

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. The regulations implementing Title III are found at 15 CFR Part 325 (1995).

The Office of Export Trading Company Affairs ("OETCA") is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Department of Commerce to publish a summary of a Certificate in the Federal Register. Under Section 305 (a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

Description of Certified Conduct

Export Trade

1. *Products*

All products.

2. *Services*

All services.

3. *Technology Rights*

Technology rights, including, but not limited to, patents, trademarks, copyrights and trade secrets that relate to Products and Services.

4. *Export Trade Facilitation Services (As They Relate to the Export of Products, Services and Technology Rights)*

Export Trade Facilitation Services, including but not limited to: professional services in the areas of government relations and assistance with state and federal export programs; foreign trade and business protocol; consulting; market research and analysis; collection of information on trade opportunities; marketing; negotiations; joint ventures; shipping and export management; export licensing; advertising; documentation and services related to compliance with customs requirements; insurance and financing; bonding; warehousing; export trade promotion; trade show exhibitions; organizational development; management and labor strategies; transfer of technology; transportation; and facilitating the formation of shippers' associations.

Export Markets

The Export Markets include all parts of the world except the United States (the fifty 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

Spirit Index, Ltd. may:

1. Provide and/or arrange for the provision of Export Trade Facilitation Services;
2. Engage in promotion and marketing activities and collect and distribute information on trade opportunities in the Export Market;
3. Enter into exclusive and/or non-exclusive agreements with distributors, foreign buyers, and/or sales representatives in Export Markets;
4. Enter into exclusive or non-exclusive licensing, and/or sales agreements with Suppliers, Export Intermediaries, or other persons for the transfer of title to Products, Services, and/or Technology Rights in Export Markets;
5. Enter into exclusive or non-exclusive pricing and/or consignment agreements for the sale and shipment of Products and Services to Export Markets;
6. Allocate the sales, export orders and/or divide Export Markets, among Suppliers, Export Intermediaries, or other persons for the sale, licensing and/or transfer of title to Products, Services, and/or Technology Rights;
7. Enter into exclusive or non-exclusive agreements for the pooling of tangible property and other resources, the tying of Products and Services, the setting of prices, and/or the distribution, shipping or handling of Products or Services in the Export Markets; and
8. Enter into agreements to invest in overseas warehouses for the purpose of storing exported Products until transferred to the foreign purchaser, or to invest in overseas facilities for the purpose of making minor product or packaging modifications necessary to insure compatibility of the Product with the requirements of the foreign market.

Terms and Conditions of Certificate

1. In engaging in Export Trade Activities and Methods of Operation, Spirit Index, Ltd. will not intentionally disclose, directly or indirectly, to any Supplier any information about any other Supplier's costs, production, capacity, inventories, domestic prices, domestic sales, or U.S. business plans, strategies, or methods that is not already generally available to the trade or public.

2. Spirit Index, Ltd. will comply with requests made by the Secretary of Commerce on behalf of the Secretary of Commerce or the Attorney General for

information or documents relevant to conduct under the Certificate. The Secretary of Commerce will request such information or documents when either the Attorney General or the Secretary of Commerce believes that the information or documents are required to determine that the Export Trade, Export Trade Activities, and Methods of Operation of a person protected by this Certificate of Review continue to comply with the standards of Section 303(a) of the Act.

Definitions

1. "Export Intermediary" means a person who acts as a distributor, sales representative, sales or marketing agent, or broker, or who performs similar functions, including providing or arranging for the provision of Export Trade Facilitation Services.

2. "Supplier" means a person who produces, provides, or sells a Product and/or Service.

A copy of this certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility Room 4102, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

Dated: November 15, 1996.

W. Dawn Busby,

Director, Office of Export Trading Company Affairs.

[FR Doc. 96–29761 Filed 11–20–96; 8:45 am]

BILLING CODE 3510-DR-P

National Oceanic and Atmospheric Administration

[I.D. 110196B]

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 issuance of an incidental harassment authorization.

SUMMARY: In accordance with provisions of the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that an Incidental Harassment Authorization (IHA) to take small numbers of harbor seals, California sea lions, and northern elephant seals by harassment incidental to launches of McDonnell Douglas Aerospace Delta II (MDA Delta II) vehicles at Space Launch Complex 2W

(SLC-2W), Vandenberg Air Force Base, CA (Vandenberg) has been issued to the U.S. Air Force.

EFFECTIVE DATE: This authorization is effective from November 13, 1996 until November 13, 1997.

ADDRESSES: The application, comments on the application, the authorization, and a list of the references used in this document, and/or previous Federal Register notices on this activity may be obtained by writing to the following offices: Marine Mammal Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910 and the Southwest Region, NMFS, 501 West Ocean Blvd. Long Beach, CA 90802, or by telephoning one of the contacts listed below.

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

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 259.5° 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.

A notice of receipt of the application and the proposed authorization was published on August 29, 1996 (61 FR 45404) and a 30-day public comment period was provided on the application and proposed authorization. During the comment period, two letters were received. The recommendation and comment contained in the letter from the Marine Mammal Commission (MMC) is discussed below, comments from the applicant are minor technical corrections to the proposed authorization and do not warrant further discussion. These letters are available upon request (see **ADDRESSES**). Other than information necessary to respond to the comments, additional background information on the activity and request can be found in the above-mentioned notice and needs not be repeated here.

Comments and Responses

Comment 1: The MMC recommends that, before issuing the requested authorization, NMFS review the results

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

of monitoring done to date to determine (1) if there may have been cumulative effects on the haul-out patterns, abundance, or productivity of harbor seals that reside in the Vandenberg area, and (2) whether the current monitoring program is sufficient to detect such effects.

Response: By limiting incidental harassment authorizations to a single year as opposed to multi-year authorizations for Letters of Authorization (LOAs) issued under section 101(a)(5)(A) of the MMPA, NMFS does not believe that Congress intended NMFS to make negligible impact assessments on activities for periods greater than the period of the authorization, nor to require holders of IHAs to monitor for periods greater than the authorization. As a result, monitoring for most activities holding IHAs are designed to be event specific, that is, for a period of time prior to the event, during the event, and after completion of the activity. Although this precludes the applicability of monitoring under a single IHA for determining long-term cumulative effects, in those cases where holders of IHAs request continuing authorizations, monitoring, over time and in conjunction with other measurements of population trends and abundances, provides information sufficient to make the necessary negligible impact determinations under section 101(a)(5)(D) of the MMPA. This is what was done for the negligible impact determination for this authorization.

Recognizing that short-term monitoring leaves unanswered the effect from cumulative impacts, the U.S. Air Force is designing research to investigate this concern. This research will use launches of Titan IVs to provide information vital for assessing long-term impacts on the physiology, behavior and survival of pinnipeds from launch noise and sonic booms. This research which will be conducted under an MMPA section 104 research permit, is expected to begin within a year.

Therefore, while NMFS is unaware of any long-term studies currently underway on the effects on pinnipeds from launch noises or sonic booms, monitoring at Vandenberg for Titan IV and other launches in the past has provided the baseline information on long-term and cumulative impacts. This information and the fact that the haul-outs along the Vandenberg coast remain active indicates that there are no immediately evident long-term, cumulative impacts. Launch noises are infrequent enough and divided between North and South Vandenberg so that these impacts are presumed to be less

significant, cumulatively, than human, wildlife and pet disturbances including motorized vessels.

Comment 2: The MMC states that it should be made clear that the authorization is automatically rescinded if a marine mammal is killed as a result of the authorized activity.

Response: No marine mammals are anticipated to be killed or seriously injured as a result of launchings of Delta II rockets. However, while section 101(a)(5)(D)(iv) of the MMPA provides NMFS authority to modify, suspend, or revoke an authorization if it is found that the provisions of the section are not being met, for IHA suspensions, NMFS follows procedures established for suspension of Letters of Authorization (LOAs) under section 101(a)(5)(A) of the MMPA. In that regard, an IHA may be suspended without notice and comment if emergency conditions exist that pose a significant risk to the well-being of the marine mammal stock, or if holder of an IHA is not in compliance with the conditions of the IHA. However, prior to revocation of an IHA, NMFS must satisfy the statutory notice and comment requirement. While section 101(a)(5)(B) allows NMFS to withdraw (revoke) or "suspend for a time certain" an LOA, subsequent to notice and comment, section 101(a)(5)(C) does not waive the notice and comment requirement where NMFS seeks to withdraw the authorization. Conditions for suspension or withdrawal of an LOA or IHA are described in 50 CFR 216.106 and 107.

Conclusion

Based upon the information provided in the proposed authorization, NMFS has determined that the short-term impact of the launching of Delta II rockets is expected to result at worst, in a minor, temporary reduction in utilization of the haulout as seals or sea lions leave the beach for the safety of the water. These 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.

Therefore, since NMFS is assured that the taking will not result in more than the harassment (as defined by the MMPA Amendments of 1994) of a small number of harbor seals, California sea lions, and northern elephant seals; would have only a negligible impact on the species, and would result in the

least practicable impact on the stock, NMFS determined that the requirements of section 101(a)(5)(D) had been met and the incidental harassment authorization was issued.

Dated: November 13, 1996.

Ann D. Terbush,

Chief, Permits and Documentation Division,
Office of Protected Resources, National
Marine Fisheries Service.

[FR Doc. 96-29738 Filed 11-20-96; 8:45 am]

BILLING CODE 3510-22-F

[I.D. 100896B]

Small Takes of Marine Mammals Incidental to Specified Activities; U.S. Coast Guard

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

ACTION: Correction notice.

SUMMARY: This document contains corrections to the notice of receipt of application (I.D. 100896B) that was published on October 17, 1996 (61 FR 54157). These corrections are necessary to inform the public of the correct sequence of events in the U.S. Coast Guard's (USCG) application for a small take authorization and its submission of the requested documents to NMFS.

ADDRESSES: A copy of the USCG application may be obtained by writing to Michael Payne, Chief, Marine Mammal Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910-3226.

FOR FURTHER INFORMATION CONTACT: Kenneth R. Hollingshead, Office of Protected Resources, NMFS, (301) 713-2055.

SUPPLEMENTARY INFORMATION: On October 17, 1996, NMFS published a notice (61 FR 54157) that NMFS had received a request from USCG for a small take of certain marine mammal species incidental to USCG vessel and aircraft operations off the U.S. Atlantic shoreline over the next 5 years. This application was in response to an order dated May 2, 1995, in *Strahan v. Linnon* wherein the presiding District Court judge ordered USCG to apply by May 31, 1995, under section 101(a)(5)(A) of the Marine Mammal Protection Act (MMPA; 16 U.S.C. 1361 *et seq.*), for a small take of northern right whales (*Eubalaena glacialis*).

Need for Correction

As published, the notice contains errors to the dates that may prove to be misleading and are in need of

clarification. First, NMFS clarifies that the USCG application was hand-delivered to NMFS on May 31, 1996, not on June 2, 1996, as stated. Second, NMFS corrects an error concerning the date of the court order. The order in *Strahan v. Linnon* actually was dated May 2, 1995, and was revised by an order issued on May 19, 1995.

Correction of Publication

Accordingly, the publication on October 17, 1996, of the notice of receipt of application (I.D. 100896B), which was the subject of FR Doc. 96-26634, is corrected as follows:

On page 54158, in the first column, under the heading Summary of Request, paragraph one, line one, is corrected to read: "On May 31, 1995, NMFS received an" and line 10 is corrected to read: "dated May 2, 1995, and was revised by an order dated May 19, 1995, in *Strahan v.*"

In the third column, paragraph two, lines 14 and 15 are corrected to read: "USCG. For that reason, the USCG's May 31, 1995, application for a small take"

Dated: November 15, 1996.

Patricia Montanio,

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

[FR Doc. 96-29803 Filed 11-20-96; 8:45 am]

BILLING CODE 3510-22-P

[I.D. 111396B]

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meetings.

SUMMARY: The Pacific Fishery Management Council's (Council) Scientific and Statistical Committee Economic Subcommittee will hold a public meeting.

DATES: The meeting will begin on December 3, 1996 at 10:00 a.m., and will recess when business for the day has been completed. The meeting will reconvene at 8:00 a.m. on December 4, 1996, and will adjourn by 3:00 p.m.

ADDRESSES: The meeting will be held at the Council office, 2130 SW Fifth Avenue, Suite 224, Portland, OR 97201.

FOR FURTHER INFORMATION CONTACT: Jim Seger, Economic Analysis Coordinator; telephone: (503) 326-6352.

SUPPLEMENTARY INFORMATION: The primary purpose of this meeting is to begin work on development of a Council economic data plan.