

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 whether a Certificate should be issued. An original and five (5) copies 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 95-00004." A summary of the application follows.

Summary of the Application

Applicant: United Products of America, Inc. ("UPA, Inc."), P.O. Box 3264, Fredericksburg, Virginia 22402

Contact: Kindra Rokhsaz, Telephone: (703) 891-2645

Application No.: 95-00004

Date Deemed Submitted: April 30, 1995, United Products of America, Incorporated, ("UPA, Inc.") seeks a Certificate to cover the following specific Export Trade, Export Markets, and Export Trade Activities and Methods of Operations.

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 include professional services in the areas of export management, procurement management, market

research and analysis, feasibility analysis, customer and supplier location, government relations and assistance with state and federal programs, foreign trade and business protocol, consulting, collection of information on trade opportunities, marketing, negotiations, joint ventures, shipping, export licensing, advertising, documentation and services related to compliance with customs requirements, insurance and financing, trade show exhibitions, organizational development, business management and labor strategies, technology transfer, 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

With respect to the sale of Products and Services, Licensing and Technology Rights and provisions of Export Trade Facilitation Services, UPA, Inc. may:

1. Provide and/or arrange for the provision of Export Trade Facilitation Services;
2. Engage in promotional and marketing activities and collect information on trade opportunities in the Export Markets and distribute such information to clients;
3. Enter into exclusive and/or non-exclusive licensing and/or sales agreements with Suppliers for the export of Products, Services, and/or Technology Rights in Export Markets;
4. Enter into exclusive and/or non-exclusive agreements with distributors and/or sales representatives in Export Markets;
5. Allocate export sales or divide Export Markets among Suppliers for the sale and/or licensing of Products, Services and/or Technology Rights;
6. Allocate export orders among Suppliers;
7. Establish the price for Products, Services, and/or Technology Rights for sale and/or licensing in Export Markets.
8. Negotiate, enter into, and/or manage licensing agreements for the export of Technology Rights;
9. Enter into contracts for shipping;

10. Exchange information on a one-to-one basis with individual Suppliers regarding inventories and near-term production schedules for the purpose of determining the availability of Products for export and coordinating exports with distributors.

Definitions

For the purposes of this certificate application, the following term is defined:

1. "Supplier" means a person who produces, provides, licenses, or sells a Product, Service, or Technology Right.

Dated: June 1, 1995.

W. Dawn Busby,

Director, Office of Export Trading Company Affairs.

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National Oceanic and Atmospheric Administration

[I.D. 050895E]

Marine Mammals and Endangered Species; Permits

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

ACTION: Issuance of scientific research permit no. 957 (P771 #71).

SUMMARY: Notice is hereby given that Dr. Howard Braham, National Marine Mammal Laboratory, Alaska Fisheries Science Center, National Marine Fisheries Service, 7600 Sand Pt. Way NE, Bin C15700, Seattle, WA 98115-0070, has been issued a permit to satellite tag 50 beluga whales (*Delphinapterus leucas*) for purposes of scientific research.

ADDRESSES: The permit and related documents are available for review upon written request or by appointment, in the following offices:

Permits Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910 (301/713-2289); and Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668 (907/586-7221).

SUPPLEMENTARY INFORMATION: On April 11, 1995, notice was published in the **Federal Register** (60 FR 18395) that a request for a scientific research permit to satellite tag beluga whales had been submitted by the above-named individual. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972,

as amended (16 U.S.C. 1361 *et seq.*), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

Dated: May 31, 1995.

Ann D. Terbush,

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

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[I.D. 053095D]

**Small Takes of Marine Mammals
Incidental to Specified Activities;
Offshore Seismic Activities in
Southern California**

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 Exxon Company, U.S.A., Thousand Oaks, CA, for authorization to take small numbers of cetaceans by harassment incidental to conducting a three-dimensional (3-D) seismic survey in the Santa Ynez Unit (SYU), located in the western portion of the Santa Barbara Channel, offshore California, in Federal waters. Under the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to authorize Exxon to incidentally take, by harassment, small numbers of cetaceans in the above mentioned area for a period of 1 year.

DATES: Comments and information must be received no later than July 7, 1995.

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 and 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 Hollingshead, Office of Protected Resources at 301-713-2055, or Craig Wingert, Southwest Regional Office at 310-980-4021.

SUPPLEMENTARY INFORMATION:

Background

Section 101(a)(5)(A) 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 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.

On April 30, 1994, the President signed Public Law 103-238, The Marine Mammal Protection Act Amendments of 1994. One part of this law added a new subsection 101(a)(5)(D) to the MMPA to establish 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 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 May 11, 1995, NMFS received an application from Exxon requesting an authorization for the harassment of small numbers of cetaceans incidental to conducting a 3-D seismic survey within the SYU, located in the western portion of the Santa Barbara Channel, off Southern California, in U.S. waters. As described in their application (Exxon, 1995) Exxon's survey will cover an area of approximately 303 km² of the outer continental shelf and will require approximately 2 months, commencing in August 1995, to complete. The survey will provide subsurface data that will enable Exxon to more accurately assess the oil and gas reservoirs in order to optimally locate future development wells from existing platforms.

Deep seismic surveys obtain data about formations several thousands of meters deep, such as the hydrocarbon-bearing Monterey Formation in the SYU. 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 that releases compressed air into the water, creating an acoustical energy pulse that is directed into the earth. 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. On board the vessel, the signals are amplified, digitized, and recorded on magnetic tape.

The contract survey vessel will transverse the SYU area along east-west lines, approximately 24.9 km in length parallel to the coastline, with a few south-north lines approximately 9.65 km in length to be acquired over key geological features. There will be approximately 64 east-west transects and 6 south-north transects over the 2-month period. Field operations will be conducted 24 hours a day, although about half of that time will be consumed by turning the vessel and maneuvering. The airgun arrays will be shut down during turning and maneuvering and will be powered up slowly over a 5-minute period when turned back on. Eighty to 90 percent of the proposed survey will be accomplished with a single vessel. A second vessel will be used to undershoot platform structures and some complex subsurface geological features of limited areal extent. Two vessels abreast each other will be used for undershooting. The survey is designed to acquire the maximum amount of data in the minimum amount of time. Exxon plans to initiate the survey around August 1, 1995, and complete data collection approximately October 1, 1995, prior to the onset of adverse weather and gray whale migration in the Santa Barbara Channel area.

Exxon will employ a 90-m seismic vessel to acquire the survey data. The seismic source will consist of dual airgun arrays deployed 37.5 m apart and fired alternately to acquire separate records. Each array will consist of 18 airguns of differing strengths producing a total of 8.62 megapascals peak to peak energy. The airguns will be sleeve type guns towed at a depth of 5 to 10 m below the water surface. Paravanes will be deployed to separate the airgun arrays.

The proposed survey could potentially affect marine mammals due