

reviewed companies covered by these orders are the cash deposit rates in effect at the time of entry.

This notice serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 C.F.R. 355.34(d). Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

These administrative reviews and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)).

Dated: September 2, 1997.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 97-24710 Filed 9-16-97; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 091097A]

Incidental Take of Marine Mammals; Bottlenose Dolphins and Spotted Dolphins

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

ACTION: Notice of issuance of letters of authorization.

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA) as amended, and implementing regulations, notification is hereby given that 1-year letters of authorization to take bottlenose and spotted dolphins incidental to oil and gas structure removal activities were issued on July 10, 1997, to the Coastal Oil and Gas Corporation; on July 11, 1997, to Enron Oil and Gas Corporation; on July 18, 1997, to the Louisiana Land and Exploration Company, all of Houston, TX; on July 25, 1997, to Mobil Exploration and Producing U.S. Inc., of New Orleans, LA; and on September 10, 1997, to the Forest Oil Corporation, of Denver, CO, and Unocal of California, of Lafayette, LA.

ADDRESSES: The applications and letters are available for review in the following offices: Office of Protected Resources, NMFS, 1315 East-West Highway, Silver

Spring, MD 20910 and the Southeast Region, NMFS, 9721 Executive Center Drive N, St. Petersburg, FL 33702.

FOR FURTHER INFORMATION CONTACT: Kenneth R. Hollingshead, Office of Protected Resources, NMFS, (301) 713-2055 or Charles Oravetz, Southeast Region (813) 570-5312.

SUPPLEMENTARY INFORMATION: Section 101(a)(5)(A) of the MMPA (16 U.S.C. 1361 *et seq.*) directs NMFS to allow, on request, the incidental, but not intentional, taking of small numbers 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. Under the MMPA, the term "taking" means to harass, hunt, capture, or kill or to attempt to harass, hunt, capture or kill marine mammals.

Permission may be granted for periods up to 5 years if NMFS finds, after notification and opportunity for public comment, that the taking will have a negligible impact on the species or stock(s) of marine mammals and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses. In addition, NMFS must prescribe regulations that include permissible methods of taking and other means effecting the least practicable adverse impact on the species and its habitat, and on the availability of the species for subsistence uses, paying particular attention to rookeries, mating grounds, and areas of similar significance. The regulations must include requirements pertaining to the monitoring and reporting of such taking. Regulations governing the taking of bottlenose and spotted dolphins incidental to oil and gas structure removal activities in the Gulf of Mexico were published on October 12, 1995 (60 FR 53139), and remain in effect until November 13, 2000.

Summary of Requests

NMFS received requests for letters of authorization on June 25, 1997, from Coastal Oil and Gas Corporation; on July 11, 1997, from Enron Oil and Gas Corporation; on June 27, 1997, from the Louisiana Land and Exploration Company; on July 17, 1997, from Mobil Exploration and Producing U.S. Inc.; on September 3, 1997, from the Forest Oil Corporation, and on September 4, 1997, from Unocal of California. These letters requested a take by harassment of a small number of bottlenose and spotted dolphins incidental to the described activity. Issuance of these letters of authorization are based on a finding that

the total takings will have a negligible impact on the bottlenose and spotted dolphin stocks of the Gulf of Mexico.

Dated: September 11, 1997.

Patricia A. Montanio,

Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 97-24673 Filed 9-16-97; 8:45 am]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 080697A]

Small Takes of Marine Mammals Incidental to Specified Activities; Seismic Hazards Investigations in Puget Sound

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. Geological Survey (USGS) for an authorization to take small numbers of marine mammals by harassment incidental to collecting deep-crustal marine seismic data in the Puget Sound/Straits of Juan de Fuca region of Washington State. Under the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to authorize USGS to incidentally take, by harassment, small numbers of marine mammals in the above mentioned area during late February or March 1998.

DATES: Comments and information must be received no later than October 17, 1997.

ADDRESSES: Comments on the application should be addressed to Michael Payne, Chief, Marine Mammal Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910-3225. A copy of the application, and a draft environmental assessment (EA), which includes a list of references used in this document, may be obtained by writing to this address or by telephoning one of the contacts listed below.

FOR FURTHER INFORMATION CONTACT: Kenneth R. Hollingshead, Office of Protected Resources, NMFS, (301) 713-2055, or Brent Norberg, Northwest Regional Office, NMFS, (206) 526-6733.

SUPPLEMENTARY INFORMATION:

Background

Section 101(a)(5) (A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) directs the Secretary of Commerce 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 either regulations are issued or, if the taking is limited to harassment, notice of a proposed authorization is provided to the public for review.

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. NMFS has defined "negligible impact" in 50 CFR 216.103 as "an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival."

New section 101(a)(5)(D) of the Marine Mammal Protection Act established an expedited process by which citizens of the United States can apply for an authorization to incidentally take small numbers of marine mammals by harassment. The MMPA now 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.

New 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 July 2, 1997, NMFS received an application from the USGS, on behalf of the Seismic Hazards Investigations in Puget Sound (SHIPS) project, requesting an authorization for the possible

harassment of small numbers of several species of marine mammals incidental to conducting marine seismic surveys in Puget Sound, WA. The survey is to collect data on the earthquake hazards of the Puget Sound area. Geological features around the Puget Sound that might produce earthquakes lie obscured beneath water, city, forest, and thick glacial deposits. As a result, investigators must use sound waves that are produced by an array of airguns to indirectly view these features. Because seismic noise from the proposed survey's airguns could potentially affect marine mammals due to disturbance by sound (i.e., acoustic harassment), an incidental harassment authorization under the MMPA is warranted.

The main goals of the SHIPS project concern understanding earthquake processes and mitigating a potential disaster, not earthquake prediction. Geologists have clear evidence for past earthquakes, but basic geological information about earthquake processes is lacking. To close this critical information gap, the SHIPS consortium will collect seismic reflection and seismic refraction data in and near Puget Sound. Seismic reflection data will help locate potential earthquake faults, and seismic refraction data will show the speed of sound waves in deep rocks. These data together will reveal the structure and physical properties of rocks where earthquakes are likely to occur. Information from onshore seismometers will reveal where deep rocks could focus earthquake waves at the surface and where surface sediment is weak.

Where these conditions of focusing and sediment weakness overlap, buildings and other infrastructure are at elevated risk of damage or destruction during a major earthquake. SHIPS will provide information needed to make maps, for city planners, to show areas of potentially strong ground motion so that scarce funds for seismic retrofitting can be allocated on a rational basis. Prime candidates for retrofitting are schools and hospitals. Freeway interchanges and major bridges as well as structures housing police and firefighters must withstand earthquakes so that survivors receive prompt assistance.

Dependent upon ship scheduling, the seismic survey is expected to take approximately two weeks sometime during late February and March 1998. A detailed description of the work planned is contained in the application (USGS 1997) and the draft EA. These documents are available upon request (see ADDRESSES). Description of Habitat and Marine Mammals Affected by the Activity

A description of the Puget Sound ecosystem and its associated marine mammals can be found in the USGS application and associated draft EA.

Marine Mammals

The species of marine mammals that are likely to be present in Puget Sound and Straits of Juan de Fuca include the harbor porpoise (*Phocoena phocoena*), killer whale (*Orcinus orca*), Dall's porpoise (*Phocoenoides dalli*), and harbor seal (*Phoca vitulina*). Additional species that are rare or only occasionally seen in the area at the time of the survey include: Minke whale (*Balaenoptera acutorostrata*), elephant seal (*Mirounga angustirostris*), Pacific white-sided dolphin (*Lagenorhynchus obliquidens*), northern sea lion (*Eumetopias jubatus*), California sea lion (*Zalophus californianus*), humpback whale (*Megaptera novaengliae*), and gray whale (*Eschrichtius robustus*). General information on these latter species can be found in Barlow *et al.* (1995). Information relevant to the distribution, abundance, and behavior of those species most likely to be impacted by the experiment in Puget Sound and the Straits of Juan de Fuca is provided in the application and draft EA. Please refer to those documents for information on the biology, distribution, and abundance of these species.

Potential Effects of Seismic Surveys on Marine Mammals**Discussion**

Deep seismic surveys are used to obtain data about rock formations several thousands of feet deep. These surveys are accomplished by transmitting sound waves into the earth, which are reflected off subsurface formations and recorded with detectors in the water column. A typical marine seismic source is an airgun array, which releases compressed air into the water creating an acoustical energy pulse that is directed downwards toward the seabed. Hydrophones spaced along a streamer cable just below the surface of the water receive the reflected energy from the subsurface formations and transmit data to the seismic vessel. Onboard the vessel, the signals are amplified, digitized, and recorded on magnetic tape.

Disturbance by seismic noise is the principal means of taking by this activity. Vessel noise may provide a secondary source. Also, the physical presence of vessel(s) could also lead to some non-acoustic effects involving visual or other cues.

Depending upon ambient conditions and the sensitivity of the receptor,

underwater sounds produced by open-water seismic operations may be detectable some substantial distance away from the activity. Any sound that is detectable is (at least in theory) capable of eliciting a disturbance reaction by a marine mammal or masking a signal of comparable frequency. An incidental harassment take is presumed to occur when marine mammals in the vicinity of the seismic source (or vessel) react to the generated sounds or visual cues.

Seismic pulses are known to cause some species of whales, including gray and bowhead whales, to behaviorally respond within a distance of several kilometers (Richardson *et al.* 1995). Although some limited masking of low-frequency sounds is a possibility for those species of whales using low frequencies for communication, the intermittent nature of seismic source pulses will limit the extent of masking. Bowhead whales, for example, are known to continue calling in the presence of seismic survey sounds, and their calls can be heard between seismic pulses (Richardson *et al.* 1986).

When the received levels of noise exceed some behavioral reaction threshold, cetaceans will show disturbance reactions. The levels, frequencies, and types of noise that will elicit a response vary between and within species, individuals, locations and season. Behavioral changes may be subtle alterations in surface-diver-breath cycles. More conspicuous responses, include changes in activity or aerial displays, movement away from the sound source, or complete avoidance of the area. The reaction threshold and degree of response are related to the activity of the animal at the time of the disturbance. Whales engaged in active behaviors such as feeding, socializing or mating are less likely than resting animals to show overt behavioral reactions, unless the disturbance is directly threatening.

Hearing damage is not expected to occur during the project. While it is not known whether a marine mammal very close to an airgun array would be at risk of temporary or permanent hearing impairment, temporary threshold shift (TTS) is a theoretical possibility for animals within a few hundred meters (Richardson *et al.* 1995). However, planned monitoring and mitigation measures (described below) are designed to detect marine mammals occurring near the seismic array and to avoid, to the greatest extent practicable, exposing them to sound pulses that have any possibility of causing hearing damage.

Estimates of Harassment Take Levels

Based upon analyses provided in the application and draft EA, the USGS estimates that the number of potential harassment takings resulting from the 1998 Puget Sound marine seismic survey will be as follows:

Harbor porpoise	1,000.
Killer whale	40.
Dall's porpoise	1,000.
Harbor seals	4,500 in Puget Sound, 1,200 in Hood Canal, 5,000 in the Strait of Juan de Fuca.
California sea lions ..	2,000.
Northern sea lions	0.
Elephant seals:	<100.
Pacific white-sided dolphin.	<100.
Minke whale	10.
Humpback whale	≤ 50.
Gray whale	20.

Potential Effect on Habitat

As described in detail in the draft EA, no impact on the habitat or food sources of marine mammals are likely from this short-term marine seismic survey.

Mitigation

Several mitigation measures to reduce the potential for marine mammal harassment will be implemented by USGS as part of their proposed activity. These include:

(1) Scheduling the survey for the period of February/March, when marine mammal abundance in Puget Sound/Straits of Juan de Fuca is low;

(2) To avoid potential Level A harassment of, or injury to, marine mammals, safety zones will be established and monitored continuously (during daylight hours). Whenever the seismic vessel approaches a marine mammal closer than the distance mentioned below and described in more detail in both the application and the draft EA, the USGS would shut off airguns.

(3) For gray, minke, and humpback whales, the marine mammal species that are considered to be most sensitive to the frequency and intensity of sound that will be emitted by the airgun array, airgun operations will cease when members of these species approach within 500 m (1,640 ft) of the seismic vessel.

(4) For odontocetes, with their lower sensitivity to low frequency sound, airgun operations will cease when these animals approach a safety zone of 200 m (656 ft), twice the calculated radius for preventing TTS.

(5) For pinnipeds (seals and sealions), if the SHIPS seismic vessel approaches

a pinniped, a safety radius of 100 m (328 ft) will be maintained from the animal(s). However, if a pinniped approaches the towed airgun array, the USGS will not be required to shutdown the airguns. Experience indicates that pinnipeds will come from great distances to scrutinize seismic operations. Seals have been observed swimming within airgun bubbles, 10 m (33 ft) away from active arrays and, more recently, Canadian scientists, who were using a high-frequency seismic system that produced sound closer to pinniped hearing than will the USGS airgun array, describe how seals frequently approached close to the seismic source, presumably out of curiosity. Therefore, because the seismic survey could be severely hampered by delays, because turning across marine traffic lanes to resume work after a shutdown will be risky and costly, and because pinnipeds indicate no reaction to seismic noise, the above-mentioned mitigation plan has been proposed. Instead, the USGS will gather information on how often pinnipeds approach the airgun array on their own volition, and what effect the airguns appear to have on them.

(6) To ensure no marine mammals are inadvertently harmed, when data collection first begins, or resumes, after operations have ceased, the airguns will be turned on sequentially at a rate no greater than 6 dB/minute, so that peak power is achieved gradually to give marine mammals a chance to move away from the source.

(7) During seismic survey operations, the ship's speed will be 4 to 5 knots so that when the airguns are being discharged, nearby marine mammals will have gradual warning of the ship's approach and can move away.

(8) The USGS plans to have marine biologists onboard the seismic vessel who will have the authority to stop airgun operations when a mammal enters the safety zone. These observers will monitor the safety zone to ensure no marine mammals enter the zone, and record observations on marine mammal abundance and behavior.

(9) Emergency shut-down. If observations are made that one or more marine mammals of any species are attempting to beach themselves when the seismic source is operating in the vicinity of the beaching, the airgun array will be immediately shut off and NMFS contacted.

(10) Upon notification by a local stranding network that a marine mammal has been found dead within the waters of Puget Sound, the San Juan Archipelago, or the Straits of Juan de Fuca when the array is operating within

that body of water, NMFS will investigate the stranding to determine whether a reasonable chance exists that the SHIPS project caused the animal's death. If NMFS determines, based upon a necropsy of the animal(s), that the death was likely due to the seismic source, the survey must cease until procedures are altered to eliminate the potential for future deaths.

Monitoring

The objectives of the proposed monitoring program will be: To mitigate potential harassment of marine mammals, to document the number of animals of each species present in the vicinity of the sound transmissions, and to evaluate the reactions of marine mammals to these transmissions. In addition, hydrophones will be used to measure sound levels, to correlate mammal behavior with actual, received sound levels. Focused surveys will be conducted in geographic areas of particular concern, especially for gray whales that migrate past the western entrance to the Straits of Juan de Fuca and other members of this species that spend the summer in the survey area (near south Whidbey Island and the Straits of Juan de Fuca), humpback whales near Swiftsure Bank and the waters west of the Straits, harbor porpoise that tend to congregate along western Whidbey Island and elsewhere, and minke whales that frequent shallow banks in the Strait of Juan de Fuca. All species of large whales (humpback, gray, minke, or killer whales) will be photographed to identify the individual using the area.

It should be recognized that, at this time, the monitoring program is unfunded and therefore may need to be modified in the future. However, in order for an IHA to be issued, monitoring will need to be conducted at a level which ensures that the activity will have no more than a negligible impact on marine mammal species or stocks.

Reporting

The USGS will provide an initial report to NMFS within 90 days of the completion of the 1998 phase of the marine seismic project. This report will provide dates and locations of seismic operations, details of marine mammal sightings, and estimates of the amount and nature of all takes by harassment. A final technical report will be provided by USGS within 1 year of completion of the 1998 phase of the Puget Sound marine seismic project. The final technical report will contain a description of the methods, results, and interpretation of all monitoring tasks.

Consultation

Under section 7 of the Endangered Species Act, NMFS has begun consultation on the proposed issuance of an incidental harassment authorization. Consultation will be concluded upon completion of the comment period and consideration of those comments in the final determination on issuance of an authorization.

National Environmental Policy Act

In conjunction with this notice, NMFS has released a draft EA that addresses the impacts on the human environment from issuance of the authorization and the alternatives to the proposed action. A copy of the draft EA is available upon request (see ADDRESSES).

Conclusions

NMFS has preliminarily determined that the short-term impact of conducting deep crustal marine seismic surveys will result, at worst, in a temporary modification in behavior by certain species of pinnipeds, and possibly some individual cetaceans. While behavioral modifications may be made by certain species of marine mammals to avoid the resultant noise from airgun arrays, this behavioral change is expected to have a negligible impact on the animals.

In addition, no take by injury and/or death is anticipated and takes will be at the lowest level practicable due to incorporation of the mitigation measures mentioned above. No known rookeries, mating grounds, areas of concentrated feeding, or other areas of special significance for marine mammals occur within or near the planned area of operations during the season of operations.

Proposed Authorization

NMFS proposes to issue an incidental harassment authorization to the USGS for the possible harassment of small numbers of several species of marine mammals incidental to collecting deep-crustal marine seismic data in the Puget Sound/Straits of Juan de Fuca region of Washington State, provided the above-mentioned mitigation, monitoring, and reporting requirements are incorporated. NMFS has preliminarily determined that the proposed activities would result in the harassment of only small numbers of each of several species of marine mammals and will have no more than a negligible impact on these marine mammal stocks.

Information Solicited

NMFS requests interested persons to submit comments, information, and

suggestions concerning this request (see ADDRESSES).

Dated: September 11, 1997.

Hilda Diaz-Soltero,

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

[FR Doc. 97-24674 Filed 9-16-97; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 090997E]

South Atlantic Fishery Management Council; Public Meetings

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

ACTION: Notice of public meeting.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold a meeting of its Sargassum and Water Column Habitat Sub-Group.

DATES: The meeting will be held on October 7-8 1997. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: The meeting will be held at NMFS Southeast Fisheries Science Center, 101 Pivers Island Road, Beaufort, NC.

Council address: South Atlantic Fishery Management Council, One Southpark Circle, Suite 306; Charleston, SC 29407-4699.

FOR FURTHER INFORMATION CONTACT: Susan Buchanan, Public Information Officer; telephone: (803) 571-4366; fax: (803) 769-4520; email: susan.buchanan@noaa.gov

SUPPLEMENTARY INFORMATION:

Meeting Dates

October 7, 1997, 1:30 p.m. to 5:00 p.m. & October 8, 1997, 8:30 a.m. to 12:30 p.m.

The Sub-Group will meet to review Sargassum habitat and water column information in state, Federal and regional systems, and to discuss fishing and non-fishing threats to these habitats. The Sub-Group will also discuss policy recommendations and research and monitoring needs for these habitats.

Although other issues not contained in this agenda may come before this Sub-Group for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal Sub-Group action during this meeting. Sub-Group action will be