

When the determination on a waiver applies to the procurement of equipment and/or services, a notice of the waiver determination must be published in the Commerce Business Daily as a part of the notice of solicitation for offers of an acquisition or, if the waiver determination is made after that notice is published, by amendment to such notice.

A copy of the waiver, any supporting documents, the document approving the waiver and any supporting and accompanying documents, with such deletions as the agency is authorized and decides to make under 5 U.S.C. Sec. 552(b), shall be part of the procurement documentation and retained by the agency.

13. Where to Obtain Copies. Copies of this publication are for sale by the National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161. (Sale of the included specifications document is by arrangement with the National Computer Graphics Association and the American National Standards Institute.) When ordering, refer to Federal Information Processing Standards Publication 177-1 (FIPSPUB177-1), and title. Payment may be made by check, money order, or NTIS deposit account.

[FR Doc. 96-9941 Filed 4-22-96; 8:45 am]  
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### National Oceanic and Atmospheric Administration

#### Monterey Bay National Marine Sanctuary Advisory Council; Meeting

**AGENCY:** Sanctuaries and Reserves Division (SRD), Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

**ACTION:** Monterey Bay National Marine Sanctuary Advisory Council Open Meeting.

**SUMMARY:** The Advisory Council was established in December 1993 to advise NOAA's Sanctuaries and Reserves Division regarding the management of the Monterey Bay National Marine Sanctuary. The Advisory Council was convened under the National Marine Sanctuaries Act.

**TIME AND PLACE:** Friday, April 26, 1996, from 10:00 until 3:00. The meeting will be held at the Montaro Point Lighthouse, Highway #1, Montaro, California.

**AGENDA:** General issues related to the Monterey Bay National Marine

Sanctuary are expected to be discussed, including an update from the Sanctuary Manager, reports from the working groups, a discussion of Sanctuary management options, a report on the elephant seal population at Piedras Blancas, and a discussion of kelp harvesting in the Sanctuary.

**PUBLIC PARTICIPATION:** The meeting will be open to the public. Seats will be available on a first-come, first-served basis.

**FOR FURTHER INFORMATION CONTACT:** Jane Delay at (408) 647-4246 or Elizabeth Moore at (301) 713-3141.

Federal Domestic Assistance Catalog Number 11.429

Marine Sanctuary Program

Dated: April 17, 1996.

David L. Evans,

*Acting Deputy Assistant Administrator for Ocean Services and Coastal Zone Management.*

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[Docket No. 960412111-6111-01; I.D. 040596B]

RIN 0648-ZA20

#### West Coast Salmon Fisheries; Northwest Emergency Assistance Plan (NEAP)

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

**ACTION:** Notice; request for comments.

**SUMMARY:** On August 2, 1995, the Secretary of Commerce (Secretary) declared that a fishery resource disaster still persists in the Pacific States of California (north of San Francisco), Oregon, and Washington (excluding Puget Sound). Pursuant to this declaration, the Secretary has provided an additional \$13 million in assistance to the affected fishermen in the Pacific Northwest. The additional funds will be used to continue funding the Northwest Emergency Assistance Plan (NEAP). The purpose of this action is to notify the public of new aspects of the NEAP and to solicit comments on proposed changes to the NEAP.

**DATES:** Written comments must be received by May 23, 1996.

**ADDRESSES:** Comments should be sent to Stephen P. Freese, Northwest Emergency Assistance Plan, Trade and Industry Services Division, Northwest Regional Office, National Marine Fisheries Service, BIN C15700, 7600 Sand Point Way NE, Seattle, WA 98115.

**FOR FURTHER INFORMATION CONTACT:** Stephen Freese, (206) 526-6113.

#### SUPPLEMENTARY INFORMATION:

##### Background

On May 26, 1994, the Secretary declared a fishery resource disaster, and authorized the expenditure of \$12 million in financial assistance for the NEAP, under the authority of section 308(d) of the Interjurisdictional Fisheries Act (IFA); (16 U.S.C. 1407(d)). Pursuant to the Secretary's declaration, NMFS established three NEAP programs: (1) A habitat restoration jobs program (\$6 million), administered by the U.S. Department of Agriculture's Natural Resources Conservation Service (USDA/NRCS); (2) a salmon fishing license buy out program (\$4 million), which has been completed by the Washington Department of Fish and Wildlife (WDFW); and (3) a data collection jobs program (\$2 million), administered by the Pacific States Marine Fisheries Commission (PSMFC). These programs provided financial assistance to the fishermen who suffered losses due to the fishery resource disaster that arose from factors that included drought, flooding, minimal snowpack, and an extreme El Niño ocean warming event.

On August 2, 1995, the Secretary declared that the fishery resource disaster continued in 1995 for the salmon fisheries of the Pacific States of California (north of San Francisco), Oregon, and Washington, excluding Puget Sound. In extending the disaster and determining its impacts, the Secretary considered the magnitude of the disaster in economic and social terms, in addition to the various natural factors causing the fishery resource disaster. Salmon stocks along the West Coast remain extremely depressed, and the fishery disaster has caused high levels of economic damage and social disruption. Therefore, NMFS will continue the NEAP to encompass the disaster period that extends from January 1, 1991 through December 31, 1995, and will continue to provide funding pursuant to the Federal Register notice that established the NEAP, published on October 11, 1994 (59 FR 51419), with subsequent minor amendments published on January 31, 1995, and June 22, 1995 (60 FR 3908, 60 FR 32507). The original NEAP terms and conditions will be in effect until the proposed revisions to the NEAP that are contained in this notice are finalized and implemented.

Of the \$13 million in additional NEAP funding, NMFS will transfer \$4.8 million to USDA/NRCS to continue its role as administrative intermediary for

the Habitat Restoration Jobs Program, and award \$2.65 million to the PSMFC for the 1996 phase of the Data Collection Jobs Program. Both the USDA/NRCS and the PSMFC will use the same criteria as those established in the NEAP and set forth in October 11, 1994, Federal Register notice (59 FR 51419). If the revised criteria proposed in this notice are adopted, NMFS will amend the agreement with USDA and the grant to PSMFC accordingly, and the revised criteria will be effective from the date of publication of the final Federal Register notice announcing this program. NMFS has also allocated \$5.25 million for the License Buy Out Program to continue to purchase licenses from fisheries that depend on chinook and coho salmon. NMFS proposes to implement this program through WDFW by June 1, 1996. NMFS proposes to maintain the same limitations in determining maximum bid amounts as currently employed in the NEAP. Reasons for using the same limitations include fairness to previous successful participants, reduced administrative costs, and reduced paperwork burden upon fishermen. NMFS is retaining \$300,000 for administrative costs.

Congress is currently considering amendments to the IFA. If such amendments are passed and can be applied retroactively, or if such amendments become law prior to publication of a final Federal Register notice announcing this program, the eligibility criteria may be subject to further change. Although NMFS may choose to maintain the current eligibility criteria to minimize disruption to the existing programs, or for other reasons, NMFS may change some or all of the eligibility limitations for certain programs. Such changes may mean that participation in the program would no longer be restricted to applicants with gross incomes under \$2 million, financial assistance would no longer be limited to \$100,000, and no calculation of uninsured loss would be necessary.

#### New Aspects to the NEAP Programs

NMFS has determined that changes are required to certain aspects of the NEAP programs in order to ensure effective implementation. This notice serves to notify the public of those changes.

The calculation of uninsured loss will change due to the expansion of the disaster period pursuant to the Secretary's 1995 disaster declaration and to new biological information on the state of the fishery in 1991. NMFS is extending the disaster period from 1992-1994 to 1991-1995 based on a

review of biological studies and on landings and ex-vessel revenue trends in ocean (Northern California, Oregon, and Washington) and Columbia River coho and chinook fisheries. Many, if not all, of the factors underlying the decline in the 1992-94 fisheries were present in 1991. The disaster period includes the year 1995 pursuant to the Secretary's 1995 disaster declaration.

Furthermore, as a result of the Secretary's expansion of the disaster and NMFS's efforts to improve the program, the term "loss", as defined in the NEAP published on January 31, 1994 (60 FR 5908), is redefined as a loss of income not subject to Federal or state compensation and determined by the following multi-step procedure. In Step 1, the applicant can select a base year from the years 1986 through 1991. In Step 2, the applicant can select a comparison year from the years 1991 through 1995. Step 3 will remain the same, i.e., the comparison year must be less than the base year in order to show a loss. Step 4 of this procedure is now different from the procedure set forth in the January 31, 1994, Federal Register notice due to the expansion of the disaster period to the years 1991 through 1995. The amount of annual loss is now multiplied by five, as opposed to three, to account for this expansion.

Finally, applicants can now use either their 1993, 1994, or 1995 gross income to determine whether they meet the \$25,000 or \$50,000 gross income cap.

#### Proposed Revisions to the NEAP Programs

NMFS proposes to revise some of the limitations, terms, and conditions to address the new disaster declaration for the continuation of the NEAP. The intent of these revisions is to increase the number of fishermen eligible to receive assistance under the NEAP, as well as continue the conservation work already begun. Section 308(d) of the IFA requires the Secretary to solicit public comment on the limitations, terms, and conditions that the Secretary has determined are necessary to administer the NEAP. Accordingly, the public is requested to comment on the items below.

##### (1) Proposed Change to Minimum Amount of Commercial Fishing Income Earning Requirement

An applicant must have earned at least \$2,500 in commercial fishing income in the base year selected in determining loss. The decrease to \$2,500 from \$5,000 would provide crew members with greater accessibility to

the program. The rest of the eligibility criteria would remain the same.

##### (2) Ability to Participate in All NEAP Programs

Participants in the License Buy Out Program would not be excluded from participation in the Habitat Restoration and Data Collection Jobs Program. Therefore, a fisherman who sold a license under the License Buy Out Program could be employed under either of the Jobs Programs, as long as the total compensation did not exceed 75 percent of the fisherman's uninsured loss. Compensation includes all compensation earned from NEAP.

##### (3) Requirement for Fishermen to Possess Same Licenses in 1995 as Were Possessed in 1994

NMFS proposes to exclude applicants from the License Buy Out Program who bought licenses in 1995. Such exclusion would limit applicants who speculated on the licenses in 1995 in anticipation of the revised License Buy Out program. Therefore, applicants to the License Buy Out Program who possessed one of the Washington State salmon licenses listed below in 1995 must also have possessed the same license(s) in 1994:

- (a) Salmon troll license
- (b) Salmon delivery license
- (c) Salmon gill net—Grays Harbor-Columbia River
- (d) Salmon gill net—Willapa Bay-Columbia River
- (e) Salmon charter

##### (4) Alternative Bidding Options for the License Buy Out Program

*Option 1*—According to gear group, all eligible fishermen would submit new bids or verify that they wish to maintain their previous bids. Offer packages would be ranked. Starting with the lowest offers in each license type, licenses would be accepted and retired by WDFW.

*Option 2*—WDFW would purchase licenses from the pool of applicants for the NEAP License Buy Out Program, beginning with the lowest unsuccessful 1995 offer. The WDFW would purchase licenses until the remaining funds are insufficient for the entire next offer amount.

*Option 3*—WDFW would purchase licenses beginning with the pool of applicants for the NEAP License Buy Out Program. Licensees who offered licenses in the NEAP, but were unsuccessful, would have an opportunity to sell their licenses for the last price paid per gear group. These amounts are: Salmon troll and delivery—\$24,984, Salmon gill net—\$38,000, and Salmon charter—\$21,300.

If any funds remain after purchase of licenses from the 1995 program applicants, 1996 program applications would be accepted as provided for in this section from persons who are eligible to participate, starting with the lowest offer. The WDFW would purchase licenses until the remaining funds are insufficient for the entire next offer amount.

*Option 4*—This option is modeled conceptually on NMFS's Fishing Capacity Reduction Demonstration Program (FCRDP) for Northeast groundfish vessels, published in the Federal Register, June 22, 1995 (60 FR 32504). Under the FCRDP, NMFS bought out both vessels and licenses, and bids were ranked by taking into consideration vessel performance. Under Option 4, WDFW would continue to buy out only licenses, but would establish a ranking system similar to that of the FCRDP. Bids would be ranked by license score, and the license score would be determined by dividing the bid by the applicant's uninsured loss, since the calculation of uninsured loss reflects vessel performance.

Using the same limitations employed in the 1995 NEAP buy out program, the applicant would submit a bid that can range from \$1.00 up to the maximum amount that the applicant can bid. The maximum amount that an applicant can bid is 2.25 times the difference between the highest gross income derived from salmon fishing during any calendar year 1986 through 1991 (which becomes the applicant's "base year"), and the least amount of gross income derived from salmon fishing activities during any calendar year from 1992 through 1994 (which becomes the applicant's "comparison year"). No bid can exceed \$100,000 minus any Federal unemployment or NEAP related income already received.

Using the definition of uninsured loss as defined by this notice, the applicant would also submit the amount of uninsured loss suffered as a result of the fishery disaster. Uninsured loss is 5 times the difference between the highest gross income derived from salmon fishing during any calendar year 1986 through 1991 (base year), and the least amount of gross income derived from salmon fishing activities during any calendar year from 1991 through 1995 (comparison year). The comparison year must be less than the base year. The applicant's bid amount would then be divided by the applicant's uninsured loss to determine the applicant's license score. The scores of all the applicants would be ranked from low to high with the lowest scores being purchased first.

Provided below are three examples of this scoring process:

#### Example 1

Step A. Applicant A submits a bid for \$18,500.

Step B. Applicant A has an uninsured loss of \$29,670.

Step C. The score for Applicant A is .6235 (\$18,500 divided by \$29,670).

#### Example 2

Applicant B submits the same bid as Applicant A (\$18,500). However, the uninsured loss for Applicant B is \$42,680.

Step A. Applicant B submits a bid for \$18,500.

Step B. Applicant B has an uninsured loss of \$42,680.

Step C. The score for Applicant B is .4335 (\$18,500 divided by \$42,680).

#### Example 3

Applicant C submits a bid for \$35,000. Applicant C's uninsured loss is \$81,860.

Step A. Applicant C submits a bid for \$35,000.

Step B. Applicant C has an uninsured loss of \$81,860.

Step C. The score for Applicant C is .4276 (\$35,000 divided by \$81,860).

Even though Applicant C's bid is higher than that of Applicants A and B, Applicant C's score is lower because of the greater uninsured loss. Consequently, Applicant C would be selected over Applicants A or B, and Applicant B would be selected before Applicant A. In the instances where a choice must be made between two or more equally scored bids, applicants with the lowest bid (Step A) will be given preference.

#### Catalogue of Federal Domestic Assistance

The NEAP is listed in the "Catalogue of Federal Domestic Assistance" under No.11.452, Unallied Industry Projects.

#### Classification

This action has been determined to be not significant for purposes of E.O. 12866.

Some of the activities mentioned in this notice are subject to the Paperwork Reduction Act (PRA). They have been approved by the Office of Management and Budget (OMB) under control number 0648-0288.

Notwithstanding any other provision of law, no person is required to respond 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.

Dated: April 17, 1996.

Gary Matlock,

*Program Management Officer, National Marine Fisheries Service.*

[FR Doc. 96-9906 Filed 4-18-96; 3:09 pm]

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## COMMODITY FUTURES TRADING COMMISSION

### Agricultural Advisory Committee Meeting

This is to give notice, pursuant to Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. 2, Section 10(a) and 41 CFR 101-6.1015(b), that the Commodity Futures Trading Commission's Agricultural Advisory Committee will conduct a public meeting on May 8, 1996 from 1:00 p.m. to 5:00 p.m. in the first floor hearing room of the Commodity Futures Trading Commission (Room 1000), Three Lafayette Centre, 1155 21st Street, N.W., Washington, D.C. 20581. The agenda will consist of:

#### Agenda

- I. Opening Remarks by Acting Chairman John E. Tull;
- II. Report from Dr. Wayne Purcell, of Virginia Tech, on "Needed Changes in Tax Treatment of Cattle Feeders' Activities in Cattle Futures;"
- III. Report on the FAIR Act Provisions for a USDA Office of Risk Management;
- IV. Report from the CBOT Regular Grain Storage Capacity Task Force;
- V. Report from the National Grain and Feed Association's Risk Evaluation Task Force;
- VI. Presentation by CBOT on the Project A Trading System;
- VII. Update on the CFTC-DEA Staff White Paper on the Agricultural Trade Option Prohibition;
- VIII. Report on the CME Proposal to Increase the Spot Month Speculative Position Limit on the Live Cattle Contract;
- IX. Other Committee Business;
- X. Closing Remarks by Commissioner Joseph Dial.

The purpose of this meeting is to solicit the views of the Committee on the above-listed agenda matters. The Advisory Committee was created by the Commodity Futures Trading Commission for the purpose of receiving advice and recommendations on agricultural issues. The purposes and objectives of the Advisory Committee are more fully set forth in the sixth renewal charter of the Advisory Committee.

The meeting is open to the public. The Chairman of the Advisory Committee, Commissioner Joseph B. Dial, is empowered to conduct the meeting in a fashion that will, in his