

only eight industries actually used the FTC program.

To calculate the benefit, we divided the tax savings attributable to the subject merchandise under this program by the value of all AMS product sales for the period of review. On this basis, we preliminarily determine the benefit from this program during the review period to be 0.01 percent of the f.o.b. value of the merchandise.

(3) Financing through the Monetary Authority of Singapore

Under the terms of the suspension agreement, MARIS and AMS agreed not to apply for or receive any financing provided by the rediscount facility of the Monetary Authority of Singapore for shipments of the subject merchandise to the United States. We determined during the review that neither MARIS nor AMS received any financing through the Monetary Authority of Singapore on the subject merchandise exported to the United States during the review period. Therefore, we preliminarily determine that both companies have complied with this clause of the agreement.

Preliminary Results of Review

The suspension agreement states that the GOS will offset completely with an export charge the net bounty or grant calculated by the Department. As a result of our review, we preliminarily determine that the signatories have complied with the terms of the suspension agreement, including the payment of the provisional export charges in effect for the period April 1, 1994 through March 31, 1995. We also preliminarily determine the net bounty or grant to be 1.24 percent of the f.o.b. value of the merchandise for the April 1, 1994 through March 31, 1995 review period.

Following the methodology outlined in section B.4 of the agreement, the Department preliminarily determines that, for the period April 1, 1994 through March 31, 1995, a negative adjustment may be made to the provisional export charge rate in effect. The adjustments will equal the difference between the provisional rate in effect during the review period and the rate determined in this review, plus interest. The provisional rate, established in the notice of the final results of the 90-91 administrative reviews of the suspension agreement (See Certain Refrigeration Compressors from the Republic of Singapore; Final Results of Countervailing Duty Administrative Review, 57 FR 46540 (October 9, 1992)) was 5.52 percent. The GOS may refund or credit, in

accordance with section B.4.c of the agreement, the difference between that amount and 1.24 percent, plus interest, calculated in accordance with section 778(b) of the Tariff Act, within 30 days of notification by the Department. The Department will notify the GOS of these adjustments after publication of the final results of this review.

If the final results of this review remain the same as these preliminary results, the Department intends to notify the GOS that the provisional export charge rate on all exports to the United States with Outward Declarations filed on or after the date of publication of the final results of this administrative review shall be 1.24 percent of the f.o.b. value of the merchandise.

The agreement can remain in force only as long as shipments from the signatories account for at least 85 percent of imports of the subject refrigeration compressors into the United States. Our information indicates that the two signatory companies accounted for 100 percent of imports into the United States from Singapore of this merchandise during the review period.

Parties to the proceeding may request disclosure within 5 days of the date of publication of this notice. Any interested party may request a hearing within 10 days of publication. Case briefs and/or written comments from interested parties may be submitted no later than 30 days after the date of publication. Rebuttal briefs and rebuttals to written comments, limited to issues raised in the case briefs and comments, may be filed not later than 37 days after the date of publication of this notice. Any hearing, if requested, will be held 44 days after the date of publication, or the first workday thereafter. The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any such written comments or at a hearing.

These requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This administrative review and this notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: August 22, 1996.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

[FR Doc. 96-22127 Filed 8-28-96; 8:45 am]

BILLING CODE 3510-DS-P

National Oceanic and Atmospheric Administration

[I.D. 081696A]

Small Takes of Marine Mammals Incidental to Specified Activities; McDonnell Douglas Aerospace Delta II 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 continuation of an authorization to take small numbers of harbor seals by harassment incidental to launches of McDonnell Douglas Aerospace (MDA) Delta II (Delta II) vehicles at Space Launch Complex 2W (SLC-2W), Vandenberg Air Force Base, CA (Vandenberg). Under the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to authorize the Air Force to incidentally take, by harassment, small numbers of harbor seals, California sea lions and northern elephant seals in the vicinity of Vandenberg for a period of 1 year.

DATES: Comments and information must be received no later than September 30, 1996.

ADDRESSES: Comments on the application should be addressed to Michael Payne, Chief, Marine Mammal Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. A copy of the application, a list of the references used in this document, and/or previous Federal Register notices on this activity 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 July 17, 1996, NMFS received an application from the U.S. Air Force requesting continuation of an authorization for the harassment of small numbers of harbor seals and potentially for other pinniped species incidental to launches of Delta II vehicles at SLC-2W, Vandenberg. These launches would place Department of Defense, National Aeronautics and Space Administration (NASA), and commercial medium-weight payloads into polar or near-polar orbits. MDA/NASA intends to launch up to 10 Delta IIs during the period of this proposed 1-year authorization.

Because SLC-2W 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 SLC-2W, missions flown from SLC-2W cannot fly directly on their final southward course. The normal trajectory for a SLC-2W launch is 259.50° west for the first 90 seconds, then a 41-second dog-leg maneuver to bring the vehicle on its southward course of 196°. This trajectory takes the launch vehicle away from the coast and nearly 30 mi west of San Miguel Island

(SMI), the westernmost Channel Island (Air Force, 1995b)¹.

Description of Habitat and Marine Mammals Affected by Delta IIs

The Southern California Bight (SCB), including the Channel Islands area, support 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*), 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 SLC-2W. A small population of harbor seals are normal residents of Purisima Point adjacent to SLC-2W and southern sea otters (*Enhydra lutra*) were censused there during the spring of 1995².

Because it is the only species that hauls out along the Vandenberg coast, the only marine mammal anticipated to be incidentally harassed by Delta II launches is the harbor seal. A description of the SCB population of harbor seals and other pinniped species was provided on August 18, 1995, in conjunction with publication of the previous notice of application for this activity (60 FR 43120) and is therefore not repeated here. Only new information on harbor seals is provided below. Interested reviewers are encouraged to refer to the document cited above for the appropriate discussion. That document is also available from NMFS (see ADDRESSES).

Harbor seals are considered abundant throughout most of their range and have increased substantially in the last 20 years. 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). Vandenberg supports a substantial population of harbor seals. 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. Based on aerial surveys completed between 1983 and 1993 in May or June by the California Department of Fish and Game, harbor seal populations on Vandenberg varied from a low of 139 in 1983 to a high of 864 in 1990 (Roest 1995). Some variability in numbers may be due to actual changes in population densities while others may be due to refinement in techniques for completing the aerial surveys. 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. More than other sites, Spur Road appears to have peak numbers in the fall (Air Force 1996, Roest 1995). However, both sites are submerged at high tide, making them unavailable to harbor seals during those times.

Potential Effects of Delta II Launches on Marine Mammals

As a result of the noise associated with the launch itself, there is a potential to cause a startle response to those harbor seals and other pinnipeds that may haul out on the coastline of North Vandenberg, principally Purisima Point and Spur Road. Launch noise would be expected to occur over the coastal habitats in the vicinity of SLC-2W while low-level sonic booms could be heard over the water in the area west of the Channel Islands.

The effect on pinnipeds would be disturbance by sound, which is anticipated to result in a negligible short-term impact to the small number of harbor seals and other pinnipeds that may be hauled out along the coast near SLC-2W at the time of Delta II launches. NMFS is unaware of any evidence that any marine mammals, other than those onshore at the time of launch, would be subject to harassment by launch noises, although the potential does exist that marine mammal species may hear either the launch noise or the sonic boom. In addition, because of the mostly

¹ A list of references used in this document can be obtained by writing to the address provided above (see ADDRESSES).

² 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.

horizontal propagation of launch noise, little noise is expected to penetrate the water interface.

At North Vandenberg, launch noises are expected to impact mostly harbor seals, as other pinniped species (California sea lions and northern elephant seals) are known to haul out at these sites only infrequently and in smaller numbers. Based upon measurements made in 1995 (Aerospace Corporation 1996), the maximum overall sound pressure levels from launch noise associated with the Delta II under typical conditions is predicted to be about 115 dBA (129 dB unweighted)(re 20 μ Pa @ 1 m) at the nearest potential harbor seal haulout (3,000 ft (914.4 m) from launch site) and 110 dBA (125 dB) at Purisima Point (5,000 ft (1,524 m) from launch site) and last for approximately 1 minute.

Because of high-tide and pre-dawn conditions at the time of the two previous launches of Delta IIs at Vandenberg, few to no seals were expected to be ashore at these launch times. However, based upon monitoring 3 days prior to, and after, these launches, there appeared to be no differences in the number of harbor seals using these sites for hauling out before and after launchings of Delta IIs (Air Force 1996).

As a result of the launch of a Taurus rocket (slightly smaller in size to the Delta II) in March 1994 at SLC-2W, Stewart et al. (1994) observed that 20 of 23 harbor seals on Purisima Point fled into the water. The A-weighted sound exposure level at Purisima Point for that launch was 108.1 dB (127.5 dB unweighted). Therefore, it can be predicted that most, if not all, pinnipeds onshore near SLC-2W will leave the shore as a result of launchings of Delta IIs. Harbor seals and other pinnipeds, hauled out at Point Arguello and Rocky Point (approximately 15 mi (24.1 km) south of SLC-2W), may alert to the launch noise but are not expected to flee to the water, because of the distance and the resultant attenuation of launch noise at that distance.

Launch noises are not expected to impact marine mammals offshore, although pinnipeds in the nearshore waters around SLC-2W may alert to the noise, and some may possibly submerge. In order to be detectable by a marine mammal, airborne noise needs to be greater than ambient within the same frequency as the animal's hearing range. For harbor seals, recent research (Terhune 1988, Turnbull and Terhune 1989, Terhune 1991, Turnbull 1994) indicates that harbor seals have relatively poor hearing capacity in the frequencies of sound that dominate the

noise produced by a rocket launch. At the lowest frequency measured (100 Hz), the threshold was between 65 dB and 75 dB. Terhune (1991) indicated that the critical ratio at the lowest frequency measured (250 Hz) was 24 dB. Thus, noise would need to be roughly 24 dB or more above background to be perceived by a harbor seal. With launch noises expected to quickly attenuate offshore, and with ambient noise level expected to range between 56 and 96 dBA (Air Force, 1995a), there is presently reasonable expectation that no marine mammals, other than pinnipeds onshore at the time of launch, would be subject to harassment by launch noises, although the potential does exist that other marine mammal species may hear the launch noise. However, simply hearing the noise does not mean that the animals have been harassed.

Northern Channel Islands

Sonic booms resulting from launches of the Delta II vary with the vehicle trajectory and the specific ground location. Sonic booms are not expected to intersect with the ocean surface until the vehicle changes its launch trajectory. This location will be well offshore.

Depending upon the intensity and location of a sonic boom, pinnipeds on SMI could exhibit an alert response or stampede into the water. However, while it is highly probable that a sonic boom from the Delta II would occur over SMI, maximum overpressures of these sonic booms are estimated to be 1.0 lb/ft² (psf) over SMI (Air Force 1995c). A sonic boom with an overpressure of 1.0 psf or less is not considered significant (equivalent to hearing two hands clapped together at a distance of 1 ft). Also, the maximum overall sound pressure level is not expected to exceed 78 dBA (112 dB) (Air Force 1995c). A sonic boom of this magnitude is unlikely to be distinguishable from background noises caused by wind and surf (Air Force 1995a). Monitoring of the effects of noise generated from Titan IV launches on SMI pinnipeds in 1991, Stewart et al. (1992) demonstrated that noise levels from a sonic boom of 133 dB (111.7 dBA) caused an alert response by small numbers of California sea lions, but no response from other pinniped species present (including harbor seals). In 1993, an explosion of a Titan IV created a sonic boom-like pressure wave and caused approximately 45 percent of the California sea lions (approximately 23,400, including 14,000–15,000 1-month old pups, were hauled out on SMI during the launch) and 2 percent of

the northern fur seals to enter the surf zone. Although approximately 15 percent of the sea lion pups were temporarily abandoned when their mothers fled into the surf, no injuries or mortalities were observed. Most animals were returning to shore within 2 hours of the disturbance (Stewart et al. 1993).

Since the noise level from Delta II launches is expected to be well below both these levels and the threshold criteria of 101 dBA identified by Stewart et al. (1993), no incidental harassment takings are anticipated to occur on the northern Channel Islands.

Cetaceans and pinnipeds in the water should also be unaffected by the sonic booms, although, depending upon location and ambient noise levels, some species may be able to hear the sonic boom. While the maximum magnitude of sonic booms from launches of the Delta II is unknown, because of its similarity in size and weight to the Lockheed launch vehicles (LLV) (see 60 FR 38308, July 26, 1995), the sonic boom signature from the largest of those vehicles (LLV-3—3.5 psf/125.6 dB), can be used to predict the impact by the Delta II. Pressure levels of this magnitude would be less than those measured for other launch vehicles, such as the Titan IV and the Space Shuttle, for which small take authorizations for harassment have been issued previously (see 56 FR 41628, August 22, 1991 and 51 FR 11737, April 7, 1986).

Although rough seas may provide some surfaces, at the proper angle, for sound to penetrate the water surface (Richardson et al. 1991, 1995), sound entering a water surface at an angle greater than 130° from the vertical has been shown to be largely deflected at the surface, with very little sound entering the water (Chappell 1980, Richardson et al. 1991). Chappell (1980) believes that a sonic boom would need to have a peak overpressure in the range of 138 to 169 dB to cause a temporary hearing threshold shift (TTS) in marine mammals, lasting at most a few minutes. Therefore, with only a remote likelihood that a marine mammal will be almost directly under the line of flight of the Delta II, and with the Delta II having overpressures below the threshold for potentially causing TTS in marine mammals, NMFS believes that sonic booms are not likely to result in the harassment of, or injury to, cetacean or pinniped populations in offshore waters of the SCB.

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 Delta II 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; 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

NMFS proposes that the holder of the Incidental Harassment Authorization would monitor the impact of Delta II launches on the harbor seal haulouts in the vicinity of Spur Road and Purisima Point. The applicant proposes to conduct at least 3 sets of seal abundance and behavioral observations with the first no more than 7 days prior to the launch and the final set as soon as practicable after the launch. Video monitoring of daylight launches would also be required. 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

The short-term impact of the launching of Delta II rockets is expected to result at worst, in a temporary reduction in utilization of the haulout as seals or sea lions leave the beach for the safety of the water. Launchings are not expected to result in any reduction in the number of pinnipeds, 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 pinnipeds at Vandenberg and the northern Channel Islands are unlikely.

Proposed Authorization

NMFS proposes to issue an incidental harassment authorization for 1 year for launches of the Delta II rocket at SLC-2W, provided the above-mentioned monitoring and reporting requirements are incorporated. NMFS has preliminarily determined that the proposed launches of the Delta II at SLC-2W would result in the harassment taking of only small numbers of harbor seals and possibly other pinniped

species, will have a negligible impact on pinniped stocks in the SCB and will not have an unmitigable adverse impact on the availability of these stocks for subsistence uses.

Information Solicited

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

Dated: August 23, 1996.

Rennie S. Holt,

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

[FR Doc. 96-22057 Filed 8-28-96; 8:45 am]

BILLING CODE 3510-22-F

[I.D. 082096E]

North Pacific Fishery Management Council; Committee Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The North Pacific Fishery Management Council (Council) and its advisory bodies will hold public meetings.

ADDRESSES: Sitka Centennial Building, 330 Harbor Drive, Sitka, AK 99835.

Council address: North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501-2252.

DATES: The meetings will be held during the week of September 16, 1996. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

FOR FURTHER INFORMATION CONTACT: Council staff, Phone: 907-271-2809.

SUPPLEMENTARY INFORMATION:

Committee meetings scheduled include the Ecosystems Committee and the Enforcement Committee. Other committee and workgroup meetings may be held on short notice during the week; notices will be posted at the meeting site. All meetings are open to the public with the exception of Council executive sessions to discuss personnel, international issues, and litigation. An executive session is tentatively scheduled for noon on September 19, 1996. The Advisory Panel (AP) and the Scientific and Statistical Committee (SSC) will begin on September 16, 1996, at 8:00 a.m. The SSC will conclude their meeting on September 18, 1996, and the AP will conclude their meeting by September 19, 1996. The Council will begin their meeting on September 18, 1996, at 8:00 a.m. and conclude on September 22, 1996. The Enforcement

Committee and the Ecosystems Committee are both scheduled for 7:00 p.m. on September 18, 1996. The agenda for the meetings will include the following subjects:

1. Reports from the National Marine Fisheries Service and Alaska Department of Fish and Game on the current status of the fisheries off Alaska, reports on enforcement, the Bering Sea ecosystem, and the results from the socio-economic studies report on the sablefish and halibut individual fisheries quota program.

2. Report and recommendations from an industry committee on crab caps and closures in the Bering Sea/Aleutian Islands (BSAI) and final action on Tanner crab prohibited species caps (PSC).

3. Final action on measures to improve retention and utilization in the groundfish fisheries off Alaska.

4. Status report on modified pay-as-you-go observer program and initial review of a regulatory amendment to require additional observer coverage on shore plants and motherships during the pollock "A" season.

5. Under groundfish management, the following subjects will be discussed and appropriate action taken:

- (a) Review of BSAI and Gulf of Alaska (GOA) Stock Assessment and Fishery Evaluation reports for the 1997 groundfish fisheries and approval for public review.

- (b) Approve preliminary harvest and bycatch specifications for 1997 groundfish fisheries in the BSAI and GOA, including discard mortality rates for halibut and Vessel Incentive Program rate standards.

- (c) Initial review of an amendment to remove dusky rockfish from the GOA pelagic shelf rockfish complex.

- (d) Final action on revised directed fishing standards for turbot, Pacific cod and pollock in the arrowtooth fisheries and northern rockfish in the shorttraker/rougheye fisheries and proposed electronic reporting requirements.

- (e) Initial review of amendments to ban night trawling for Pacific cod in the BSAI, to prohibit a directed fishery on forage fish, and to reduce percentage allowances for accounting for slime and ice on fish.

- (f) Review of a proposed rule for seamount restrictions.

6. Under staff tasking the Council will review proposals received for amendments to the BSAI and GOA Groundfish Fishery Management Plans and for amendments to the Sablefish and Halibut IFQ Program and give direction to staff for further analysis. The IFQ proposals will be forwarded to the Industry IFQ Implementation Team