

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: July 1, 2008.

**Terry Bevels,**

*Deputy Chief Financial Officer, Office of Oceanic and Atmospheric Research.*

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**BILLING CODE 3510-KD-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Federal Consistency Appeal by Broadwater Energy LLC and Broadwater Pipeline LLC

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

**ACTION:** Notice of Appeal.

**SUMMARY:** This announcement provides notice that Broadwater Energy LLC and Broadwater Pipeline LLC (collectively, Broadwater), have filed an administrative appeal with the Department of Commerce (Department), asking that the Department override an objection by the New York State Department of State (New York). New York objects to Broadwater's proposal to construct and operate a floating liquefied natural gas (LNG) terminal and associated pipeline, that would be located in the New York waters of Long Island Sound.

**ADDRESSES:** Materials from the appeal record will be available at the NOAA Office of General Counsel for Ocean Services, 1305 East-West Highway, Room 6111, Silver Spring, MD 20910 and on the following Web site: <http://www.ogc.doc.gov/czma.htm>.

**FOR FURTHER INFORMATION CONTACT:** Ted Beuttler, Attorney-Advisor, NOAA Office of the General Counsel, 301-713-7383.

#### SUPPLEMENTARY INFORMATION:

##### I. Notice of Appeal

On June 6, 2008, Broadwater filed notice of an appeal with the Department, pursuant to the Coastal Zone Management Act of 1972 (CZMA), 16 U.S.C. 1451 *et seq.*, and implementing regulations found at 15 CFR Part 930, Subpart H. Broadwater appealed an objection by New York to Broadwater's proposal to construct and operate a floating LNG terminal and associated pipeline, that would be located in the New York waters of Long Island Sound.

Under the CZMA, the Department may override New York's objection on grounds that the project is consistent

with the objectives or purposes of the CZMA or otherwise necessary in the interest of national security. To make the determination that the proposed activity is "consistent with the objectives or purposes of the CZMA," the Department must find that: (1) The proposed activity furthers the national interest as articulated in sections 302 or 303 of the CZMA, in a significant or substantial manner; (2) the adverse effects of the proposed activity do not outweigh its contribution to the national interest, when those effects are considered separately or cumulatively; and (3) no reasonable alternative is available that would permit the activity to be conducted in a manner consistent with enforceable policies of the applicable coastal management program. 15 CFR 930.121.

##### II. Appeal Documents

NOAA intends to provide the public with access to all publicly available materials and related documents comprising the appeal record during business hours, at the NOAA Office of General Counsel for Ocean Services. For additional information about this appeal, please contact Ted Beuttler, 301-713-7383.

Dated: July 2, 2008.

**Joel La Bissonniere,**

*Assistant General Counsel for Ocean Services, NOAA.*

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN: 0648-XI85**

#### Mid-Atlantic Fishery Management Council; Public Meetings

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

**ACTION:** Notice of a public meeting.

**SUMMARY:** The Mid-Atlantic Council's Scientific and Statistical Committee (SSC) will hold a public meeting.

**DATES:** The meeting will be held on Thursday, July 31, 2008, from 8 a.m. to 5 p.m.

**ADDRESSES:** The meeting will be held at the Hilton Philadelphia Airport, 4509 Island Ave., Philadelphia, PA 19153; telephone: (215) 365-4150.