

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 provided under this program in accordance with Congressional intent as set forth in the resolution contained in Public Law 103-121, Sections 606 (a) and (b).

11.800 Minority Business Development Center
(Catalog of Federal Domestic Assistance)
Dated: March 24, 1995.

Donald L. Powers,

Federal Register Liaison Officer, Minority Business Development Agency.

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Technology Administration

[Docket No. 950313072-5072-01]

RIN No.: 0693-AB37

Financial Assistance for Research and Development, U.S.-Israeli Science and Technology Program

AGENCY: Technology Administration, Commerce.

ACTION: Notice.

SUMMARY: The Under Secretary for Technology of the United States Department of Commerce invites proposals for financial assistance under the U.S.-Israeli Science and Technology Program (the "Program"). The Program will assist U.S.-based industrial firms that have entered into U.S.-Israeli joint ventures (partnerships of United States and Israeli companies) to carry out research and development on long-term, medium- to high-risk technologies. This Program is separate from the existing Bi-national Industrial R&D Foundation (BIRD), which continues to offer support for commercial joint ventures. Inquiries about BIRD assistance should be addressed directly to the BIRD Foundation, Tel Aviv, Israel.

Such projects should focus on research, development and commercialization of technologies that are not appropriately funded by other U.S. or Israeli government-funded research and development efforts. This assistance will take place through the use of cooperative agreements with U.S.-based industrial firms pursuant to this Notice.

Funding will be made directly to the U.S. firms that are partners in the U.S.-Israeli joint ventures. Funding from the U.S. Department of Commerce for the Program is limited to the U.S. partner(s) to a U.S.-Israeli joint venture, with

funding for the Israeli partner(s) to be provided by the Israeli Government. On December 21, 1994, the Technology Administration published a notice in the **Federal Register** to announce this Program (FR 65756), including the availability of funds for a first round of awards. Funding recipients for this first round were announced on February 6, 1995, referenced in more detail below.

DATES: Applications must be received on or before Close of Business May 19, 1995. It is expected that the review and selection process will take approximately thirty (30) days.

ADDRESSES: Applications must be submitted to: U.S.-Israel Science and Technology Commission, Room 7068, U.S. Department of Commerce, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Lee Bailey, Executive Director, U.S./Israel Science and Technology Commission, telephone number (202) 482-6351.

SUPPLEMENTARY INFORMATION: In March, 1993, President Clinton and Israeli Prime Minister Yitzhak Rabin announced their intention to create the U.S.-Israeli Science and Technology Commission (the "Commission") to promote U.S.-Israeli cooperative science and technology activities that could benefit the two nations' civilian high technology commercial sectors, and create jobs and economic growth. The Commission was established by an agreement of January 18, 1994 between the U.S. and Israeli governments, and plans to implement certain of its objectives through a U.S. non-profit corporation (hereinafter "USNPC").

The Commerce Department expects that the USNPC itself will award future financial assistance agreements under the Program, and may also be in a position to award the agreements contemplated by this notice. Should this occur, applicants that have submitted proposals that remain under review will be asked to transfer their proposals to the USNPC, and will receive further information about the requirements that apply to the USNPC's financial assistance agreements. Applicants should take note that the USNPC's requirements will differ in certain respects from those announced in this notice, including modification with respect to accounting, reporting, and intellectual property requirements, and the adoption of award recovery policies that would apply in cases where the USNPC-sponsored projects result in commercially successful products. Applicants that enter into agreements with the Commerce Department may also be asked to consent to the Department assigning their agreements

to the USNPC at a later point, and to negotiate any modifications to the agreement that may be necessary to satisfy the USNPC's financial assistance requirements. For additional information, applicants may contact the Information Contact Person listed above. Funding is intended for projects (1) That will have significant economic benefits for both the United States and Israel and (2) that in general are in the areas of the environment, energy, health, biotechnology, information processing/telecommunications or agriculture, or in the commercialization of defense technologies.

This program announcement has been determined to be not significant for purposes of Executive Order 12866.

Authority

The Under Secretary for Technology, pursuant to the authority delegated to her by section 3706 of Title 15 of the U.S. Code, as well as sections 2.02 and 4.03(d) of Department Organization Order 10-17, dated July 14, 1992, is implementing this activity.

Program Description

The Program will assist eligible U.S.-based industrial firms that have entered into U.S.-Israeli joint ventures (partnerships of United States-based and Israeli-based companies) to carry out research and development of long-term, medium- to high-risk technologies that offer significant economic benefits, that are focused on commercialization and that are not appropriately funded by other U.S. and Israeli government-funded research and development efforts. This assistance will take place through the use of cooperative agreements. U.S. Commerce Department assistance is offered to promote the economy of the U.S. via the creation of new technologies and the commercialization of new and existing technologies.

Funding Availability

The implementation and conduct of this Program is contingent upon the availability of all funding anticipated for its operation. The Commerce Department reserves the right to discontinue this Program in the event all funding is not made available or is otherwise not secured. It is anticipated that funds will be available subject to reprogramming notifications to Congress.

The U.S. Government and the Government of Israel are each making available up to \$5 million in the current fiscal year for this Program for qualified projects. The governments of both nations intend to fund this Program at

the same level during 1996 and 1997. Two awards and one feasibility study totalling \$5,721,000, to be paid over four fiscal years, were announced on February 6, 1995. Within the limits of available funding, there is no predetermined minimum or maximum award. The funds may be spent toward research and development activities consistent with the goals set forth in this Notice.

Matching Funding Requirements—Federal financial assistance must be accompanied by at least an equal matching investment by the U.S.-based firm(s) party to each U.S.-Israeli joint venture. In the event there are multiple U.S.-based firms in a given U.S.-Israeli venture, the aggregate investment of the U.S. partners must at least equally match the Federal investment in that project.

Eligibility Requirements

The Program will accept proposals only from U.S.-Israeli joint ventures led by one U.S.-based industrial partner and one Israeli-based industrial partner. In general, awards will not be made to a joint venture composed of affiliated U.S.- and Israeli-based partners. Concerns are considered to be affiliates of each other when either directly or indirectly (a) one concern controls or has the power to control the other, or (b) a third party or parties controls or has the power to control both, or (c) an identity of interest between or among parties exists such that affiliation may be found.

Federal financial assistance will be given only to U.S.-based industrial partner or to a consortia led by U.S.-based industrial partners. A U.S.-based industrial partner, or a consortia led by U.S.-based industrial partners, shall be eligible to receive assistance under this Program only if the U.S.-based industrial partner, or each member of the consortia, is incorporated in the United States and has its principal place of business in the United States.

Project Eligibility

Proposed projects must meet the following criteria:

- Must be in one of the following areas: The environment, energy, health, biotechnology, information processing/telecommunications, the commercialization of defense technologies, or agriculture. Further, the project must be for research and development activities in long term, medium- to high risk technologies, and which show a plan to commercialization within 48 months.

- Must include technical innovation, significant commercial potential, and economic benefit to both countries.

Award Period

The duration of Federal financial assistance to a U.S.-based industrial firm will not exceed four years.

Indirect Costs

Indirect costs will not be funded under this Program.

Application Forms and Kit

Applicants must submit one (1) signed original plus two copies of each application. Standard Forms 424 and 424A, Application for Federal Assistance (which have been approved under the Paperwork Reduction Act by OMB Control No. 0348-0043 and 0348-0044, respectively) shall be used in applying for financial assistance, plus such additional information as is needed to permit the evaluation of the applications on the criteria set forth below. Forms are available by request from the Information Contact Person listed above. The additional information shall include a business plan containing the following:

- Executive summary (maximum 3 pages);
- Description of the project and technology involved (See Evaluation Criteria No. 1);
- Commercialization objectives including economic benefits to U.S. & Israel and other regions (See Evaluation Criteria No. 2);
- Commercialization plan including project objectives target markets and strategy, technology transfer and intellectual property requirements and additional capital requirements (See Evaluation Criteria No. 3)
- Description of proposed project participant qualifications and time schedule (See Evaluation Criteria No. 4);
- Project management, organizational structure, equipment, facilities and support (See Evaluation Criteria No. 5); and,
- Proposed budget.

Proposals shall not exceed 40 pages (50 pages for joint proposals) exclusive of the Standard Forms. Proposals must be on 8½ by 11" paper (copies double sided) no fold out inserts and no smaller than 12 point type. Additional information beyond the page limit will not be considered. In addition, each proposer is asked to submit a brief one paragraph project summary containing non-proprietary information which may be utilized by the Commission without regard to the Confidentiality Provisions applicable to this notice.

Evaluation Criteria—Factors within each criteria (labelled i, ii, iii, etc.) will

be weighed equally. No project will be funded in the absence of a finding of technical and commercial merit by the reviewers. The evaluation criteria to be used in selecting any proposal for funding under this program, and their respective weights, are:

(1) Scientific and Technical Merit of the Proposal (30 percent).

(i) Quality and innovativeness of the proposed technical program (i.e. uniqueness with respect to current industry practice).

(ii) Technical feasibility of the project (i.e., are the technical objectives realistic?).

(iii) Coherency of technical plan and clarity of vision of technical objectives.

(iv) Breadth of impact of accomplishment of technical objectives.

(2) Commercial Benefits of the Proposal (20 percent).

(i) Commercial potential of the technology in the proposed venture.

(ii) Potential to improve U.S. and Israeli economic growth and the productivity of a broad spectrum of industrial sectors or businesses within an economically important single sector.

(iii) Timeliness of proposal (i.e. the project results will not occur too late to be competitively useful in the marketplace).

(3) Commercialization Plans for the Project (20 percent).

(i) Evidence that the participants will pursue commercial application of the technology including production and distribution plans.

(ii) Project plan adequately addresses technology transfer and ownership requirements to assure prompt and widespread use and protection of results by participants and, as appropriate, others;

(4) Qualifications of the Proposing Organization(s) (15 percent).

(i) Quality and appropriateness of proposer's commercial and managerial staffing, facilities, equipment, and other resources to accomplish the proposed program objectives.

(ii) Quality and appropriateness of the technical staff to carry out the proposed work program and to identify and overcome technical barriers to meeting project objectives.

(iii) For proposals involving laboratory prototype development, evidence of availability of adequate design and manufacturing tools appropriate to the prototype.

(5) Proposer's Level of Commitment and Organizational Structure (15 percent).

(i) Appropriateness of the structure of the proposed organization in terms of composition of participants (i.e. vertical and/or horizontal integration) and existing relationships among the parties.

(ii) Level of commitment of proposers as demonstrated by contribution of personnel, equipment, facilities, and matching funds.

(iii) Appropriate participation by U.S. small businesses.

(iv) Evidence of a strong commitment by applicants to complete and, if appropriate, provide support for continuation of the program beyond the period of funding.

Selection Procedures

The selection process for awards is a multi-step process based on the criteria listed above.

- In the first step, called the "preliminary screening," representatives from both governments will review the applications and will eliminate those that do not meet the threshold Eligibility Requirements listed above. Further disqualifications will be made if the application is deemed to have serious deficiencies in the technical and/or business plan, if the application does not fall within the overall scope of the Program, or if the application is more appropriately funded by other U.S. or Israeli government-funded research and development efforts.

- In the second step, referred to as the "technical and business review," applications are evaluated under the preceding Evaluation Criteria. Applications are rated as "not recommended" or "recommended." Applications must have high scientific and technical merit to be recommended. Only those applications rated as "recommended" are considered further. Such applications are referred to as "semifinalists." If a majority of either country's representatives rate an application as "not recommended," that application will be disqualified.

- In the third step, referred to as "selection of finalists," representatives from both governments ("the Joint Panel") will prepare a final scoring and ranking of recommended semifinalist applications, based upon evaluative criteria. A list of ranked finalists is then submitted to each respective nation's Selection Official.

- In the final step, referred to as the "selection of awardees," the Selection Officials select funding recipients from among the finalists, based upon the rank order of the applications on the basis of all Evaluation Criteria (see above), assuring appropriate distribution of funds among technologies, activities and recipients, the availability of funds, and upon a determination as to the responsibility of the applicant. The decision of the Selection Officials is

final. Applicants not chosen will be notified.

- In the event that a U.S.-Israeli joint venture is ranked as a finalist, but is determined to contain weaknesses in its structure or cohesiveness that may substantially lessen the likelihood of the proposed project's success, the applicant may be informed of the deficiencies and negotiations may be entered into with the applicant in an effort to remedy the deficiencies. If appropriate, funding up to 10% of the amount originally requested by the applicant, but no more than \$100,000, may be awarded by the Program to the applicant to conduct a feasibility study. If the Program determines within six months that the organizational deficiencies have been corrected, the Program may award over the life of the project the remaining funds requested by that applicant to that applicant.

- The Program reserves the right to negotiate with applicants selected to receive awards over the cost and scope of the proposed project, e.g., to add or delete a task in order to improve the probability of success.

Funding Logistics

Funding will be made directly to the U.S.-based firm(s) that is/are party to the U.S.-Israeli joint venture.

Rights to Inventions

The provisions of the Bayh-Dole Act (35 U.S.C. 201, et seq., concerning patent rights in inventions made with Federal assistance) and the Government Patent Policy set forth in President Reagan's memorandum to the heads of Executive Departments and Agencies, dated February 18, 1983, shall apply to all Federally-funded research and development activities performed under this Program.

Other Requirements

(1) *Federal Policies and Procedures*—Recipients and subrecipients are subject to all Federal laws and Federal and Department of Commerce policies, regulations, and procedures applicable to Federal financial assistance awards.

(2) *Past Performance*—Unsatisfactory performance under prior Federal awards may result in an application not being considered for funding.

(3) *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 U.S. Government. Notwithstanding any verbal or written assurance that may have been received, there is no obligation on the part of the Department of Commerce to cover preaward costs.

(4) *No Obligation for Future Funding*—If an application is selected for funding under the Program, there is no obligation to provide any additional future funding in connection with that award. Renewal of an award to increase funding or extend the period of performance is at the total discretion of the awarding entities. An annual review of each award will be conducted to determine the worthiness of continued or additional future 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:

i. The delinquent account is paid in full,

ii. A negotiated repayment schedule is established and at least one payment is received, or

iii. Other arrangements satisfactory to the Department of Commerce are made.

(6) *Name Check Review*. All applicants are subject to a name check review process. Name checks are intended to reveal if any key individuals associated with the applicant have been convicted of or are presently facing criminal charges such as fraud, theft, perjury, or other matters which significantly reflect on the applicant's management honesty or financial integrity.

(7) *Primary Applicant Certifications*.

All primary applicants must submit a completed Form CD-511, "Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying," and the following explanations are hereby provided:

i. *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;

ii. *Drug-Free Workplace*. Funding recipients (as defined at 15 CFR part 26, section 605) are subject to 15 CFR part 26, subpart F, "Governmentwide Requirements for Drug-Free Workplace (Grants)" and the related section of the certification form prescribed above applies;

iii. *Anti-Lobbying*. Persons (as defined at 15 CFR part 28, Section 105) are subject to the lobbying provisions of 31 U.S.C. 1352, "Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions," and 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, whichever is greater; and

iv. *Anti-Lobbying Disclosures.* Any applicant or component entity thereof that has paid or will pay for lobbying using any funds must submit an SF-LLL, "Disclosure of Lobbying Activities," as required under 15 CFR part 28, appendix B.

(8) *Lower Tier Certifications.* Recipients shall require applicants/bidders for subgrants, contracts, subcontracts, 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 and should not be transmitted to the Department of Commerce. SF-LLL submitted by any tier recipient or subrecipient should be submitted to the Department of Commerce in accordance with the instructions contained in the award document.

(9) *False Statements.* A false statement on an application is grounds for denial or termination of funds and grounds for possible punishment by a fine or imprisonment as provided in 18 U.S.C. 1001.

(10) *Intergovernmental Review—* Applications under this program are not subject to Executive Order 12372, "Intergovernmental Review of Federal Programs."

(11) *Purchase of American-Made Equipment and Products—* Applicants are hereby notified that they will be encouraged, to the greatest extent practicable, to purchase American-made equipment and products with funding provided under this Program in accordance with Congressional intent as set forth in the resolution contained in Public Law 103-317, sections 607(a)-(b).

Dated: March 27, 1995.

Mary Lowe Good,

*Under Secretary of Commerce for Technology,
Department of Commerce.*

[FR Doc. 95-7800 Filed 3-29-95; 8:45 am]

BILLING CODE 3510-18-M

DEPARTMENT OF DEFENSE

Office of the Secretary of the Army

Notice of Availability of the Draft Environmental Impact Statement for Disposal and Reuse of Hamilton Army Airfield, California

AGENCY: Department of the Army, DoD.

ACTION: Notice of availability.

SUMMARY: In compliance with the National Environmental Policy Act and the President's Council on Environmental Quality, the Army has prepared a Draft Environmental Impact Statement (DEIS) for disposal of certain excess property at Hamilton Army Airfield, California. The DEIS also analyzes impacts on a range of potential reuse alternatives.

Copies of the DEIS have been forwarded to various Federal, state, and local agencies, and certain other interested organizations and individuals.

DATES: Written public comments and suggestions received within 45 days of this Notice of Availability will be considered in preparing the Final Environmental Impact Statement and in preparing a Record of Decision for the Army action.

ADDRESSES: Copies of the Draft Environmental Impact Statement can be obtained by writing or calling Mr. Robert Koenigs, Sacramento District, U.S. Army Corps of Engineers, 1325 J Street, 13th Floor, Sacramento, CA 95814-2922 or by calling (916) 557-6712. Mr. Koenigs may also be reached by fax at (916) 557-7876. Questions about the DEIS and written comments may be sent to the same address

Dated 27, 1995.

Lewis D. Walker,

*Deputy Assistant Secretary of the Army
(Environment, Safety and Occupational
Health) OASA (IL&E).*

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Department of the Army

Corps of Engineers

Notice of Intent To Prepare a Draft Environmental Impact Statement for the Proposed Coos Bay-North Bend Water Supply Project, Coos County, Oregon

AGENCY: U.S. Army Corps of Engineers, Portland District, DOD.

ACTION: Notice of intent.

SUMMARY: The proposed action is the issuance of a Department of the Army

permit under Section 404 of the Clean Water Act of 1977, as amended, and Section 9 of the River and Harbor Act of 1899 for the construction of a dam and reservoir on Joe Ney Creek, and raising of an existing dam on Upper Pony Creek. Both projects would be located in Coos County, Oregon. The Coos Bay-North Bend Water Board is the permit applicant, and is proposing this action for the purpose of increasing the municipal and industrial water supply for its service area.

ADDRESSES: U.S. Army Corps of Engineers, Portland District, P.O. Box 2496, Portland, Oregon 97208-2946.

FOR FURTHER INFORMATION CONTACT: Mr. David Kurkoski, (503) 326-6094. Internet address: david_kurkoski@smtplink.npp.usace.army.mil.

SUPPLEMENTARY INFORMATION: The Coos Bay-North Bend Water Board, Coos County, Oregon has applied to the Portland District, U.S. Army Corps of Engineers for a Department of the Army Permit under section 404 of the Clean Water Act of 1977, as amended, and Section 9 of the River and Harbor Act of 1899. The proposed action is to construct a new dam and reservoir on Joe Ney Creek, and raise an existing dam on Upper Pony Creek to increase the storage capacity of the reservoir. The purpose of the proposed action is to increase municipal and industrial water supply storage for the area serviced by the Water Board.

Pony Creek

The existing Upper Pony Creek Reservoir was created by a dam across Pony Creek near the headwaters at approximately River Mile (RM) 4.5). The dam was constructed in 1951 to provide water storage for the Water Board's service area. The proposed expansion would involve raising the existing 45-foot earthfill dam by 21.5 feet, to increase reservoir storage capacity from the existing 2,150 acre-feet to 6,250 acre-feet.

Joe Ney Creek

The existing reservoir on Joe Ney Creek was created by a 9-foot-high earthen dam constructed in 1947 at RM 1.5. The Water board proposes to build a larger dam approximately 800 feet upstream of the existing dam. The new dam, which would be built to an evaluation of 39 feet, would provide storage for 2,500 acre-feet.

Operations

Both reservoirs would be operated by the Water board for municipal and industrial water supply. Water would be pumped from Joe Ney Reservoir through