

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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**BILLING CODE 3510–22–S**

## 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

comments received will become part of the public record and will be available for review pursuant to the ESA.

**DATES:** Written comments from interested parties on the Permit application and HGMP must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 pm Pacific daylight time on February 13, 2003.

**ADDRESSES:** Written comments on the application and HMGP should be sent to Kristine Petersen, Sustainable Fisheries Division, F/NWR2, 525 N.E. Oregon Street, Suite 510, Portland, OR 97232. Comments may also be sent via fax to 503/872-2737. Comments will not be accepted if submitted via e-mail or the Internet. Requests for copies of the permit application and Conservation Plan should be directed to the Sustainable Fisheries Division, F/NWR2, 525 NE Oregon Street, Suite 510, Portland, OR 97232. The documents are also available on the Internet at <http://www.nwr.noaa.gov/>. Comments received will also be available for public inspection, by appointment, during normal business hours by calling 503/230-5409.

**FOR FURTHER INFORMATION CONTACT:** Kristine Petersen, Portland, OR (ph: 503/230-5409, fax: 503/872-2737, e-mail: Kristine.Petersen@noaa.gov).

**SUPPLEMENTARY INFORMATION:** Section 9 of the ESA and Federal regulations prohibit the "taking" of a species listed as endangered or threatened. The term "take" is defined under the ESA to mean harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. NMFS may issue permits, under limited circumstances, to take listed species for scientific purposes or to enhance the propagation or survival of the species under section 10(a)(1)(A) of the ESA. NMFS regulations governing permits for threatened and endangered species are promulgated at 50 CFR 222.307.

#### Species Covered in This Notice

The following evolutionarily significant unit (ESU) is included in the HGMP and Permit application:

Steelhead (*Oncorhynchus mykiss*): endangered, naturally produced and artificially propagated Upper Columbia River (UCR).

The Upper Columbia River Basin steelhead ESU was listed as endangered on August 18, 1997 (62 FR 43937). Included in the listing decision was the

determination that the Wells Hatchery stock was part of the ESU and essential for recovery efforts. This conclusion is primarily based on very low estimates of the recruits per spawner ratio, which indicate that productivity of naturally spawning steelhead in this ESU is far below the replacement rate.

On October 23, 2002, the Colville Tribes submitted an application to NMFS for an ESA section 10(a)(1)(A) permit for the take of ESA-listed anadromous fish species associated with operation of hatchery programs producing hatchery steelhead for release into Omak Creek, a third order tributary of the Columbia River, in 2004 to 2009. The proposed programs produce steelhead of native stock to enhance local naturally spawning salmon populations.

#### Hatchery and Genetics Management Plan

The HGMP prepared by the Colville Tribes describes measures designed to monitor, minimize, and mitigate the take of ESA-listed anadromous steelhead and the incidental takes of ESA-listed salmon associated with the following steelhead hatchery program that is proposed to be implemented from 2003 through 2009:

Artificial propagation of steelhead is intended to recover and enhance the natural steelhead population in Omak Creek and the Okanogan River Basin. The Colville Tribes propose to collect up to 16 adult steelhead for broodstock from Omak Creek. Holding and spawning of broodstock would be conducted at the Colville Tribal Trout Hatchery. Steelhead eggs would be incubated and initial rearing would occur at the Colville Tribal Trout Hatchery. Steelhead smolts would be raised to a size range of 10 to 15 fish per pound and released into Omak Creek using a tank truck. The proposed steelhead program goal is approximately 40,000 smolts released in April or May.

Mortalities of ESA-listed fish associated with the steelhead hatchery programs are requested at levels specified in the Permit application. The Colville Tribes are proposing to limit broodstock collection, and juvenile fish production and release methods applied at the hatcheries such that the direct impacts on ESA-listed salmonids will be minimized.

This notice is provided pursuant to section 10(c) of the ESA. NMFS will evaluate the application, associated documents, and comments submitted

thereon to determine whether the application meets the requirements of section 10(a)(1)(A) of the ESA. If it is determined that the requirements are met, a permit will be issued to the Colville Tribes for the steelhead enhancement program in the Okanogan River Basin. NMFS will publish a record of its final action in the **Federal Register**.

Dated: January 8, 2003.

**Phil Williams,**

*Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 03-697 Filed 1-13-03; 8:45 am]

**BILLING CODE 3510-22-S**

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## DEPARTMENT OF ENERGY

### Office of Fossil Energy

[FE Docket No. 02-84-LNG, 02-89-LNG, et al.]

**El Paso Merchant Energy, L.P. (Formerly El Paso Merchant Energy-Gas, L.P.), DISTRIGAS LLC, et al.; Orders Granting Authority to Import and Export Natural Gas Including Liquefied Natural Gas**

**AGENCY:** Office of Fossil Energy, DOE.

**ACTION:** Notice of Orders.

**SUMMARY:** The Office of Fossil Energy (FE) of the Department of Energy gives notice that during December 2002, it issued Orders granting authority to import and export natural gas, including liquefied natural gas. These Orders are summarized in the attached appendix and may be found on the FE Web Site at <http://www.fe.doe.gov> (select gas regulation), or on the electronic bulletin board at (202) 586-7853. They are also available for inspection and copying in the Office of Natural Gas & Petroleum Import & Export Activities, Docket Room 3E-033, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-8478. The Docket Room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, on January 7, 2003.

**Clifford P. Tomaszewski,**

*Manager, Natural Gas Regulation, Office of Natural Gas & Petroleum, Import & Export Activities, Office of Fossil Energy.*

#### Appendix