

of October 1, 2001 (66 FR 49917), are applicable to this solicitation. However, please note that the Department of Commerce will not implement the requirements of Executive Order 13202 (66 FR 49921), pursuant to guidance issued by the Office of Management and Budget, in light of a court opinion which found that the Executive Order was not legally authorized. See *Building and Construction Trades Department v. Allbaugh*, 172 F. Supp. 2d 138 (D.D.C. 2001). This decision is currently on appeal. When the case has been finally resolved, the Department will provide further information on implementation of Executive Order 13202.

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  $\geq$ not significant $\geq$  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 5 U.S.C. 601 *et seq.*

This document contains collection-of-information requirements subject to the Paperwork Reduction Act. The use of Standard Forms (SF) 424 and 424A have been approved by OMB under their respective control numbers 0348-0043 and 0348-0044. 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: May 7, 2002.

**John Oliver,**

*Deputy Assistant Administrator for Operations, National Marine Fisheries Service.*

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## DEPARTMENT OF DEFENSE

### Department of the Army

#### Army Science Board; Notice of Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

*Name of Committee:* Army Science Board (ASB).

*Date(s) of Meeting:* 21 & 22 May 2002.

*Time(s) of Meeting:* 0900-1700, 21 May 2002, 0900-1300, 22 May 2002.

*Place:* SAIC.

1. The Acquisition and Technology Panel, Army Science Board FY02 Summer Study on "Affordability of the Objective Force" is holding a meeting on 21-22 May 2002. The meeting will be held at SAIC, 1710 SAIC Drive, McLean, VA. The meeting will begin at 0900 hrs on the 21st and will end at approximately 1300 hrs on the 22nd. For further information, please contact Tom Conway—703-617-9438 or e-mail: TCONWAY@hqamc.army.mil.

**Wayne Joyner,**

*Program Support Specialist, Army Science Board.*

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## DEPARTMENT OF DEFENSE

### Department of the Army

#### Army Science Board; Notice of Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

*Name of Committee:* Army Science Board (ASB).

*Date(s) of Meeting:* 16 & 17 May 2002.

*Time(s) of Meeting:* 0900-1700, 16 May 2002, 0900-1700, 17 May 2002.

*Place:* Lockheed Martin.

1. The Infrastructure Panel, Army Science Board FY02 Summer Study on "Ensuring the Financial Viability of the Objective Force" is holding a meeting on 16-17 May 2002. The meeting will be held at Lockheed Martin, 1725 Jefferson Davis Highway, Suite 900, Arlington, VA. The meeting will begin at 0900 hrs on the 16th and will end at approximately 1700 hrs on the 17th. For

further information, please contact William Hansen—703-266-3970 or e-mail: william.hansen@lmco.com.

**Wayne Joyner,**

*Program Support Specialist, Army Science Board.*

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**BILLING CODE 3710-08-M**

## DEPARTMENT OF EDUCATION

[CFDA Nos. 84.133S and 84.305S]

### Office of Special Education and Rehabilitative Services (OSERS) and the Office of Educational Research and Improvement (OERI); Small Business Innovation Research (SBIR) Program—Phase I Notice Inviting Grant Applications for New Awards for Fiscal Year (FY) 2002

*Note to Applicants:* Beginning in FY 2002, OSERS and OERI are switching from contracts to grants to conduct the Department's SBIR Phase I competition.

*Purpose of Program:* The purpose of this program is to stimulate technological innovation in the private sector, strengthen the role of small business in meeting Federal research or research and development (R/R&D) needs, increase the commercial application of Department of Education (ED) supported research results, and improve the return on investment from Federally-funded research for economic and social benefits to the Nation.

For FY 2002, we encourage applicants to present activities that focus on the invitational priorities in the PRIORITIES section of this application notice.

*Eligible Applicants:* Each organization submitting an application must qualify as a small business concern as defined by the Small Business Administration (SBA) at the time of the award. This definition is included in the application package.

Firms with strong research capabilities in educational and assistive technologies, science, or engineering in any of the priority areas listed are encouraged to participate. Consultative or other arrangements between these firms and universities or other non-profit organizations are permitted, but the small business must serve as the grantee.

If it appears that an applicant organization does not meet the eligibility requirements, we will request an evaluation by the SBA. Under circumstances in which eligibility is unclear, we will not make an SBIR award until the SBA makes a determination.

*Applications Available:* May 15, 2002.