consistency; (2) Florida's CZMA objection did not meet

the requirements of NOAA's regulations; (3) Florida's CZMA objection is premature because Appellant had not submitted a consistency certification. Florida disputed all of Appellant's claims and, in addition, claimed that the Secretary of Commerce does not have authority under the CZMA to decide procedural matters such as those argued by Appellant.

In his letter dismissing this matter for good cause, the Under Secretary found that the Secretary of Commerce has the authority, as a matter of law, to review consistency appeals for compliance with CZMA Federal consistency procedures and issue decisions prior to development or consideration of the substantive issues; that Florida has not properly listed the National Park Service oil and gas exploration approvals in its coastal management program; that a consistency certification is an essential part of the Federal consistency review process and without it Florida cannot issue a valid objection. The Under Secretary decided that Florida's objection was not valid and dismissed the appeal for good cause.

**FOR FURTHER INFORMATION CONTACT:** Ms. Mary Gray Holt, Attorney-Adviser, Office of the Assistant General Counsel for Ocean Services, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1305 East-West Highway, Room 6111, Silver Spring, MD 20910, 301-713-2967.

[Federal Domestic Assistance Catalog No. 11.419 Coastal Zone Management Program Assistance]

Dated: June 24, 2002.

**James R. Walpole,**  
*General Counsel.*

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#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

[I.D. 070202B]

##### New England Fishery Management Council; Public Meetings

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

**ACTION:** Notice of public meetings.

**SUMMARY:** The New England Fishery Management Council (Council) is scheduling a public meeting of its Skate and Monkfish Committees in July, 2002 to consider actions affecting New