

§§ 355.2 (i)(3), (i)(4), (i)(5), and (i)(6) of the regulations) objects to the Department's intent to revoke these orders pursuant to this notice, and no interested party (as defined in § 355.2(i) of the regulations) requests an administrative review in accordance with the Department's notice of opportunity to request administrative review, we shall conclude that the countervailing duty orders are no longer of interest to interested parties and proceed with the revocation. However, if an interested party does request an administrative review in accordance with the Department's notice of opportunity to request administrative review, or a domestic interested party does object to the Department's intent to revoke pursuant to this notice, the Department will not revoke the orders.

Countervailing Duty Orders

Canada: Steel Rail (C-122-805)—9/22/89, 54 FR 39032

Israel: Roses (C-508-064)—9/4/80, 54 FR 39219

Opportunity To Object

Not later than the last day of September 1995, domestic interested parties may object to the Department's intent to revoke the countervailing duty orders. Any submission objecting to the revocation must contain the name and case number of the order and a statement that explains how the objecting party qualifies as a domestic interested party under §§ 355.2 (i)(3), (i)(4), (i)(5), or (i)(6) of the Department's regulations.

Seven copies of any such objections should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, Room B-099, U.S. Department of Commerce, 14th Street and Constitution Ave., NW., Washington, DC 20230.

This notice is in accordance with 19 CFR 355.25(d)(4)(i).

Dated: August 25, 1995.

Roland L. MacDonald,

Acting Deputy Assistant Secretary for Compliance.

[FR Doc. 95-21672 Filed 8-30-95; 8:45 am]

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Bureau of Export Administration

President's Export Council Subcommittee on Export Administration; Partially Closed Meeting

A partially closed meeting of the President's Export Council Subcommittee on Export Administration (PECSEA) will be held

September 26, 1995, 9:30 a.m., at the U.S. Department of Commerce, Herbert C. Hoover Building, Room 3407, 14th Street & Pennsylvania Avenue, NW., Washington, DC. The Subcommittee provides advice on matters pertinent to those portions of the Export Administration Act, as amended, that deal with United States policies of encouraging trade with all countries with which the United States has diplomatic or trading relations and of controlling trade for national security and foreign policy reasons.

Public Session

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Update on Administration export control initiatives.
4. Task Force reports.

Executive Session

5. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. export control program and strategic criteria related thereto.

A Notice of Determination to close meetings, or portions of meetings, of the Subcommittee to the public on the basis of 5 U.S.C. 522(c)(1) was approved Sept. 30, 1993, in accordance with the Federal Advisory Committee Act. A copy of the Notice of Determination is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6020, U.S. Department of Commerce, Washington, DC. For further information, contact Ms. Lee Ann Carpenter on (202) 482-2583.

Dated: August 24, 1995.

Iain S. Baird,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 95-21675 Filed 8-30-95; 8:45 am]

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National Oceanic and Atmospheric Administration

[Docket No. I.D. 082595A]

Taking of Threatened or Endangered Marine Mammals Incidental to Commercial Fishing Operations; Interim Permit

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

ACTION: Notice of finding; interim permit; request for comments.

SUMMARY: NMFS hereby issues an interim permit to those fisheries that have negligible impacts on marine

mammal stocks listed as threatened or endangered under the Endangered Species Act (ESA). This action allows the incidental, but not intentional, taking of these marine mammals in commercial fishing operations. Vessel owners in the specified fisheries must be registered under section 118 of the MMPA to be eligible for the interim permit for taking.

EFFECTIVE DATES: Effective September 1, 1995. Comments on the issuance of the interim permits must be received by October 16, 1995.

ADDRESSES: Send comments on the interim permits to Chief, Marine Mammal Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. A copy of the negligible impact findings referred to in this notice may be obtained by writing to the above address.

FOR FURTHER INFORMATION CONTACT: Victoria Cornish, Office of Protected Resources, 301-713-2322; Douglas Beach, Northeast Region, 508-281-9254; Charles Oravetz, Southeast Region, 813-570-5301; James Lecky, Southwest Region, 310-980-4015; Brent Norberg, Northwest Region, 206-526-6140; Steve Zimmerman, Alaska Region, 907-586-7235.

SUPPLEMENTARY INFORMATION: Section 101(a)(5)(E) of the MMPA requires the authorization of the taking incidental to commercial fishing of individuals from marine mammal stocks listed as threatened or endangered under the ESA if it is determined that: (1) Incidental mortality and serious injury will have a negligible impact on the affected species or stock, (2) a recovery plan for that species or stock has been or is being developed, and (3) where required under section 118, a monitoring program has been established, vessels engaged in such fisheries are registered, and a take reduction plan has been or is being developed.

On June 16, 1995, NMFS published in the **Federal Register** proposed regulations to implement section 101(a)(5)(E) and section 118 of the MMPA in the **Federal Register**, and a proposed list of fisheries (LOF) that categorized all U.S. commercial fisheries into three groups based on the frequency of incidental mortality and serious injury of marine mammals (60 FR 31666). That notice also explained that separate permits would be required for fishers to incidentally take marine mammals from stocks listed as threatened or endangered under the ESA. On July 19, 1995, NMFS published a notice to correct errors in the proposed

LOF (60 FR 37043). In both notices, comments were requested that addressed: (1) Those fisheries in the proposed LOF that interact with species or stocks listed under the ESA, and (2) information on the magnitude of the takes of such species or stocks found in the environmental assessment (EA) that accompanied the rule. These comments and NMFS' responses to the comments are included in the preamble of the final rule to implement section 118 published in the **Federal Register** on August 30, 1995.

Several commenters expressed concern that the information upon which negligible impact findings under section 101(a)(5)(E) were to be made was not provided in sufficient detail for informed comments to be made. Comments also indicated that it was unclear how NMFS proposed to make the determination that the incidental mortality and serious injury from commercial fisheries would have a negligible impact on such species or stocks. It was recommended that NMFS publish a notice that clearly describes the stocks and fisheries for which it proposes to make a finding of negligible impact and explain the basis for the proposed determinations. The time frame for issuance of the section 101(a)(5)(E) permits did not allow for a more complete analysis of endangered and threatened stocks on a fishery-by-fishery basis. Therefore, NMFS issues this interim permit and an explanation of the process by which negligible impact determinations have been made, and invites public comments on the issuance of section 101(a)(5)(E) permits. NMFS will issue individual permits, and any necessary revisions to the LOF, prior to January 1, 1996.

Process for Determining Negligible Impact

In order to determine whether serious injuries and mortalities incidental to commercial fishing activities are having a negligible impact on threatened or endangered stocks of marine mammals, NMFS evaluated the total number of all incidental serious injuries and mortalities due to commercial fishing for each such stock. Pertinent information is included in final stock assessment reports made available on August 25, 1995 (60 FR 44308) and in the EA prepared for the proposed rule implementing section 118 of the MMPA. "Negligible impact", as defined in 50 CFR 228.3, is "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."

Because of the qualitative nature of this definition and limitations on available information, NMFS determined that the application of strict quantitative criteria for making negligible impact findings was not appropriate. However, as a starting point, NMFS considered a total annual serious injury and mortality of not more than 10 percent of a stock's Potential Biological Removal (PBR) level to be insignificant, based on recommendations of a NMFS workshop held in June, 1994, to propose guidelines for preparing stock assessment reports.

Such a criterion could not, however, be the only factor in evaluating whether a particular level of take could be considered negligible. The information in the stock assessment reports and the EA has varying degrees of uncertainty, and factors other than PBR level (e.g., population trend) were also considered. Because the negligible impact determinations required some judgment based upon the available information, each finding indicates NMFS' best assessment of whether or not the estimated mortality and serious injury of endangered and threatened marine mammals incidental to commercial fishing operations will adversely affect the species or stock through effects on annual rates of recruitment or survival.

Participants in fisheries designated as Category III under the MMPA are not required to obtain an authorization certificate under section 118. They are, however, required to report all incidental mortalities and injuries of marine mammals in accordance with the regulations implementing section 118. Participants in Category III fisheries that interact with threatened or endangered stocks for which the criteria under section 101(a)(5)(E)(i), discussed above, have been met are not subject to penalties under the MMPA, so long as they also report all incidental mortalities and injuries of marine mammals in accordance with section 118 of the MMPA.

Vessels that are registered for those fisheries for which NMFS has issued permits for the incidental, but not intentional, takes of threatened or endangered marine mammals are not subject to penalties under the MMPA. NMFS has consulted on the action of allowing takes of threatened or endangered stocks under section 7 of the ESA, and has determined that the level of takings specified for each stock in the permits issued to commercial fishers is not likely to jeopardize the continued existence of such stocks.

Summary of Findings

NMFS has evaluated the best available information for stocks listed as threatened or endangered under the ESA and has determined on a stock-by-stock basis, whether the incidental mortality and serious injury from all commercial fisheries has a negligible impact on such stocks.

Those stocks for which negligible impact findings were made were then reviewed to confirm that: (1) A recovery plan has been developed or is being developed, and (2) where required under section 118, a monitoring program has been established, vessels engaged in such fisheries are registered, and a take reduction plan has been or is being developed. For stocks that have met all of these criteria, NMFS identified the fisheries that may be permitted incidental takes from such marine mammal stocks (Table 1).

For the following stocks, NMFS has determined that the mortality and serious injury incidental to commercial fishing operations will have a negligible impact. An interim permit is issued for incidental takes from these stocks for the Category I and II fisheries indicated in Table 1. Vessels engaged in Category III fisheries included in this list shall not be subject to penalties for the incidental taking of marine mammals listed under the ESA, provided that such takes are reported in accordance with section 118 of the MMPA.

- Humpback whale, Central North Pacific stock
 - Steller sea lion, Eastern stock
 - Steller sea lion, Western U.S. stock
- For the following stocks, NMFS is unable to determine that the mortality and serious injury incidental to commercial fishing operations will have a negligible impact. No takes of these endangered or threatened marine mammal stocks incidental to commercial fishing are allowed.
- Fin whale, Western North Atlantic stock
 - Humpback whale, Western North Atlantic stock
 - Humpback whale, California/Oregon/Washington-Mexico stock
 - Northern right whale, Western North Atlantic stock
 - Sperm whale, Western North Atlantic stock
 - Sperm whale, California/Oregon/Washington stock
 - Hawaiian monk seal

There is no documented evidence of fishery-related interactions for the following marine mammal stocks, which are listed as endangered or threatened under the ESA:

- Blue whale, Western North Atlantic stock

- Blue whale, California/Mexico stock
- Blue whale, Hawaii stock
- Bowhead whale, Western Arctic stock
- Fin whale, California/Oregon/Washington stock
- Fin whale, Alaska stock
- Fin whale, Hawaii stock
- Humpback whale, Western North Pacific stock
- Northern right whale, North Pacific stock
- Sei whale, Western North Atlantic stock
- Sei whale, Eastern North Pacific stock

- Sperm whale, Northern Gulf of Mexico stock
- Sperm whale, Alaska stock
- Sperm whale, Hawaii stock
- Guadalupe fur seal

Issuance of Permits

A single section 101(a)(5)(E) interim permit is hereby issued to all vessel owners currently registered in fisheries designated as Category I or II in Table 1. This permit will expire on December 31, 1995. After considering public comments received, individual permits, to be effective January 1, 1996, will be issued for 1996, 1997, and 1998 in conjunction with registrations under

section 118 of the MMPA. Specific registration procedures for participants in Category I or II fisheries will be published in the final LOF under section 118, which will be effective January 1, 1996.

Permits may be suspended or revoked if the level of taking specified in the Incidental Take Statement prepared under section 7 of the ESA for each stock for which an incidental take permit is issued is exceeded.

Dated: August 25, 1995.

William W. Fox, Jr.,
 Director, Office of Protected Resources,
 National Marine Fisheries Service.

TABLE 1.—LIST OF FISHERIES AND STOCKS FOR WHICH THE CRITERIA UNDER SECTION 101(A)(5)(E)(I) HAVE BEEN MET

[An interim permit is issued for incidental takes from these stocks for the Category I and II fisheries indicated. Vessels engaged in Category III fisheries included in this list shall not be subject to penalties for the incidental taking of marine mammals listed under the ESA, provided that such takes are reported in accordance with section 118 of the MMPA]

Fishery	Stocks for which takes are allowed
Category I fisheries: CA/OR/WA thresher shark/swordfish/blue shark (blue shark OR only) drift gillnet.	Steller sea lion, Eastern stock.
Category II fisheries: Southeast Alaska salmon drift gillnet	Humpback whale, Central North Pacific stock. Steller sea lion, Eastern stock.
AK Prince William Sound salmon drift gillnet	Steller sea lion, Western U.S. stock.
AK Yakutat salmon set gillnet	Steller sea lion, Eastern stock.
AK Cook Inlet salmon drift gillnet	Steller sea lion, Western U.S. stock.
AK Cook Inlet salmon set gillnet	Steller sea lion, Western U.S. stock.
AK Peninsula/Aleutian Islands salmon drift gillnet	Steller sea lion, Western U.S. stock.
AK Bristol Bay salmon drift gillnet	Steller sea lion, Western U.S. stock.
AK Bristol Bay salmon set gillnet	Steller sea lion, Eastern stock.
AK Metlakatla/Annette Island salmon drift gillnet	Steller sea lion, Western U.S. stock.
AK Kodiak salmon set gillnet	Steller sea lion, Western U.S. stock.
AK Bering Sea and Aleutian Islands groundfish trawl	Steller sea lion, Western U.S. stock.
AK pair trawl	Humpback whale, Central North Pacific stock. Steller sea lion, Eastern stock.
Southeast Alaska salmon purse seine	Steller sea lion, Eastern stock.
AK southern Bering Sea, Aleutian Islands, and Western Gulf of Alaska sa- blefish longline/set line—state and Federal waters.	Steller sea lion, Western U.S. stock.
Category III fisheries: AK Prince William Sound set gillnet	Steller sea lion, Western U.S. stock.
AK Kuskokwim, Yukon, Norton Sound, Kotzebue salmon gillnet	Steller sea lion, Western U.S. stock.
AK Peninsula/Aleutian Islands salmon set gillnet	Steller sea lion, Western U.S. stock.
AK salmon purse seine (except Southeast)	Steller sea lion, Western U.S. stock.
AK salmon hand/power troll	Steller sea lion, Eastern stock. Steller sea lion, Western U.S. stock.
AK North Pacific halibut longline/set line—state and Federal waters	Steller sea lion, Eastern stock. Steller sea lion, Western U.S. stock.
AK miscellaneous finfish/groundfish longline/set line—Federal waters	Steller sea lion, Western U.S. stock.
AK Gulf of Alaska groundfish trawl	Steller sea lion, Western U.S. stock.
CA/OR/WA groundfish trawl	Steller sea lion, Eastern stock.

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