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## NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

[Docket No. 960516134-6134-01]

RIN 0648-ZA23

### Financial Assistance for the Pribilof Environmental Restoration Program.

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

**ACTION:** Notice of public meetings and availability of federal assistance.

**SUMMARY:** NOAA issues this notice describing the procedures under which applications will be accepted, and how NOAA will determine which applications it will fund for environmental restoration work to be completed on the Pribilof Islands, Alaska. Pursuant to Public Law 104-91 (PL 104-91), section 3(d) requires the use of local entities and residents of the Pribilof Islands, to the maximum extent practical for completion of environmental restoration work to be performed. Applications will be solicited for projects as defined in the Two-Party Agreement executed between NOAA and Alaska Department of Environmental Conservation (ADEC), State of Alaska. A copy of the Two-Party Agreement is included in the NOAA Application kit for this program. This notice implements Part I of two parts: Part I being environmental restoration work to commence in fiscal year 1996 (FY96), and Part II environmental restoration work to commence in FY97 and beyond. Public Law 104-91 section 3(f) authorized a maximum of \$10,000,000.00 to be appropriated in fiscal years 1996, 1997, and 1998 to carryout all of purposes identified under P.L. 104-91. The FY96 appropriations act makes \$10,000,000 available for this year. From this amount, approximately \$2,500,000 will be available for cooperative agreements awarded to implement Part I.

**DATES:** A public meeting to discuss general pre-award requirements for this Federal assistance program will be held on St. George Island, Alaska on May 21, 1996 from 3:00 p.m. to 5:00 p.m. at the St. George Recreation Hall. A public meeting will also be held on St. Paul Island, Alaska on May 22, 1996 from 3:30 p.m. to 5:30 p.m. at the St. Paul Recreation Hall.

Complete applications must be received or postmarked by [Insert 45 days from the date of this notice]. Applicants must submit one signed original and two copies of the complete application. No facsimile applications will be accepted. Generally, the time required to process applications is 60 days from the closing date of the solicitation.

**ADDRESSES:** Applications should be sent to Western Administrative Support Center (WASC), Facilities and Logistics Division, 7600 Sand Point Way NE, Seattle, WA 98115. Telephone: (206) 526-4434 or (206) 526-6160. Application kits, with instructions for completion and copies of the Two-Party Agreement, may be obtained from the NOAA Grants Management Division, SSMC2, Room 5416, 1325 East West Highway, Silver Spring, MD 20910. Telephone (301) 713-0942.

**FOR FURTHER INFORMATION CONTACT:** For questions regarding grants management policies and interpretation contact: Steve Drescher at (301) 713-0942. For information regarding technical aspects of specific projects: Thanh Minh Trinh at (206) 526-6647 or Anthony Mercadante at (206) 526-6674.

**SUPPLEMENTARY INFORMATION:** A Catalog of Federal Domestic Assistance (CFDA) number for this program will be requested. Part I of this program will proceed concurrently with NOAA's request for inclusion of this program in the CFDA.

## I. Introduction

### A. Background

Under the provisions of Public Law 104-91, the Secretary of Commerce shall, subject to the availability of appropriations, provide assistance for the cleanup of landfills, wastes, dumps, debris, storage tanks, property, hazardous or unsafe conditions, and contaminants including petroleum products and their derivatives, on lands which the U.S. Government abandoned, quitclaimed, or otherwise transferred or are obligated to transfer, to local entities or residents on the Pribilof Islands, Alaska pursuant to the Fur Seal Act of 1966 (16 U.S.C. 1151 et seq.), as amended, or other applicable law.

Work to commence in FY96 under section one of this notice will include (a) Surface Debris Removal on both St. Paul and St. George Islands, and (b) Underground Storage Tank Removal on both St. Paul and St. George Islands.

### B. Funding

NOAA issues this notice to solicit applications for federal assistance, describing the intent to award cooperative agreements, the procedures under which applications will be accepted for Part I and how NOAA will select the applications it will fund.

Sharing of project costs by applicants is not required and will not be considered in the technical evaluation of proposals.

## II. Funding Priorities

Part I of this Program will be on the removal and disposal/recycling of surface debris as per the Two Party Agreement referenced above.

Greatest consideration will be given to applications that will promote the economic stability or future self-sufficiency of the recipient.

## III. How To Apply

### A. Eligible Applicants

Applications for cooperative agreements may be made in accordance with the procedures set forth in this notice, by any local entity or resident of the Pribilof Islands, as defined in the Fur Seal Act of 1966 (16 U.S.C. 1151 et seq.), as amended, and who is a citizen or national of the United States.

Federal Government employees including full-time, part-time, and intermittent personnel are not eligible to submit an application under this solicitation.

Assistance from NOAA employees is available to eligible applicants, by telephone and will be limited to such issues, as the program goals, funding, priorities and application forms. *Since this is a competitive program, assistance will not be provided in conceptualizing, developing, or structuring competitive proposals.*

### B. Duration and Terms of Funding

Generally, cooperative agreements are awarded for a period of 1 year, but no more than 18 months.

If an application for an award is selected for funding, the Department has no obligation to provide any additional future funding in connection with that award. Amendments to increase funding or extend the period of performance is at the discretion of the Department.

Publication of this announcement does not obligate NOAA to award any specific grant or cooperative agreement

or to obligate any part of the entire amount of funds available.

### C. Format

Applications for project funding must be complete, and must identify the principal participants and include copies of any agreements between the participants and the applicant describing the specific tasks to be performed. Project applications must respond to priorities contained in section II of this document. Project applications must be submitted in the format that follows:

1. Cover sheet: An applicant must use Standard Form 424 (revised 4-92) as a cover sheet for each project. The forms are included in the NOAA Application kit.

2. Project Budget: A budget must be submitted for each project, using SF-424A (Rev. 4/92), Budget Information Non-Construction Programs. The applicants must submit cost estimates of the direct total project costs. Estimates of the direct costs must be specified in the categories listed on the SF-424A. A budget narrative/detail must also be provided as described in the NOAA Application Kit. The budget may also include an amount for indirect costs, if the applicant has an established indirect cost rate with the Federal Government. A copy of the current, approved, negotiated indirect cost Agreement with the Federal Government must be included with the application. The total dollar amount of the indirect costs proposed in an application under this program must not exceed the indirect cost rate negotiated and approved by a cognizant Federal agency prior to the proposed effective date of the award or 100 percent of the total proposed direct costs dollar amount in the application, whichever is less. This restriction also applies to any subrecipient of this program.

Fees or profits are not allowable costs under the awards.

The total costs of the project consist of all costs to accomplish the objectives of the project during the period the project is conducted. A project begins on the effective date of an award and ends on the date specified in the award. Only costs incurred during the award period shall be considered allowable, allocable and reasonable. Accordingly, *the time expended and costs incurred in either the development of a project or the financial assistance application, or in any subsequent discussions or negotiations prior to awards, are not reimbursable.*

3. Project Narrative Description: The project must be completed and accurately described, as follows:

a. Executive Summary. Provide a brief discussion on the nature of the problem, the location of the project, and a historical/background information as it relates to the project.

b. Project Objectives: State what the proposed project is expected to accomplish, and describe how this will eliminate or reduce the problem(s) described in 3.a. above.

c. Participation in the project or any part thereof by Persons or Groups Other Than the Applicant: Describe the nature of such participation.

d. Federal, State, and Local Government Coordination/Activities: List any existing Federal, state, or local government programs or activities that this project would affect, including activities under state Coastal Zone Management Plans and those requiring consultation with Federal Government under the Endangered Species Act and the Marine Mammal Protection Act. Describe the relationship between the project and these plans or activities.

e. Project Work Plan: The Work Plan statement of work is an action plan of activities to be conducted during the period of the project. This section requires the applicant to prepare a detailed narrative, fully describing the work to be performed that will achieve the previously articulated objectives. A milestone chart that outlines major goals, supporting work activities, and time frame, and individuals responsible for various work activities may be used to describe the work to be performed. The narrative should include the following questions:

(1) How will the project be designed? What design incurred in the performance of project tasks to criteria will be used? (e.g., pertinent regulatory compliance such as environmental and safety regulations, cost and technology effectiveness, and etc.)

(2) What will be accomplished? (e.g., removal and salvaging of surface debris)

(3) What work, activities or procedures (be specific as possible) will be undertaken to accomplish the project objectives?

(4) Who will be responsible for carrying out the various activities? (Highlight work that will be subcontracted and provisions for competitive subcontracting). All key personnel and subcontracts proposed by the applicant are subject to the review and approval of NOAA. NOAA will maintain a high level of substantial involvement during the project period to ensure compliance by the recipient and its subcontractors with all statutory requirements, including environmental compliance.

(5) Which regulations govern the proposed type of work (e.g., state or federal? Environmental or Safety?, ADEC's Soil Remediation or Solid Waste regulations?) and project objectives? Who will be responsible for ensuring that the proposed project activities and objectives satisfy the governing regulations?

(6) The narrative/milestone chart should graphically illustrate:

(a) Steps to accomplish the major activities;

(b) Critical path(s), supporting activities, and associated time lines (e.g., month 1, month 2); and

(c) The individual(s) responsible for the various activities. This information is critical to understanding and reviewing the application. NOAA encourages applicants to provide sufficient detail. Applications lacking sufficient detail will be eliminated from further consideration.

f. Project Management and Personnel Qualifications: Describe how the project will be organized and managed. Provide an organizational chart and line of communication. List all persons directly employed by the applicant who will be involved in the project, their qualifications, experience, and level of involvement in the project. If any portion of the project will be conducted through consultants and/or subcontractors, applicants, as appropriate, must follow procurement guidance in 15 CFR part 24, "Grants and Cooperative Agreements to State or Local Governments", or OMB Circular A-110 for Institutions of Higher Education, Hospitals, and other Non-profit Organizations, Commercial Organizations and individuals. If a consultant and/or subcontractor is selected prior to the submission of an application, include the name and qualifications of the consultant and/or subcontractor and the process used for selection.

### IV. Evaluation of Proposed Projects

NOAA will solicit technical evaluations of each project application from a Source Evaluation Board composed of appropriate public sector experts. Individual point scores will be given to project applications, based on the following criteria:

1. Problem Description and Conceptual Approach for Resolution. Both the applicant's comprehension of the problem(s) and the overall concept proposed to resolve the problem(s) will be evaluated. (25 points)

2. Soundness of Project Design/ Technical Approach. Applications will be evaluated to determine whether or not the applicant provided sufficient

information to evaluate the project technically and, if so, the strengths and/or weaknesses of the technical design proposed for problem resolution. (25 points)

3. Project Management and Experience and Qualification of Personnel. The organization and management of the project, and other key personnel in terms of related experience and qualifications will be evaluated. Those projects that do not identify the key personnel or project manager with his or her qualifications will receive a lower point score. (20 points)

In reviewing and evaluating applications that include consultants and subcontracts, NOAA will consider the following additional criteria:

- a. Is the *involvement of the primary applicant necessary* to conduct the project and the accomplishment of its goals and objectives?
- b. Is the proposed allocation of the primary applicant's time reasonable and commensurate with the applicant's involvement in the project?
- c. Are the proposed costs for the primary applicant's involvement in the project reasonable and commensurate with the benefits to be derived from the applicant's participation?

4. Project Evaluation. The effectiveness of the applicant's proposed methods to evaluate the project in terms of meeting its goals and objectives will be evaluated. (10 points)

5. Project Costs. The justification and allocation of the budget in terms of the work to be performed and reasonable costs will be evaluated. (20 points)

#### V. Selection Procedures and Project Funding

After applications have been evaluated and ranked, the Director WASC, will select from the highest-ranked applicants the number of projects recommended for funding, ensuring that there is no duplication with other projects to be funded by NOAA or other Federal organizations. The list of recommended applicants will be forwarded to NOAA Grants Management Division to issue the award(s). Applicants not recommended for funding are not given further consideration and will be notified of non-selection.

The exact amount of the funds awarded to a project will be determined in pre-award negotiations between the applicant and NOAA program and grants management representatives.

*Projects/remediation should not be initiated in expectation of Federal funding until a notice of award*

*document is signed and issued by the Grants Officer.*

It is the Department's policy to make awards to applicants who are competently managed, responsible, and committed to achieving the objectives of the awards they receive. Adverse information concerning the applicant's financial stability, past experience with Federal grants, and other information about the applicant's responsibility may result in an application not being considered for funding.

#### VI. Administrative Requirements

##### A. Obligation of the Applicant

##### 1. An Applicant must:

- a. Meet all application requirements and provide all information necessary for the evaluation of the project proposal.
- b. Be available, upon request, in person, by telephone or by designated representative, to respond to questions during the review and evaluation of the project proposal.

2. Primary Applicant Certification. Applicants will be required to submit a completed Form CD-511, "Certification Regarding Debarment, Suspension and Other Responsibility Matters; Drug Free Workplace Requirements and Lobbying". The following explanations are hereby provided:

a. Nonprocurement Debarment and Suspension. Prospective participants (as defined at 15 CFR part 26, Section 105) are subject to 15 CFR Part 26, "Nonprocurement Debarment and Suspension" and the related section of the certification form prescribed above applies;

b. Drug-Free Workplace. Grantees (as defined at 15 CFR Part 26, Section 605) are subject to 15 CFR part 26, Subpart F, "Government wide Requirements for Drug-Free Workplace (Grants)" and the related section of the certification form prescribed above applies;

c. Anti-Lobbying. Person(s) (as defined at 15 CFR Part 28, Section 105) are subject to the lobbying provision of 31 U.S.C. 1352, "Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions". The lobbying section of the certification form prescribed above applies to applications/bids for grants, cooperative agreements, and contracts for more than \$100,000, and loans and loan guarantees for more than \$150,000, or the single family maximum mortgage limit for affected programs, which ever is greater; and

d. Anti-Lobbying Disclosure. Any applicant that has paid or will pay for lobbying using any funds must submit Standard Form SF-LLL, "Disclosure of

Lobbying Activities," as required under 15 CFR Part 28, Appendix B.

##### 3. Lower Tier Certifications.

Successful applicants shall require applicants/bidders for subgrants, contracts, subcontractors, or other lower tier covered transactions at any tier under the award to submit, if applicable, a completed Form CD-512, "Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions and Lobbying", and disclosure form, SF-LLL, "Disclosure of Lobbying Activities." Form CD-512 is intended for the use of recipients of subrecipients and should not be transmitted to DOC. SF-LLL submitted by any tier recipient or subrecipient should be submitted to DOC in accordance with the instructions contained in the awards document.

##### B. Other Requirements

1. Federal Policies and Procedures. Recipients and subrecipients are subject to all Federal laws and Federal and DOC policies, regulations, and procedures applicable to Federal financial assistance awards.

2. Name check review. All non-profit and for profit applicants are subject to a name check review process. Name checks are intended to reveal if any key individuals associated with the recipient have been convicted of, or are presently facing, criminal charges such as fraud, theft, perjury, or other matters that significantly reflect on the recipient's management, honesty, or financial integrity.

3. False Statements. A false statement on the application is grounds for denial or termination of funds and grounds for possible punishment by a fine or imprisonment (18 U.S.C. 1001).

4. Past Performance. Unsatisfactory performance under prior Federal awards may result in an application not being considered for funding.

5. Delinquent Federal Debts. No award of Federal funds shall be made to an applicant who has an outstanding delinquent Federal debt until either:

- a. The delinquent account is paid in full;
- b. A negotiated repayment schedule is established and at least one payment is received; or
- c. Other arrangements satisfactory to DOC are made.

6. Buy American-Made Equipment or Products. Applicants are hereby notified that they are encouraged, to the extent feasible, to purchase American-made equipment and products with funding under this program.

7. Preaward Activities. If applicants incur any costs prior to an award being

made, they do so solely at their own risk of not being reimbursed by the Government. Notwithstanding any verbal or written assurance that may have been received, there is no obligation on the part of DOC to cover Preaward costs.

#### VII. Classification

A notice of availability of financial assistance for this program will also appear in the Commerce Business Daily. This action has been determined to be not significant for purposes of E.O. 12866.

Applications under this program are subject to E.O. 12372, "Intergovernmental Review of Federal Programs."

The application mentioned in this notice is subject to the Paperwork Reduction Act. It has been approved by the Office of Management and Budget under control numbers 0348-0043, 0348-0044, and 0348-0046.

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 requirements of the Paperwork Reduction Act, unless that collection displays a current valid OMB Control Number.

Authority: Public Law 104-91.

Dated: May 16, 1996.

Michael J. Nelson,

*Acting Director, Procurement, Grants and Administrative Services, Office of Finance and Administration.*

[FR Doc. 96-12768 Filed 5-17-96; 2:27 pm]

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#### National Oceanic and Atmospheric Administration

[I.D. 051396F]

#### Endangered Species; Permits

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

**ACTION:** Issuance of permit 988, amendment 1 to permit 942, and modification 2 to permit 962.

**SUMMARY:** Notice is hereby given that NMFS issued Permit 988, Amendment 1 to Permit 942, and Modification 2 to by Permit 962, permits to take listed sea turtles for the purpose of scientific research, subject to certain conditions set forth therein.

**ADDRESSES:** The applications, permits, and related documents are available for review by appointment in the following offices:

Office of Protected Resources, F/PR8, NMFS, 1315 East-West Hwy., Room 13307, Silver Spring, MD 20910-3226 (301-713-1401); and

Director, Southeast Region, NMFS, NOAA, 9721 Executive Center Drive, St. Petersburg, FL 33702-2432 (813-893-3141) for Permits 942 and 962

or

Director, Southwest Region, NMFS, NOAA, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213 (310-980-4016) for Permit 988.

**SUPPLEMENTARY INFORMATION:** Notice was published on January 23, 1996 (61 FR 1748) that an application has been filed by Dr. Peter Dutton of NMFS Southwest Fisheries Science Center and Donna McDonald of Ocean Planet Research, Inc. (P602) to take listed sea turtles for scientific research as authorized by the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531-1543) and NMFS regulations governing listed fish and wildlife permits (50 CFR parts 217-222). The applicants requested authorization to capture 50 green (*Chelonia mydas*), 5 olive ridley (*Lepidochelys olivacea*), and 5 loggerhead (*Caretta caretta*) sea turtles in San Diego Bay. The turtles would be measured, weighed, have blood and stomach samples taken, and have tags and transmitters attached. The purpose of the research is to reassess the status of sea turtles in San Diego Bay. The applicants requested a 5-year permit. On May 10, 1996, NMFS issued Permit 988 authorizing the above research.

Notice was published on February 29, 1996 (61 FR 7776) that a four-year extension to Permit 962 had been requested by Carlos Diez and Robert van Dam of the University of Central Florida (P509B) to take listed sea turtles for scientific research as authorized by the ESA. On May 10, 1996, NMFS issued Modification 2 to Permit 962, extending it until May 31, 2000. The applicants are authorized to capture listed sea turtles in Puerto Rico.

On April 25, 1996, as authorized by the ESA, NMFS issued Amendment 1 to Permit 942 held by Jane Anne Provancha of the Dynamac Corporation (P576). This amendment updated the permit conditions regarding netting to capture sea turtles, so as to avoid interaction with any species not authorized in the permit.

Issuance of this permit, modification, and amendment, as required by the ESA, was based on a finding that these actions: (1) Were applied for in good faith, (2) will not operate to the disadvantage of the listed species that are the subject of the actions, and (3) are consistent with the purposes and

policies set forth in section 2 of the ESA.

Dated: May 14, 1996.

Eric H. Ostrovsky,

*Acting Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 96-12784 Filed 5-21-96; 8:45 am]

BILLING CODE 3510-22-F

[I.D. 050896A]

#### Marine Mammals; Permit No. 728 (P36C)

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

**ACTION:** Issuance of modification.

**SUMMARY:** Notice is hereby given that permit no. 728, issued to Dr. Bernd Würsig and Dr. Graham Worthy, Marine Mammal Research Program, Department of Marine Biology, Texas A&M University, P.O. Box 1675, Galveston, TX 77553-1675, to take Atlantic bottlenose dolphins (*Tursiops truncatus*) was extended until December 31, 1996.

**ADDRESSES:** The modification and related documents are available for review upon written request or by appointment in the following offices:

Permits Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130 Silver Spring, MD 20910 (301/713-2289); and

Southeast Region, NMFS, 9721 Executive Center Drive, North, St. Petersburg, FL 33702-2532 (813/570-5301).

**SUPPLEMENTARY INFORMATION:** The subject modification has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*) and the provisions of paragraphs (d) and (e) of § 216.33 of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

Dated: May 13, 1996.

Ann D. Terbush,

*Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 96-12782 Filed 5-21-96; 8:45 am]

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#### Patent and Trademark Office

#### Notice of Two Year Exclusivity Period; DAYPRO® Oxaprozin

**AGENCY:** Patent and Trademark Office, Commerce.