

PART 50—[AMENDED]

1. The authority citation for part 42 continues to read as follows:

Authority: Sec. 215, Public Health Service Act, 58 Stat. 690 (42 U.S.C. 216); 45 CFR 16.3(c).

2. Section 50.401 is revised to read as follows:

§ 50.401 What is the purpose of this subpart?

This subpart establishes an informal procedure for the resolution of certain postaward grant and cooperative agreement disputes within the agencies and offices identified in § 50.402.

3. Section 50.402 is revised to read as follows:

§ 50.402 To what programs do these regulations apply?

This subpart applies to all grant and cooperative agreement programs, except block grants, which are administered by the National Institutes of Health; the Health Resources and Services Administration; The Centers for Disease Control and Prevention; the Agency for Toxic Substances and Disease Registry; the Food and Drug Administration; and the Office of the Assistant Secretary for Public Health and Science. For purposes of this subpart, these entities are hereinafter referred to as "agencies."

4. The third sentence of § 50.403 is revised to read as follows:

§ 50.403 What is the policy basis for these procedures?

* * * This subpart provides such an informal preliminary procedure for resolution of disputes in order to preclude submission of cases to the Departmental Appeals Board before an agency identified in § 50.402 has had an opportunity to review decisions of its officials and to settle disputes with grantees.

5. In § 50.404, paragraph (a) introductory text and the first sentence of paragraph (b) are revised to read as follows:

§ 50.404 What disputes are covered by these procedures?

(a) These procedures are applicable to the following adverse determinations under discretionary project grants and cooperative agreements (both referred to in this subpart as grants) issued by the agencies identified at § 50.402:

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(b) A determination subject to this subpart may not be reviewed by the review committee described in § 50.405 unless an officer or employee of the agency has notified the grantee in writing of the adverse determination.

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6. In § 50.405 the second sentence is removed and the first sentence is revised to read as follows:

§ 50.405 What is the structure of the review committees?

The head of the agency, or his or her designee, shall appoint review committees to review adverse determinations made by officials for programs under this jurisdiction. * * *

7. In § 50.406, paragraphs (a), (c), (d) and (g), and the first sentence of (e) are revised to read as follows:

§ 50.406 What are the steps in the process?

(a) A grantee with respect to whom an adverse determination described in § 50.404(a) has been made and who desires a review of that determination must submit a request for such review to the head of the appropriate agency or his or her designee no later than 30 days after the written notification of the determination is received, except that if the grantee shows good cause why an extension of time should be granted, the head of the appropriate agency or his or her designee may grant an extension of time.

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(c) When a request for review has been filed under this subpart with respect to an adverse determination, no action may be taken by the awarding agency pursuant to such determination until the request has been disposed of, except that the filing of the request shall not affect any authority which the agency may have to suspend assistance or otherwise to withhold or defer payments under the grant during proceedings under this subpart. This paragraph does not require the awarding agency to provide continuation funding during the appeal process to a grantee whose noncompeting continuation award has been denied.

(d) Upon receipt of a request for review, the head of the agency or his or her designee will make a decision as to whether the dispute is reviewable under this subpart and will promptly notify the grantee and the office responsible for the adverse determination of this decision. If the head of the agency or his or her designee determines that the dispute is reviewable, he or she will forward the matter to the review committee appointed under § 50.405.

(e) The agency involved will provide the review committee appointed under § 50.405 with copies of all relevant background materials (including applications(s), award(s), summary statement(s), and correspondence) and

any additional pertinent information available. * * *

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(g) The review committee may, at its discretion, invite the grantee and/or the agency staff to discuss the pertinent issues with the committee and to submit such additional information as the committee deems appropriate.

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 648**

[I.D. 021798A]

Fisheries of the Northeastern United States; Northeast Multispecies; Atlantic Sea Scallops; Atlantic Salmon

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

ACTION: Notification of intent to prepare supplemental environmental impact statements (SEISs) and request for scoping comments.

SUMMARY: The New England Fishery Management Council (Council) announces its intention to prepare, in cooperation with NMFS, environmental impact statements to assess the potential effects on the human environment of management measures to bring the fishery management plans for Northeast Multispecies, Atlantic Sea Scallops, and Atlantic Salmon (FMPs) into compliance with the Magnuson-Stevens Fishery Conservation and Management Act as amended by the Sustainable Fisheries Act (SFA).

The Council plans to amend these FMPs to possibly include, but not be limited to, the following: Revise overfishing definitions based on achieving maximum sustainable yield (MSY), stock rebuilding targets and programs, designations and recommendations for preserving essential fish habitat (EFH), and measures to monitor and to minimize, to the extent practicable, bycatch and bycatch mortality.

The Council will develop the amendments through a series of publicly announced meetings together with its Multispecies, Sea Scallop, and Habitat Oversight Committees, Advisory Panels, and Plan Development Teams. Separate notices of intent already have

been prepared for FMPs under development to manage Atlantic sea herring, monkfish, and silver hake (whiting).

DATES: Written comments must be received by March 23, 1998.

ADDRESSES: Send scoping comments to Paul J. Howard, Executive Director, New England Fishery Management Council, 5 Broadway, (Route 1), Saugus, MA 01906.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, telephone 781-231-0422, Fax 617-565-8937.

SUPPLEMENTARY INFORMATION: Revisions to overfishing definitions based on achieving MSY, stock rebuilding targets, and rebuilding programs may require substantial reductions in fishing mortality from those currently scheduled under the Atlantic Sea Scallop FMP. The current Atlantic

Salmon FMP prohibits fishing in the exclusive economic zone (EEZ) and, therefore, no further reductions in fishing in the EEZ are possible.

Timetable

The Council expects to receive information from its Overfishing Definition Review Panel concerning revised overfishing definitions at its February 25-26, 1998, meeting. The Council plans to propose measures for the purpose of developing draft SEIS's and conducting public hearings for an amendment to the Sea Scallop and the Multispecies FMPs at its April 15-16, 1998, meeting. The Council is addressing SFA requirements, except for EFH, for monkfish in a separate amendment to the Multispecies FMP.

Designation of EFH for multispecies finfish, including monkfish and

whiting, Atlantic sea scallops, and Atlantic salmon also will be discussed at these meetings. The Council will hold separate public hearings and may prepare separate amendments to meet EFH requirements.

To meet the deadlines established by the SFA, the Council plans to take final action on amendments for all SFA requirements, except for EFH, by its August 10-11, 1998, meeting.

The Council anticipates final action on the EFH amendment at its September 23-24, 1998, meeting.

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

Dated: February 20, 1998.

Bruce C. Morehead,
Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
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