

of rank order based upon one or more of the following factors:

1. Availability of funding;
2. Balance/distribution of funds:
  - a. Geographically
  - b. By type of institutions
  - c. By type of partners
  - d. By research areas
  - e. By project types
3. Whether this project duplicates other projects funded or considered for funding by NOAA or other Federal agencies;
4. Program priorities and policy factors;
5. Applicant's prior award performance;
6. Partnerships and/or participation of targeted groups;
7. Adequacy of information necessary for NOAA staff to make a NEPA determination and draft necessary documentation before recommendations for funding are made to the Grants Officer. Selected applicants may be asked to modify objectives, project plans, time lines, or budgets, and provide supplemental information required by the agency prior to the award. When a decision has been made (whether an award or declination), anonymous copies of reviews and summaries of review panel deliberations, if any, will be made available to the applicant.

#### Intergovernmental Review

Applications submitted to this funding opportunity are not subject to Executive Order 12372, Intergovernmental Review of Federal Programs.

#### Limitation of Liability

In no event will NOAA or the Department of Commerce be responsible for proposal preparation costs if these programs fail to receive funding or are cancelled because of other agency priorities. Publication of this announcement does not oblige NOAA to award any specific project or to obligate any available funds.

#### National Environmental Policy Act

NOAA must analyze the potential environmental impacts, as required by the National Environmental Policy Act (NEPA), for applicant projects or proposals which are seeking NOAA Federal funding opportunities. Detailed information on NOAA compliance with NEPA can be found at the following NOAA NEPA Web site: <http://www.nepa.noaa.gov/>, including our NOAA Administrative Order 216-6 for NEPA, [http://www.nepa.noaa.gov/NAO216\\_6\\_TOC.pdf](http://www.nepa.noaa.gov/NAO216_6_TOC.pdf), and the Council on Environmental Quality

implementation regulations, [http://ceq.eh.doe.gov/nepa/regs/ceq/toc\\_ceq.htm](http://ceq.eh.doe.gov/nepa/regs/ceq/toc_ceq.htm). Consequently, as part of an applicant's package, and under their description of their program activities, applicants are required to provide detailed information on the activities to be conducted, locations, sites, species and habitat to be affected, possible construction activities, and any environmental concerns that may exist (e.g., the use and disposal of hazardous or toxic chemicals, introduction of non-indigenous species, impacts to endangered and threatened species, aquaculture projects, and impacts to coral reef systems). In addition to providing specific information that will serve as the basis for any required impact analyses, applicants may also be requested to assist NOAA in drafting of an environmental assessment, if NOAA determines an assessment is required. Applicants will also be required to cooperate with NOAA in identifying feasible measures to reduce or avoid any identified adverse environmental impacts of their proposal. The failure to do so shall be grounds for not selecting an application. In some cases if additional information is required after an application is selected, funds can be withheld by the Grants Officer under a special award condition requiring the recipient to submit additional environmental compliance information sufficient to enable NOAA to make an assessment on any impacts that a project may have on the environment.

#### The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements

The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements contained in the **Federal Register** notice of February 11, 2008 (73 FR 7696), are applicable to this solicitation.

#### Paperwork Reduction Act

This document contains collection-of-information requirements subject to the Paperwork Reduction Act (PRA). The use of Standard Forms 424, 424A, 424B, and SF-LLL and CD-346 has been approved by the Office of Management and Budget (OMB) under the respective control numbers 0348-0043, 0348-0044, 0348-0040, 0348-0046, and 0605-0001. Notwithstanding any other provision of law, no person is required to, nor shall a 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.

#### Executive Order 12866

This notice has been determined to be not significant for purposes of Executive Order 12866.

#### Executive Order 13132 (Federalism)

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

#### Administrative Procedure Act/Regulatory Flexibility Act

Prior notice and an opportunity for public comment are not required by the Administrative Procedure Act or any other law for rules concerning public property, loans, grants, benefits, and contracts (5 U.S.C. 553(a)(2)). Because notice and opportunity for comment are not required pursuant to 5 U.S.C. 553 or any other law, the analytical requirements for the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are inapplicable. Therefore, a regulatory flexibility analysis has not been prepared.

Dated: April 28, 2009.

**Mitchell J. Ross,**

*Director, Acquisition and Grants Office.*

[FR Doc. E9-10166 Filed 5-1-09; 8:45 am]

BILLING CODE 3510-22-P

#### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

RIN 0648-XO02

#### Mid-Atlantic Fishery Management Council; Atlantic Mackerel, Butterfish, Atlantic Bluefish, Spiny Dogfish, Summer Flounder, Scup, Black Sea Bass, Tilefish, Surfclam, and Ocean Quahog Annual Catch Limits and Accountability Measures Omnibus Amendment; Scoping Process

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

**ACTION:** Notice; extension of comment period on intent to prepare an environmental impact statement (EIS).

**SUMMARY:** The Mid-Atlantic Fishery Management Council (Council) extends the comment period on its intention to prepare, in cooperation with NMFS, an EIS in accordance with the National Environmental Policy Act to assess potential effects on the human environment of alternative measures to address the new Magnuson-Stevens Fishery Conservation and Management Act requirements for annual catch limits

(ACLs) and accountability measures (AMs) in an omnibus amendment to the fishery management plans (FMPs) for Atlantic mackerel, butterfish, Atlantic bluefish, spiny dogfish, summer flounder, scup, black sea bass, tilefish, surfclams, and ocean quahogs.

This notice announces an extension of the comment period for the public process of determining the scope of issues to be addressed, and for identifying the significant issues related to the implementation of ACLs and AMs for these fisheries. This notice is to alert the interested public of additional time to prepare and submit comments during the scoping process.

**DATES:** Written comments must be received on or before 5 p.m., EST, on May 31, 2009.

**ADDRESSES:** Written comments may be sent by any of the following methods:

- E-mail to the following address:

*Omnibus.NOI@noaa.gov*;

- Mail or hand deliver to Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115 Federal Building, 300 South New Street, Dover, Delaware 19904-6790. Mark the outside of the envelope "Omnibus Amendment: National Standard 1 Requirements Scoping Comments"; or

- Fax to (302) 674-5399.

The scoping document may also be obtained from the Council office at the previously provided address, or by request to the Council by telephone (302) 674-2331, or via the Internet at <http://www.mafmc.org/mid-atlantic/comments/comments.htm>.

**FOR FURTHER INFORMATION CONTACT:** Mr. Daniel T. Furlong, Mid-Atlantic Fishery Management Council, Room 2115 Federal Building, 300 S. New St., Dover, DE 19904-6790, (telephone 302-674-2331).

**SUPPLEMENTARY INFORMATION:** An initial notice of intent (NOI) to prepare an EIS and conduct public scoping meetings in support of ACL and AM development for an omnibus amendment to Council FMPs was published in the **Federal Register** on March 24, 2009 (74 FR 12314). The initial NOI contained detail on the topics to be addressed in the EIS and information on topics that may be considered for further development by the Council to address Magnuson-Stevens Fishery Conservation and Management Act ACL and AM requirements. Those details are not repeated here.

The initial NOI indicated that public comment was to be submitted to the Council by 5:00 p.m., EST, May 15, 2009. This subsequent announcement extends the previously published public

comment period to 5 p.m., EST, on May 31, 2009. The extension is provided to permit the public and other interested parties additional time to develop and submit comments on the NOI.

The initially announced scoping hearings contained in the March 24, 2009, announcement remain unchanged.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: April 28, 2009.

**Kristen C. Koch,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. E9-10179 Filed 5-1-09; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[Docket No. 090416674-9675-01]

#### Implementation of New Competitive Prevention, Control, and Mitigation of Harmful Algal Blooms (HAB) Program and Regional Rotation of the Existing and New National Competitive HAB Programs

**AGENCY:** National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

**ACTION:** Notice; implementation of competitive research program.

**SUMMARY:** NOAA announces the implementation, under the authorities of the Harmful Algal Bloom and Hypoxia Research and Control Act (HABHRCA) of 1998, as reauthorized in 2004, of a new competitive research program on Prevention, Control, and Mitigation of Harmful Algal Blooms (PCM HAB). This third national competitive program is a companion to the two existing national harmful algal bloom (HAB) programs, Ecology and Oceanography of Harmful Algal Blooms (ECO HAB) and Monitoring and Event Response of Harmful Algal Blooms (MERHAB), already implemented under the authorities of HABHRCA. PCM HAB will transition promising technologies and strategies for prevention, control, and mitigation, arising from these and other HAB research programs, to end-users. In addition, NOAA is announcing that funding opportunity announcements for ECOHAB, MERHAB, and HAB PCM will be rotated regionally on a three year basis. The three regional groupings are: Gulf of Mexico and Caribbean/Pacific Islands; West Coast, Alaska, and Great Lakes; and South Atlantic, Mid-Atlantic, Gulf of Maine.

Details concerning appropriate research subjects for each program, more information about the regional rotation, and additional procedural information are also provided in this announcement.

#### FOR FURTHER INFORMATION CONTACT:

Quay Dortch, ECOHAB Program Coordinator, 301/713-3338 ext 157, *Quay.Dortch@NOAA.gov* or Marc Suddleson, MERHAB Program Manager, 301/713-3338 ext. 162, *Marc.Suddleson@noaa.gov*, Center for Sponsored Coastal Ocean Research, National Centers for Coastal Ocean Science, NOS.

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

The 1998 Harmful Algal Bloom and Hypoxia Research Control Act (HABHRCA) and the Harmful Algal Bloom and Hypoxia Amendments Act of 2004 (2004 HABHRCA Reauthorization) authorized the establishment of three national programs on harmful algal blooms (HABs):

1. "Ecology and Oceanography of Harmful Algal Blooms" (ECO HAB) (HABHRCA Sec. 605 (2));
2. "Monitoring and analysis activities for HABs" (renamed Monitoring and Event Response for Harmful Algal Blooms or MERHAB) (HABHRCA Sec. 605 (4)); and
3. "A peer-reviewed research project on management measures that can be taken to prevent, reduce, control, and mitigate HABs." (HABHRCA Sec. 605 (3))

To implement the HABHRCA, NOAA established in 1998 the ECOHAB program as an interagency (NOAA, National Science Foundation (NSF), Environmental Protection Agency (EPA), National Aeronautics and Space Administration (NASA), Office of Naval Research (ONR), competitive research program, led by NOAA, and the MERHAB program as a NOAA competitive research program. ECOHAB provides coastal managers with the understanding, tools, and models to predict the development, extent, and toxicity of HABs and their impacts, leading to early warning and new prevention and mitigation strategies. MERHAB builds capacity and enhances partnerships between managers, researchers, and private industry to improve monitoring for HAB cells and toxins and responding to HAB events.

NOAA is now announcing the establishment of a Prevention Control and Mitigation of Harmful Algal Blooms (PCM HAB) Program pursuant to HABHRCA section 605(3). In the following sections, the new PCM HAB