

**DEPARTMENT OF COMMERCE****International Trade Administration****U.S.-South Africa Business Development Committee: Membership**

**AGENCY:** International Trade Administration, Department of Commerce.

**ACTION:** Notice of membership opportunity.

**SUMMARY:** The Department of Commerce is currently seeking nominations of outstanding individuals to serve on the U.S. section of the U.S.-South Africa Business Development Committee (BDC). On June 4, 1994, the late Secretary of Commerce Ronald H. Brown and South African Minister of Trade and Industry Trevor Manuel signed the document establishing the BDC, the purpose of which is to provide a forum for the public and private sectors to engage in constructive exchanges of information on commercial matters, problem solve, and more effectively work together on issues of common interest. The BDC is composed of two sections, a U.S. section and a South African section. The U.S. Section is chaired by Secretary of Commerce Michael Kantor and is comprised of 21 private sector representatives. The inaugural meeting of the BDC took place September 19-20, 1994. Subsequent plenary and working group meetings have been held over the past two years with the government and private sector members from both countries in attendance.

**Obligations**

Private sector members were originally appointed for a two year term which expires August 31, 1996. Nominations are now being sought for private sector members to serve for a two year period from September 1, 1996 until August 31, 1998. Private sector members will serve at the discretion of the Secretary and shall serve as representatives of the business community and the industry their business represents. They are expected to participate fully in defining the agenda for the Committee and in implementing its work program. It is expected that private sector individuals chosen for BDC membership will attend not less than 75% of the BDC meetings which will be held in the U.S. and South Africa.

Private sector members are fully responsible for travel, living and personal expenses associated with their participation on the BDC and may be responsible for a pro rata share of

administrative and communications costs of the BDC.

The BDC will continue to work on issues of common interest to encourage trade and investment, including the following:

- Resolving obstacles to trade and investment between the two countries;
- Expanding commercial activity between both countries and identifying commercial opportunities;
- Developing sectoral or project-oriented approaches to expand business opportunities;
- Implementing trade and business development programs, including trade missions, seminars, exhibits and other events;
- Identifying further steps to facilitate and encourage the development of commercial expansion between the two countries; and
- Taking any other appropriate steps for fostering commercial relations between the U.S. and South Africa.

**Criteria**

In order to be eligible for membership in the U.S. section, potential candidates must be:

- (1) U.S. citizens or permanent residents;
- (2) CEOs or other senior management level employees of a U.S. company or organization with demonstrated involvement in trade with and/or investment in South Africa who will participate in not less than 75% of the BDC meetings, which will be held in the United States and South Africa. (The representative nominated should be the individual that will actively participate in the BDC);
- (3) Not a registered Foreign Agent; and
- (4) Actively doing business in South Africa or actively developing entry plans for doing business in South Africa.

To the extent possible, the Department of Commerce will strive to achieve membership composition that reflects U.S. entrepreneurial diversity. Therefore, in reviewing eligible candidates, the Department of Commerce will consider such selection factors as:

- (1) Depth of experience in the South African market;
- (2) Export/investment experience;
- (3) Representation of industry or service sectors of importance to our commercial relationship with South Africa;
- (4) Company size or, if an organization, size and number of member companies;
- (5) Location of company or organization; and

**(6) Demographics.**

To be considered for membership, please provide the following: name and title of individual proposed for consideration; name and address of the company or organization of which the individual is a representative; company's or organization's product or service line; size of the company or, if an organization, the size and number of member companies; export experience/foreign investment experience in major markets; a brief statement (not more than 1 page) of why each candidate should be considered for membership on the Committee; the particular segment of the business community the candidate would represent; and a personal resume.

**Deadline**

In order to receive full consideration, requests must be received no later than June 15, 1996.

**ADDRESSES:** Please send your requests for consideration to Mrs. S.K. Miller, Director, Office of Africa by fax on 202/482-5198 or by mail at Room 2037, U.S. Department of Commerce, Washington, D.C. 20230.

**FOR FURTHER INFORMATION CONTACT:** Mrs. S.K. Miller, Director, Office of Africa, Room 2037, U.S. Department of Commerce, Washington, D.C. 20230; telephone: 202/482-4227.

Authority: Act of February 14, 1903, c. 552, as amended, 15 U.S.C. 1501 *et seq.*, 32 Stat. 825; Reorganization Plan No. 3 of 1979, 19 U.S.C. 2171 Note, 93 Stat. 1381.

Dated: May 21, 1996.

Sally K. Miller,

Director, Office of Africa.

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**Export Trade Certificate of Review; Notice of Application**

**SUMMARY:** The Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, has received an application for an Export Trade Certificate of Review. This notice summarizes the conduct for which certification is sought and requests comments relevant to whether the Certificate should be issued. The applicant requested, and the Secretary of Commerce, with the concurrence of the Attorney General, has granted expedited review of this application.

**FOR FURTHER INFORMATION CONTACT:** W. Dawn Busby, Director, Office of Export Trading Company Affairs, International Trade Administration, (202) 482-5131. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. A Certificate of Review protects the holder and the members identified in the Certificate from state and federal government antitrust actions and from private, treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Act and 15 CFR 325.6(a) require the Secretary to publish a notice in the Federal Register identifying the applicant and summarizing its proposed export conduct.

#### Request for Public Comments

Interested parties may submit written comments relevant to the determination of whether a Secretary of Commerce should issue a Certificate to the applicant. An original and five (5) copies of such comments should be submitted no later than 20 days after the date of this notice to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 1800H, Washington, D.C. 20230. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). Comments should refer to this application as "Export Trade Certificate of Review, application number 96–00003."

#### Summary of the Application

*Applicant:* U.S. Rice Millers' Association, 4301 N. Fairfax Drive, Arlington, VA 22203–1616; Contact: David Graves; Telephone: (703) 351–8161.

*Application No.:* 96–00003.

*Date Deemed Submitted:* May 10, 1996.

*Members (in addition to applicant):* Affiliated Rice Milling, Inc., Alvin, Texas; American Rice, Inc., Houston, Texas; Brinkley Rice Milling Company, Brinkley, Arkansas; Broussard Rice Mill, Inc., Mermentau, Louisiana; Busch Agricultural Resources, Inc., St. Louis, Missouri; Cargill Rice Milling, Greenville, Mississippi; Louis Dreyfus Corporation, Wilton, Connecticut; El Campo Rice Milling Company, Louise, Texas; Farmers Rice Milling Company, Inc., Lake Charles, Louisiana; Farmers' Rice Cooperative, Sacramento, California; Gulf Rice Milling, Inc., Houston, Texas; Liberty Rice Mill, Inc., Kaplan, Louisiana; Producers Rice Mill, Inc., Stuttgart, Arkansas; The Rice Company, Roseville, California; Riceland Foods, Inc., Stuttgart,

Arkansas; RiceTec, Inc., Alvin, Texas; Riviana Foods Inc., Houston, Texas; Supreme Rice Mill, Inc., Crowley, Louisiana; Uncle Ben's, Inc., Houston, Texas.

The Rice Millers' Association seeks a Certificate to cover the following specific Export Trade, Export Markets, and Export Trade Activities and Methods of Operations.

#### Export Trade

##### Products

Semi-milled and wholly milled rice, whether or not polished or glazed (Harmonized Tariff Schedule 1006.30) and husked (brown) rice (Harmonized Tariff Schedule 1006.20).

##### Export Markets

For purposes of administering the European Union's tariff rate quota: The countries of the European Union. For all other purposes: All parts of the world except the United States (the 50 states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

#### Export Trade Activities and Methods of Operation

1. Rice Millers' Association (RMA) will administer a system for allocating the U.S. share of the European Union (EU) tariff rate quotas ("TRQs") for milled white rice and brown rice (roughly 38,000 tons of milled rice and 8,000 tons of brown rice) agreed to as compensation to the United States for the EU enlargement, to include Austria, Finland and Sweden, as follows:

A. RMA shall establish a special tariff rate quota (hereinafter referred to as "Quota A") for the balance of calendar year 1996 and for calendar year 1997 for those RMA Members which can document exports of milled rice or brown rice to Austria, Finland and Sweden during the period 1990–1993. For the balance of 1996, RMA shall award a Member a Quota A milled rice or brown rice quota amount based upon a percent of the Members average documented historical quantity exported to the three countries in the period 1990–1993, as determined by RMA. For 1997, RMA shall award a Member a milled rice and brown rice Quota A amount equal to 100 percent of the annual average quantity of U.S. milled rice and brown rice that the Member documents that it exported to Austria, Finland and Sweden during the period 1990–1993.

(i) RMA Members receiving a milled rice or brown rice Quota A allocation

during 1996 may also receive a milled rice or brown rice Quota B allocation during 1996. Each Member receiving a milled rice or brown rice Quota A allocation during any period in 1997 shall not be eligible to receive a milled rice or brown rice Quota B allocation during that period unless the Member declines a milled rice or brown rice Quota A allocation during any period for that year.

B. For any particular time period, RMA shall establish a tariff rate quota allocation (hereinafter referred to as "Quota B") for milled rice and brown rice allocation equal to the EU milled rice and brown rice tariff rate quota remaining after deducting the milled rice and brown rice Quota A quantity, if any, for that particular time period. (i) RMA may provide for an amount of the milled rice or brown rice Quota B quantity to be available for allocation during any particular time period, in a manner which fully utilizes the quota available for that particular time period. (ii) RMA shall allocate an amount of Quota B milled rice and brown rice available for a given period to eligible RMA Members based on the Member's proportional share of milled rice and brown rice exports to the EU for the previous period duly registered with RMA by a date certain during the period the quota is being allocated, as determined by RMA.

2. RMA shall assess a fee to pay for administration of all matters related to establishing, operating and auditing RMA export trade certificate of review operations and for certain market development activities.

3. RMA and/or its Member shall use those funds remaining after payment of its administrative expenses to carry out market development activities. Such activities shall be of the types approved by RMA that are comparable to those funded under the Department of Agriculture's market access program with primary emphasis on rice market development activities in the European Union.

4. RMA and/or its Members may:

(i) provide for an administrative structure to implement the foregoing tariff rate quota system, in compliance with the U.S.-EU Compensation Agreement and EU regulations,

(ii) exchange and discuss information regarding the structure and method for implementing the foregoing tariff rate quota system, in compliance with the U.S.-EU Compensation Agreement and EU regulations,

(iii) discuss the type of information needed regarding past transactions and exports that are necessary for implementing the foregoing tariff rate

quota system, in compliance with the U.S.-EU Compensation Agreement and EU regulations,

(iv) exchange and discuss information about U.S. and foreign legislation and regulations affecting the foregoing tariff rate quota system, in compliance with the U.S.-EU Compensation Agreement and EU regulations,

(v) discuss and establish the fees to be assessed upon Members to pay for administrative expenses and market promotion activities,

(vi) discuss and provide for the market promotion activities to be undertaken with the fees remaining after payment of administrative expenses,

(vii) otherwise exchange and discuss information as necessary to implement the foregoing activities and take the necessary action to implement the allocation system for the foregoing tariff rate quota, in compliance with the U.S.-EU Compensation Agreement and EU regulations, and

(viii) meet to engage in the activities described above.

5. In allocating quotas among Members, those employees or agents of RMA who are not also employees of a Member, may receive, and each Member may supply to such employees or agents of RMA, information as to the Member's sales and exports of milled white rice and brown rice to the EU as is necessary to properly administer the quota, provided that such information is not disclosed by RMA employees or agents to any other Member.

#### Definitions

"Members" means a mill member of the Rice Millers Association who has been certified as a "Member" within the meaning of Section 325.1(1) of the Regulations.

Dated: May 21, 1996.

W. Dawn Busby,

Director, Office of Export Trading Company Affairs.

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#### National Oceanic and Atmospheric Administration

[I.D. 050196A]

#### Small Takes of Marine Mammals Incidental to Specified Activities; Offshore Seismic Activities in the Beaufort Sea

**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 BP Exploration (Alaska) 900 East Benson Boulevard, Anchorage, AK 99519 (BPX) for authorization to take small numbers of marine mammals by harassment incidental to conducting seismic surveys in the Northstar Unit, in the Beaufort Sea in state and federal waters. Under the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to authorize BPX to incidentally take, by harassment, small numbers of bowhead whales and other marine mammals in the above mentioned area during the open water period of 1996.

**DATES:** Comments and information must be received no later than June 27, 1996.

**ADDRESSES:** Comments on the application should be addressed to Chief, Marine Mammal Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910-3225. A copy of the application, an environmental assessment (EA), and a list of references used in this document may be obtained by writing to this address, by telephoning one of the contacts listed below or by leaving a voice mail request at (301) 713-4070.

**FOR FURTHER INFORMATION CONTACT:** Kenneth R. Hollingshead, Office of Protected Resources, NMFS, (301) 713-2055, Ron Morris, Western Alaska Field Office, NMFS, (907) 271-5006.

#### 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.

On April 10, 1996 (61 FR 15884), NMFS published an interim rule

establishing, among other things, procedures for issuing incidental harassment authorizations under section 101(a)(5)(D) of the MMPA in Arctic waters. For additional information on the procedures to be followed for this authorization, please refer to that document.

#### Summary of Request

On March 18, 1996, NMFS received an application from BPX requesting an authorization for the harassment of small numbers of several species of marine mammals incidental to conducting seismic surveys during the open water season within the Northstar Unit, located in the Beaufort Sea in U.S. waters. The survey is expected to take place between approximately July 20 and October 20, 1996. A detailed description of the work planned is contained in the application (BPX 1996) and is available upon request (see **ADDRESSES**).

#### Description of Habitat and Marine Mammal Affected by the Activity

A detailed description of the Beaufort Sea ecosystem and its associated marine mammals can be found in the EA prepared for this authorization (SAIC 1996) or in other documents (Minerals Management Service (MMS) 1992, 1996) and need not be repeated here. A copy of the EA is available upon request (see **ADDRESSES**).

#### Marine Mammals

The Beaufort/Chukchi Seas support a diverse assemblage of marine mammals including bowhead whales (*Balaena glacialis*), gray whales (*Eschrichtius robustus*), belukha (*Delphinapterus leucas*), ringed seals (*Phoca hispida*), spotted seals (*Phoca largha*) and bearded seals (*Erignathus barbatus*). Descriptions on the biology and distribution of these species, and others, can be found in several other documents (BPX 1996, Lentfer 1988, MMS 1992, NMFS 1990 and 1996, Small and DeMaster 1995). Please refer to those documents for information on these species.

#### Potential Effects of Seismic Surveys on Marine Mammals.

Disturbance by seismic noise is the principal means of taking by this activity. Vessel and aircraft will provide a secondary source of noise.

Deep seismic surveys are used to obtain data about formations several thousands of feet deep. The physical presence of vessels could also lead to non-acoustic effects involving visual or other cues. These surveys are accomplished by transmitting sound waves into the earth, which are reflected