

consumption on or after the date of publication of the final results of these reviews.

Parties to the proceeding may request disclosure of the calculation methodology and interested parties may request a hearing not later than 10 days after the date of publication of this notice. Interested parties may submit written arguments in case briefs on these preliminary results within 30 days of the date of publication. Rebuttal briefs, limited to arguments raised in case briefs, may be submitted seven days after the time limit for filing the case brief. Parties who submit written arguments in this proceeding are requested to submit with the argument (1) a statement of the issue and (2) a brief summary of the argument. Any hearing, if requested, will be held seven days after the scheduled date for submission of rebuttal briefs. Copies of case briefs and rebuttal briefs must be served on interested parties in accordance with 19 CFR 355.38(e).

Representatives of parties to the proceedings may request disclosure of proprietary information under administrative protective order no later than 10 days after the representative's client or employer becomes a party to the proceedings, but in no event later than the date the case briefs are due. The Department will publish the final results of these administrative reviews, including the results of its analysis of issues raised in any case or rebuttal brief or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 355.22.

Dated: September 16, 1996.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

[FR Doc. 96-24605 Filed 9-24-96; 8:45 am]

BILLING CODE 3510-DS-P

National Oceanic and Atmospheric Administration

[I.D. 091396A]

Small Takes of Marine Mammals Incidental to Specified Activities; Taurus Space Launch Vehicles at Vandenberg Air Force Base, CA

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

ACTION: Notice of receipt of application and proposed authorization for a small take exemption; request for comments.

SUMMARY: NMFS has received a request from the U.S. Air Force for an authorization to take small numbers of seals, sea lions and fur seals by harassment incidental to launches of Taurus space launch vehicles (Taurus SLV) at Launch Support Complex 576E (LSC- 576E), Vandenberg Air Force Base, CA (Vandenberg). Under the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to authorize the incidental take, by harassment, of small numbers of Pacific harbor seals, and other seal and sea lion species, in the vicinity of Vandenberg for a period of 1 year.

DATES: Comments and information must be received no later than October 25, 1996.

ADDRESSES: Comments on the application should be addressed to Chief, Marine Mammal Division (Attn: Small Take Program Manager), Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. A copy of the application and previous Federal Register notices on related actions may be obtained by writing to this address or by telephoning one of the contacts listed below.

FOR FURTHER INFORMATION CONTACT: Kenneth Hollingshead, Office of Protected Resources at 301-713-2055, or Irma Lagomarsino, Southwest Regional Office at 310-980-4016.

SUPPLEMENTARY INFORMATION:

Background

Section 101(a)(5)(A) of the MMPA (16 U.S.C. 1361 *et seq.*) directs NMFS to allow, upon request, the incidental, but not intentional, taking of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and regulations are issued. Permission may be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses, and the permissible methods of taking and requirements pertaining to the monitoring and reporting of such taking are set forth.

Subsection 101(a)(5)(D) of the MMPA established an expedited process by which U.S. citizens can apply for an authorization to incidentally take small numbers of marine mammals by harassment for a period of up to 1 year. The MMPA defines "harassment" as:

***any act of pursuit, torment, or annoyance which (a) has the potential to

injure a marine mammal or marine mammal stock in the wild; or (b) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering.

Subsection 101(a)(5)(D) establishes a 45-day time limit for NMFS review of an application followed by a 30-day public notice and comment period on any proposed authorizations for the incidental harassment of small numbers of marine mammals. Within 45 days of the close of the comment period, NMFS must either issue or deny issuance of the authorization.

Summary of Request

On August 14, 1996, NMFS received a revised application from the U.S. Air Force, Vandenberg, requesting an authorization for the harassment of small numbers of harbor seals and possibly California sea lions and northern elephant seals, incidental to launches of Taurus SLVs at LSC-576E, Vandenberg. These launches would place commercial payloads into earth orbit. Because LSC-576E is located north of most other launch complexes at Vandenberg and because there are oil production platforms located off the coast to the south of LSC-576E, missions flown from LSC-576E do not fly directly on their final southward course. The normal trajectory for a LSC-576E launch is in a general west-southwest direction away from the coastline. The flight paths for each 1997 launch will proceed on an initial azimuth of 205° until approximately 24 kilometers (km) (15 miles (mi)) west of the shoreline. The Taurus SLV will then perform a dogleg maneuver left to a final mission-specific azimuth of between 180° and 197°. No Taurus SLV launch from LSC-576E will proceed southeast, overflying San Miguel (SMI) or Santa Rosa islands. Orbital Sciences Corporation (OSC 1996) anticipates launching two Taurus SLVs during the 1-year period of validity for this proposed authorization.

As a result of the noise associated with the launch itself and the resultant sonic boom, there is the potential to cause a startle response to those harbor seals that haul out on the coastline south and southwest of Vandenberg and may be detectable to marine mammals in waters off Vandenberg and to the west of the Channel Islands. Launch noise would be expected to occur over the coastal habitats in the vicinity of LSC-576E while a low-level sonic boom may be heard west of the Channel Islands.

Description of Habitat and Marine Mammals Affected by Taurus

The Southern California Bight (SCB), including the Channel Islands area, supports a diverse assemblage of pinnipeds (seals and sea lions) and cetaceans (whales, dolphins, and porpoises). California sea lions (*Zalophus californianus*), northern elephant seals (*Mirounga angustirostris*), Pacific harbor seals (*Phoca vitulina*) and northern fur seals (*Callorhinus ursinus*) breed on the Islands, with the largest rookeries on SMI and San Nicolas Island.

A small breeding population of California sea lions occurs on Vandenberg, and both sea lions and northern elephant seals are regular visitors to the shoreline near LSC-576E. A small population of harbor seals are normal residents of Purisima Point, and southern sea otters (*Enhydra lutra*) were censused there during the spring of 1995¹.

Because it is the only species that hauls out along the Vandenberg coast in any numbers, the harbor seal is the only marine mammal anticipated to be incidentally harassed by Taurus SLV launches. A description of the SCB population of harbor seals and other pinniped species was provided in the notices published on May 10, 1995 (60 FR 24840) and August 18, 1995 (60 FR 43120), in conjunction with publication of the previous notices of application for Vandenberg launch activities and is, therefore, not repeated here. In addition, new information on harbor seals has been provided more recently in another notice (61 FR 45404, August 29, 1996) and is summarized below. Additional information on California marine mammal populations can be found in Barlow *et al.* (1995), while marine mammal information specific to Vandenberg can be found in Roest (1995). Interested reviewers are encouraged to refer to the documents cited above for the appropriate discussion. These documents are also available from NMFS (see ADDRESSES).

Hanan and Beeson (1994) reported 21,462 seals counted on the mainland coast and islands of California during May and June 1994. Using that count and Huber *et al.*'s (1993) correction factor (1.61 times the count) for animals not hauled out gives a best population estimate of 34,554 harbor seals in California (Barlow *et al.* 1995). A total of 19 distinct haulout sites are present

on Vandenberg (between Point Sal and Jalama Beach), although not all sites are used regularly (Roest 1995). For most of the year, the average number of harbor seals on the Vandenberg coast is about 330 individuals. This number nearly doubles during the molting season (June) to roughly 610. The largest population occurs on South Vandenberg, although a smaller permanent population is present at two sites near Purisima Point on North Vandenberg. In general, it appears that the current population of harbor seals at all 19 haulout sites on Vandenberg peaks at roughly 600 to 800 seals (Air Force 1996).

Maximum numbers of harbor seals at Purisima Point in May/June average about 40 while the Spur Road site seems to have an average maximum of from 60 to 80 individuals, and Rocky Point has approximately 70 harbor seals in the spring. More than other sites, Spur Road appears to have peak numbers in the fall (Air Force 1996, Roest 1995). However, both the Spur Road and Purisima Point sites are submerged at high tide, making them unavailable to harbor seals during those times.

Potential Effects of Taurus SLV Launches on Marine Mammals

The effect on harbor seals is expected to be disturbance by sound, which is anticipated to result in a negligible short-term impact to small numbers of harbor seals and other pinnipeds that are hauled out at the time of Taurus SLV launches. No impacts are anticipated to animals that are in the water at the time of launch. Detailed descriptions and analyses of the expected impact from rocket launches on harbor seals and other marine mammals have been provided in previous notices (60 FR 24840, May 10, 1995; 60 FR 38308, July 26, 1995; 60 FR 43120, August 18, 1995; 60 FR 52653, October 10, 1995; and 61 FR 10727, March 15, 1996) and are not repeated here. These documents are available from NMFS (see ADDRESSES).

Based upon measurements made on a March 13, 1994, Taurus SLV launch by Stewart *et al.* (1994), the sound exposure level (SEL) recorded at Purisima Point (40-second duration; 2.24 km (1.4 mi) from the launch pad) was 108.1 dB (A-weighted; re 20 μ Pa @ 1 m) and 127.4 dB (unweighted). Twenty of the 23 harbor seals that were hauled out at this location before the launch fled immediately into the water within a few seconds after launch. The A-weighted SEL of noise recorded at Rocky Point (130-second duration; 20.4 km (12.7 mi) from the launch pad) was 80.0 dB, while the unweighted SEL was 103.9 dB. That noise included launch

noise and possibly a sonic boom below 50 Hz. Twenty of 74 harbor seals that were monitored at Rocky Point fled into the water within several seconds of the sound arriving there. However, none of the four young pups that were ashore left the beach nor were they separated from their mothers. A comparison of the reactions of harbor seals to sound at the two study sites indicates that the intensity and duration of reactions of harbor seals to the type of noise associated with the Taurus SLV was directly related to the intensity of the noise to which they were exposed (Stewart *et al.* 1994). Substantially more seals reacted to the launch noise at Purisima Point than at Rocky Point. Furthermore, seals at Purisima Point reacted much more energetically and remained in the water substantially longer at Purisima Point than did seals at Rocky Point.

Although monitoring was apparently not conducted at Spur Road (approximately 0.5 mi (804 m) from LSC-576E) in 1994, based upon measurements for Delta II (Aerospace Corporation 1996) and comparing these results with Taurus (Stewart *et al.* 1994), an SEL can be estimated for Spur Road to be approximately 115 dBA (129 dB unweighted). While an SPL of 115-120 dBA (re 20 μ Pa @ 1 m) may cause a short-term (minutes to hours), temporary threshold shift (TTS) injury to hearing (Richardson *et al.* 1995), due to the infrequency of launches at LSC-576E and nearby LSC-2W, TTS-injuries are not expected to be serious and the animals will recover.

Rocket engine noise over the Northern Channel Islands (NCI) from the just-launched Taurus SLVs traveling at supersonic speeds should not affect pinnipeds hauled out on these islands. The Taurus SLV flight paths will be to the west-southwest away from the California coast. Sonic boom noise developed as a result of these launches is not expected to reach the Channel Islands. Low intensity rumbling noise may reach the Channel Islands with the effect ranging from a simple alert response to a startle response, which, while unlikely, could result in movement into the water. The initial Taurus SLV launch from LSC-576E did not cause a sonic boom over SMI, and there was no response by pinniped species on SMI (OSC 1996) from launch noise.

Mitigation

Unless constrained by other factors including, but not limited to, human safety, national security, or launch trajectories, efforts to ensure minimum negligible impacts of Taurus SLV

¹ Sea otters are under the jurisdiction of the U.S. Fish and Wildlife Service (USFWS) and not NMFS. Discussions between the applicant and the USFWS have taken place. Please contact those agencies for additional information.

launches on harbor seals and other pinnipeds are proposed for inclusion in the Incidental Harassment

Authorization. These proposals include:

1. Avoidance, whenever possible, of launches during the harbor seal pupping season of February through May (the scheduled 1997 Taurus SLV launches are presently scheduled outside this period); and
2. Preference for night launches during the period of the year when harbor seals are hauled out in any numbers along the coast of North Vandenberg.

Monitoring and Reporting

The holder of the Incidental Harassment Authorization has proposed a monitoring program to assess the impact of Taurus SLV launches on the harbor seal haulouts in the vicinity of Spur Road and Purisima Point. The applicant proposes to monitor the harbor seal population at these locations for a period of 3 days prior to launch, immediately following launch, and for a 3-day period following launch. The monitoring will consist of a population assessment to determine if there is any reduction in numbers of animals or a notable change in behavior. Video and photographic monitoring of daylight launches would also be conducted if any launch takes place between February and September 1997. The applicant will also perform additional post-launch monitoring for any launches conducted during the harbor seal pupping season. OSC will conduct an acoustic (sound propagation) monitoring program for the first Taurus SLV launch at LSC-576E and the applicant will continue its program for prediction and monitoring focused sonic boom impacts on the NCI.

A report on this monitoring program would be required to be submitted prior to next year's authorization request, unless the monitoring indicated that serious injuries or mortalities had occurred that might relate to the launching. In this case, the authorization would require immediate notification of this fact to the Southwest Regional Director, NMFS.

Conclusions

Based upon information provided by the applicant, the results from monitoring a previous Taurus SLV launch, and previous reviews of the incidental take of harbor seals by this activity, NMFS believes that the short-term impact of the launching of Taurus SLVs is expected to result at worst, in a temporary reduction in utilization of the haulout as seals leave the beach for the safety of the water and may result

in a non-serious TTS injury to those harbor seals hauled out or on the water surface within approximately 3,000 ft of LSC-576E. The launching is not expected to result in any reduction in the number of harbor seals, and they are expected to continue to occupy the same area. In addition, there will not be any impact on the habitat itself. Based upon studies conducted for previous space vehicle launches at Vandenberg, significant long-term impacts on harbor seals at Vandenberg are unlikely but may eventually be determined by the frequency and timing of all launches at Vandenberg.

Proposed Authorization

NMFS proposes to issue an incidental harassment authorization for 1 year for launches of Taurus SLV at LSC-576E provided the monitoring and reporting requirements are implemented. NMFS has preliminarily determined that the proposed launches of Taurus SLVs at LSC-576E would result in the Level A harassment taking of only small numbers of harbor seals, will have a negligible impact on the harbor seal stock and will not have an unmitigable adverse impact on the availability for subsistence uses.

Information Sought

NMFS requests interested persons to submit comments, information, and suggestions concerning this request (see **ADDRESSES**).

Dated: September 19, 1996.

Rennie S. Holt,

*Acting Director, Office of Protected Resources,
National Marine Fisheries Service.*

[FR Doc. 96-24509 Filed 9-24-96; 8:45 am]

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COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Increase of a Guaranteed Access Level for Certain Wool Textile Products Produced or Manufactured in the Dominican Republic

September 19, 1996.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs increasing a guaranteed access level.

EFFECTIVE DATE: September 25, 1996.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce,

(202) 482-4212. For information on the quota status of this level, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927-5850. For information on embargoes and quota re-openings, call (202) 482-3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Uruguay Round Agreements Act.

On the request of the Government of the Dominican Republic, the U.S. Government agreed to increase the 1996 Guaranteed Access Level for Category 448.

A description of the textile and apparel categories in terms of HTS numbers is available in the **CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States** (see Federal Register notice 60 FR 65299, published on December 19, 1995). Also see 61 FR 1359, published on January 19, 1996.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing, but are designed to assist only in the implementation of certain of their provisions.

D. Michael Hutchinson,

*Acting Chairman, Committee for the
Implementation of Textile Agreements.*

Committee for the Implementation of Textile Agreements

September 19, 1996.

Commissioner of Customs,

*Department of the Treasury, Washington, DC
20229.*

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on January 11, 1996, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products, produced or manufactured in the Dominican Republic and exported during the twelve-month period which began on January 1, 1996 and extends through December 31, 1996.

Effective on September 25, 1996, you are directed to increase the Guaranteed Access Level for Category 448 to 100,000 dozen.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).