

On Tuesday, May 28, 1996, the Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, notified, at 61 FR 26499, receipt of an application for a Certificate from the Rice Millers' Association (RMA). The notice identified nineteen RMA member companies who were applying for protection under the Certificate. The Office of Export Trading Company Affairs hereby notifies a clarification of the identity of the following prospective member:

1. Cargill Rice Milling, of Greenville, Mississippi is a division of Cargill, Incorporated, of Wayzata, Minnesota. The membership list in the notice of application should therefore read: Cargill, Incorporated, of Wayzata, Minnesota, for the activities of its division Cargill Rice Milling, of Greenville, Mississippi.

Dated: June 6, 1996.

Jude Kearney,

*Deputy Assistant Secretary for Service Industries and Finance.*

[FR Doc. 96-15026 Filed 6-12-96; 8:45 am]

BILLING CODE 3510-DR-P

#### International Trade Administration

**ACTION:** Renewal of the Environmental Technologies Trade Advisory Committee.

**SUMMARY:** The Environmental Technologies Trade Advisory Committee (ETTAC) is renewed. The renewal of the ETTAC is in accordance with the Federal Advisory Committee Act, 5 U.S.C. App.2, and 41 CFR parts 101-5.10(1990), Federal Advisory Committee Management Rule.

ETTAC was established May 31, 1994, to advise the Secretary of Commerce in his capacity as the Chairman of the Trade Promotion Coordinating Committee (TPCC), as well as other TPCC heads and officials on issues related to the export of environmental technologies.

ETTAC functions as an advisory body in accordance with the Federal Advisory Committee Act. On October 22, 1994, the Congress passed the Jobs Through Trade Enhancement Act, 15 U.S.C. 4728 (c). This Act mandated the creation of such an advisory committee on the promotion of environmental technologies exports.

**FOR FURTHER INFORMATION CONTACT:** The Office of Environmental Technologies Exports, Trade Development, International Trade Administration, Department of Commerce, (202) 482-5225.

Dated: June 4, 1996.

Anne L. Alonzo,

*Deputy Assistant Secretary for Environmental Technologies Exports.*

[FR Doc. 96-14950 Filed 6-12-96; 8:45 am]

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[Docket No. 950207043-6128-02]

RIN 0625-ZA03

#### Market Development Cooperator Program

**AGENCY:** International Trade Administration (ITA), Commerce.

**ACTION:** Notice.

**SUMMARY:** The mission of ITA is to promote U.S. exports and to strengthen the international trade position of the United States. Building partnerships with the private sector enhances ITA's ability to fulfill its mission. To encourage such partnerships, ITA has created the Market Development Cooperator Program (MDCP) to develop, maintain and expand markets for nonagricultural goods and services produced in the United States.

The MDCP aims to:

- Challenge the private sector to think strategically about foreign markets;
- Be the catalyst that spurs private sector innovation and investment in export marketing; and
- Increase the number of American companies taking decisive export actions.

The advantage of a joint effort is that it permits the Government to pool expertise and funds with non-Federal sources so that each maximizes its market development resources. Partnerships of this sort also may provide a sharper focus on long-term export market development than do traditional trade promotion activities and serve as a mechanism for improving Government-industry relations.

While the Department of Commerce sponsors, guides and partially funds the MDCP with a matching requirement by the recipient, the Department of Commerce expects applicants to develop, initiate and carry out market development project activities. As an active partner, ITA will provide assistance identified by the applicant as being essential to the achievement of project goals and objectives. U.S. industry is best able to assess its problems and needs in the foreign marketplace and to recommend innovative solutions and programs that can be the formula to success in international trade.

Examples of activities that might be included in an applicant's project are

described below. No one of these activities or any combination of these activities must be included for a proposal to receive favorable consideration. The Department of Commerce encourages applicants to propose activities that (1) would be most appropriate to market development needs of their industry or industries; and (2) display the imagination and innovation of the applicant working in partnership with the Government to obtain the maximum market development impact.

A public meeting for parties considering applying for funding under the MDCP will be held on July 11, 1996. Attendance at this public meeting is not required of potential applicants. The purpose of the meeting is to provide general information regarding the MDCP procedures, selection process, and proposal preparation to potential applicants. No discussion of specific proposals will occur at this meeting.

**DATES:** The public meeting will be held July 11, 1996. Completed applications must be received no later than 5:00 p.m. Eastern Standard Time August 8, 1996. Competitive application kits will be available from the Department of Commerce starting June 13, 1996.

**ADDRESSES:** The public meeting will be held at the Herbert Clark Hoover Building, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. Contact the information contact for room location.

To obtain an application kit, please send a written request with a self-addressed mailing label to Mr. Greg O'Connor, Manager, Market Development Cooperator Program, Trade Development/OPCRM, Room 3211, U.S. Department of Commerce, Washington, D.C. 20230. Application kits may also be picked up in Room 3211, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230. The application kit contains all forms necessary to participate in the MDCP application process.

Please send completed applications to the Office of Planning, Coordination and Resource Management, Trade Development, Room 3211, 14th & Constitution Avenue, N.W., Washington, D.C. 20230.

**FOR FURTHER INFORMATION CONTACT:** Mr. Greg O'Connor, Manager, Market Development Cooperator Program, Trade Development, Room 3211, Washington, D.C. 20230, (202) 482-3197.

**SUPPLEMENTARY INFORMATION:**

Authority: The Omnibus Trade and Competitiveness Act of 1988, Pub. L. No. 100-418, Title II, sec. 2303, 102 Stat. 1342, 15 U.S.C. 4723.

*Catalog of Federal Domestic Assistance (CFDA):* No. 11.112, Market Development Cooperator Program.

**Program Description:** The goal of the MDCP identified in authorizing legislation is to develop, maintain, and expand foreign markets for nonagricultural goods and services produced in the United States. For purposes of this program, "nonagricultural goods and services" means goods and services other than agricultural products as defined in 7 U.S.C. 451. "Produced in the United States" means having substantial inputs of materials and labor originating in the United States, such inputs constituting at least 50 percent of the value of the good or service to be exported. The intended beneficiaries of the program are U.S. producers of nonagricultural goods or services that seek to export such goods or services.

MDCP funds should not be viewed as a replacement for funding from other sources, either public or private. An important aspect of this program is to increase the sum of Federal and non-Federal export market development activities. This result can best be achieved by using program funds to encourage new initiatives. In addition to new initiatives, expansion of the scope of an existing project also may qualify for funding consideration. Eligible organizations that have previously received an MDCP award must propose a new project or expansion of an existing project to receive consideration for a new award.

The Department of Commerce encourages applicants to propose activities that would be most appropriate to the market development needs of their U.S. industry or industries. The following are examples of activities which applicants might include in an application (no one of these activities or any combination of these activities must be included for an application to receive favorable consideration). Many of these activities are being undertaken by current Market Development Cooperator Program award winners:

(1) Opening an overseas office or offices to perform a variety of market development services for companies joining a consortium to avail themselves of such services; such an office should not duplicate the programs or services of the U.S. and Foreign Commercial Service (US&FCS) post(s) in the region,

but could include co-location with a US&FCS Commercial Center;

(2) Detailing a private sector individual to a US&FCS post in accordance with 15 U.S.C. 4723(c);

(3) Entering into a contract with a market research company to conduct detailed, product-specific market research;

(4) Assigning industry specialists to work with Department of Commerce/U.S. Executive Director Procurement Liaison Offices at the Multilateral Development Banks to seek out and develop procurement opportunities;

(5) Underwriting the cost of overseas market research or overseas trade exhibitions and trade missions to promote U.S. exports, or covering the expenses of reverse trade missions and/or foreign buyer group travel to U.S. domestic trade shows;

(6) Overseas U.S. product demonstrations;

(7) Export seminars in the United States or market penetration seminars in the market(s) to be developed;

(8) Technical trade servicing that helps overseas buyers to choose the right U.S. good(s) or service(s) and to use the good or service efficiently;

(9) Joint promotions of U.S. goods or services, with foreign customers;

(10) Training of foreign nationals to perform after-sales service or to act as distributors for U.S. goods or services;

(11) Working with organizations in the foreign marketplace responsible for setting standards and for product testing to improve market access for U.S. goods or services;

(12) Publishing an export resource guide or an export product directory for the U.S. industry or industries in question if no comparable one exists; and

(13) Establishing an electronic business information system to identify trade leads and facilitate matches with foreign partners.

**Funding Availability:** The total amount of funds available for this program is \$2.0 million for fiscal year (FY) 96. The Department expects to conclude a minimum of four (4) cooperative agreements with eligible entities for this program. Each cooperative agreement will not exceed a total of \$500,000, regardless of the duration of the award.

**Matching Requirements:** Applicants will be expected to supply two thirds (2/3) of total project costs, with the Federal portion to be one third (1/3). The Department of Commerce will support only a portion of the direct costs of each project. Each applicant will support a portion of the direct costs (to be specified in the application). Generally,

direct costs are those that are specifically associated with an award, and usually include expenses such as personnel, fringe benefits, travel, equipment, supplies and contractual obligations relating directly to program activity. Allowable costs will be determined on the basis of the applicable cost principles, i.e., OMB Circulars A-21, A-87, and A-122; 45 CFR Part 74, Appendix E; and 48 CFR Part 31. No indirect costs will be paid with Department of Commerce funding under this program.

A minimum of one half (1/2) of each applicant's support must be in the form of new cash outlays expressly for the project. The balance of the applicant's support may consist of in-kind contributions (goods and services). In the proposed budget, all in-kind contributions to be used in meeting the applicant's share of costs should be listed in a separate column from cash contributions. A separate budget narrative describing these in-kind contributions should also be included with the proposal. This information should be in sufficient detail for a determination to be made that the requirements of OMB Circular A-110, section 23(a), and 15 CFR Part 24.24 (a) and (b) are met.

Applicants may charge companies in the industry or other industry organizations reasonable fees to take part in or avail themselves of services provided as part of applicants' projects. Applicants should describe in detail plans to charge fees.

**Type of Funding Instrument:** Since ITA will be substantially involved in the implementation of each project for which an award is made, the funding instrument for this program will be a cooperative agreement. For each award, the recipient and ITA Program Officer shall establish a project team to include personnel from ITA. The project team will: collaborate with the recipient by working jointly with the recipient in carrying out the scope of work of the project effort; specify direction or redirection of the scope of work due to inter-relationships with other projects such as requiring the recipient to achieve a specific level of cooperation with other projects; and determine mode of project operations and other management processes, coupled with close monitoring or operational involvement during performance of the project.

**Eligibility Criteria:** Trade associations, nonprofit industry organizations, state trade departments and their regional associations including centers for international trade development, and private industry firms or groups of firms

in cases where no entity described above represents that industry are eligible to apply for cooperative agreements under this program. For the purpose of this program, a "nonprofit industry organization" is defined as any nonprofit organization (such as some chambers of commerce and world trade centers) made up of firms in an industry, or which is established or funded by and which operates on behalf of an industry. For the purpose of this program, a "trade association" is defined as consisting of member firms in the same industry, or in related industries, or which share common commercial concerns. The purpose of the trade association is to further the commercial interests of its members through the exchange of information, legislative activities, and the like.

Eligible entities may join together to submit an application as a joint venture and to share costs. One organization must be designated as the recipient organization for administrative purposes for joint venture applicants. For example, two trade associations representing different segments of a single industry or related industries may pool their resources and submit one application. Foreign businesses and private groups also may join with eligible U.S. organizations to submit applications and to share the costs of proposed projects. The Department of Commerce will accept applications from eligible entities representing any industry, subsector of an industry or related industries. Each applicant must permit all companies in the industry in question to participate, on equal terms, in all activities that are scheduled as part of a proposed project whether or not the company is a member or constituent of the eligible organization.

Eligible entities desiring to participate in this program must demonstrate the ability to provide a competent, experienced staff and other resources to assure adequate development, supervision and execution of the proposed project activities. Applicants must describe in detail all assistance expected from the Department of Commerce or other Federal Government agencies to implement project activities successfully. Each applicant must provide a description of the membership qualifications, structure and composition of the eligible entity, the degree to which the entity represents the industry or industries in question, and the role, if any, foreign membership plays in the affairs of the eligible entity. Applicants should summarize both the recent history of their industry or industries' competitiveness in the international

marketplace and the export promotion history of the eligible entity or entities submitting the application.

Project proposals must be compatible with U.S. trade and commercial policy.

*Award Period:* Funds may be expended over the period of time required to complete the scope of work, but not to exceed three (3) years from the date of the award.

*Indirect Costs:* The total dollar amount of the indirect costs proposed in an application under this program must not exceed the indirect cost rate negotiated and approved by a cognizant Federal agency prior to the proposed effective date of the award or 100 percent of the total proposed direct costs dollar amount in the application, whichever is less. Department of Commerce funds can not be used to pay indirect costs.

*Application Forms and Kit:* Standard Forms 424 (Rev. 4-92) Application for Federal Assistance, 424A (Rev. 4-92) Budget Information—Non-Construction Programs, 424B (Rev. 4-92) Assurances—Non-Construction Programs, SF-LLL, Disclosure of Lobbying Activities and other Department of Commerce forms (CD-511, Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying; CD-512, Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions and Lobbying), which are required as part of the application, are available from the contact person indicated above. Applicants must submit a signed original and two (2) copies of the application and supporting materials.

*Project Funding Priorities:* Applications may be targeted for any market in the world and/or industry covered by ITA's industry units (Technology and Aerospace Industries, Basic Industries, Service Industries and Finance, Textiles, Apparel and Consumer Goods Industries, Environmental Technologies Exports and Tourism Industries). In ITA's view the following markets and industry sectors offer exceptional opportunities for U.S. exports and export related job creation or support in the U.S.:

*Geographic Markets:* The Big Emerging Markets (BEMs) of Argentina, the Association of Southeast Asian Nations (ASEAN—Brunei, Indonesia, Malaysia, the Philippines, Singapore, Thailand and Vietnam), Brazil, the Chinese Economic Area (Peoples Republic of China, Taiwan and Hong Kong), India, Korea (South), Mexico, Poland, South Africa, and Turkey. In

addition to the BEMs, strong relations with mature export markets such as Europe and Japan are encouraged.

Sectors: Major project infrastructure development, transportation technologies, energy technologies, information technologies, health technologies, environmental technologies and financial services.

In addition, projects that concentrate on the following priorities present opportunities to develop, maintain and expand overseas markets and create and support U.S. jobs:

(1.) Advocacy: (a.) Assistance to U.S. companies/consortia bidding on major foreign contracts; (b.) Development of a response to foreign anti-competitive practices, such as bribery and subsidies, that unfairly disadvantage U.S. companies in global competitions;

(2.) Trade Agreements Monitoring: Monitoring of foreign compliance with our trade agreements such as NAFTA, WTO and sector-specific agreements;

(3.) Facilitating the involvement in exporting of small and medium-sized U.S. businesses and traditionally disadvantaged or under served groups, especially as suppliers/subcontractors for major infrastructure projects;

(4.) Working cooperatively to support ITA market development initiatives. Examples of such activities could include: participating in the activities of Business Development Committees or Councils ITA establishes with other countries such as Argentina, Brazil, Russia, South Africa, India, China; locating an office at, or actively utilizing the facilities of a U.S. Department of Commerce-sponsored Commercial Center, such as those already established in Sao Paulo, Brazil and Jakarta, Indonesia and soon-to-be established in Shanghai, China; and supporting ITA-sponsored trade events.

Developing a project plan requires solid background research. Applicants should study, and applications should reflect such study of, the following:

1. The market potential of the U.S. good(s) or service(s) to be promoted in a particular market(s),
2. The competition from host-country and third-country suppliers, and
3. The economic situation and prospects that bear upon the ability of a country to import the U.S. good(s) or service(s).

Applicants should present in their applications an assessment of industry resources that can be brought to bear on developing a market; the industry's ability to meet potential market demand expeditiously; and the industry's after-sales service capability in a particular foreign market(s).

After describing their completed basic research, applicants should develop marketing plans that set forth the overall objectives of the projects and the specific activities applicants will undertake as part of these projects. Applications should display the imagination and innovation of the private sector working in partnership with the Government to obtain the maximum market development impact.

**Evaluation Criteria:** The Department of Commerce is interested in projects that demonstrate the possibility of both significant results during the project period and lasting benefits extending beyond the project period. To that end, consideration for financial assistance under the MDCP will be based upon the following evaluation criteria:

(1) Potential of the project to generate export sales or major foreign project/contract success stories in both the short and medium-term. Applicant should provide estimates of projected project results, along with detailed explanations.

(2) The degree to which the proposal furthers or is compatible with ITA's priorities and the markets and industry sectors identified above and the degree to which a proposal initiates or enhances partnership with the Department of Commerce.

(3) Creativity and innovation displayed by the work plan while at the same time being realistic.

(4) The institutional capacity of the applicant to carry out the work plan and the willingness and ability of the applicant to back up promotional activities with aggressive marketing and after-sales service.

(5) Reasonableness of the itemized budget for project activities and probability that the project can be continued on a self-sustained basis after the completion of the award.

(6) Projected increase in the number of U.S. companies operating (multiplier effect) in the market(s) selected. Applicant should provide quantifiable estimates of projected increases. Intent and capability of the applicant to enlist the participation of small and medium size U.S. companies in consortia and activities that are to be part of the proposed project.

#### Evaluation Criteria

Criterion #1—maximum 20 points  
 Criterion #2—maximum 20 points  
 Criterion #3—maximum 20 points  
 Criterion #4—maximum 15 points  
 Criterion #5—maximum 15 points  
 Criterion #6—maximum 10 points

**Selection Procedures:** Each application will receive an independent, objective review by a panel qualified to

evaluate the applications submitted under the program. The Senior Officer Review Panel, consisting of at least three people, will review all applications based on the criteria stated above. The Senior Officer Review Panel will identify and rank the top ten proposals and make recommendations to the Assistant Secretary for Trade Development concerning which of the proposals should receive awards. The Assistant Secretary for Trade Development will make the final recommendations regarding the funding of applications from the group of ten identified by the Senior Officer Review Panel.

In making his decision, the Assistant Secretary for Trade Development will consider the following:

1. The evaluations of the individual reviewers of the Senior Officer Review Panel;

2. The degree to which applications satisfy the MDCP's goals and objectives as established under the *Project Funding Priorities* listed above;

3. The geographic distribution of the proposed awards;

4. The diversity of industry sectors covered by the proposed grant awards;

5. The diversity of project activities represented by the proposed awards;

6. Avoidance of redundancy and conflicts with the initiatives of other Federal agencies; and

7. The availability of funds.

#### Performance Measures

On August 3, 1993, the Government Performance and Results Act (GPRA) was enacted into law (Public Law 103-62). Section 4 of the GPRA requires each agency to submit to the Office of Management and Budget (OMB), beginning with FY 99, a strategic plan for program activities. Among other things, each plan is to include "performance indicators to be used in measuring or assessing the relevant outputs, service levels and outcomes of each program activity."

OMB decided not to wait to begin development of the new performance indicators called for in GPRA. As part of the process of preparing the President's FY 1996 budget, OMB asked agencies to submit prospective GPRA-type performance indicators they intend to use in future years.

Accordingly, current MDCP participants were asked to identify new GPRA-type performance indicators as part of their FY 1996 operating plans. These indicators will include not only program inputs and outputs, but also measures that may be applied to determine outcomes (what happens as a direct result of an output being created)

or final impacts (the effect of an outcome).

Applicants for this year's MDCP competition should describe in their proposals performance indicators of the type envisioned by GPRA that they intend to use to measure the results of their MDCP projects. Applicants should consult the MDCP application kit for more information, key terms and definitions used in developing performance indicators under GPRA.

#### Other Requirements

(1) *Federal Policies and Procedures*—Recipients and subrecipients are subject to all Federal laws and Federal and Department of Commerce policies, regulations, and procedures applicable to Federal financial assistance awards.

(2) *Past Performance*—Unsatisfactory performance under prior Federal awards may result in an application not being considered for funding.

(3) *Preaward Activities*—If applicants incur any costs prior to an award being made, they do so solely at their own risk of not being reimbursed by the Government. Notwithstanding any verbal or written assurance that they may have received, there is no obligation on the part of the Department of Commerce to cover preaward costs.

(4) *No Obligation for Future Funding*—If an application is selected for funding, the Department of Commerce has no obligation to provide any additional future funding in connection with that award. Renewal of an award to increase funding or extend the period of performance is at the total discretion of the Department of Commerce.

(5) *Delinquent Federal Debts*—No award of Federal funds shall be made to an applicant who has an outstanding delinquent Federal debt until either:

i. The delinquent account is paid in full,

ii. A negotiated repayment schedule is established and at least one payment is received, or

iii. Other arrangements satisfactory to the Department of Commerce are made.

6. *Name Check Review.* All non-profit and for-profit applicants are subject to a name check review process. Name checks are intended to reveal if any key individuals associated with the applicant have been convicted of or are presently facing criminal charges such as fraud, theft, perjury, or other matters which significantly reflect on the applicant's management honesty or financial integrity.

7. *Primary Applicant Certifications.* All primary applicants must submit a completed Form CD-511, "Certifications Regarding Debarment,

Suspension and Other Responsibility Matters; Drug Free Workplace Requirements and Lobbying," and the following explanations are hereby provided:

i. *Nonprocurement Debarment and Suspension*. Prospective participants (as defined at 15 CFR part 26, section 105) are subject to 15 CFR part 26, "Nonprocurement Debarment and Suspension" and the related section of the certification form prescribed above applies;

ii. *Drug-Free Workplace*. Grantees (as defined at 15 CFR part 26, section 605) are subject to 15 CFR part 26, subpart F, "Governmentwide Requirements for Drug-Free Workplace (Grants)" and the related section of the certification form prescribed above applies;

iii. *Anti-Lobbying*. Persons (as defined at 15 CFR part 28, section 105) are subject to the lobbying provisions of 31 U.S.C. 1352, "Limitations on use of appropriated funds to influence certain Federal contracting and financial transactions," and the lobbying section of the certification form prescribed above applies to applications/bids for grants, cooperative agreements, and contracts for more than \$100,000, and loans and loan guarantees for more than \$150,000, or the single family maximum mortgage limit for affected programs, whichever is greater; and

iv. *Anti-Lobbying Disclosures*. Any applicant that has paid or will pay for lobbying using any funds must submit an SF-LLL, "Disclosure of Lobbying Activities," as required under 15 CFR part 28, Appendix B.

8. *Lower Tier Certifications*. Recipients shall require applicants/bidders for subgrants, contracts, subcontracts, or other lower tier covered transactions at any tier under the award to submit, if applicable, a completed Form CD-512, "Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions and Lobbying" and disclosure form, SF-LLL, "Disclosure of Lobbying Activities." Form CD-512 is intended for the use of recipients and should not be transmitted to the Department of Commerce. SF-LLL submitted by any tier recipient or subrecipient should be submitted to the Department of Commerce in accordance with the instructions contained in the award document.

9. *False Statements*. A false statement on an application is grounds for denial or termination of funds and grounds for possible punishment by a fine or imprisonment as provided in 18 U.S.C. 1001.

10. *Intergovernmental Review*—Applications under this program are not

subject to Executive Order 12372, "Intergovernmental Review of Federal Programs."

11. *Buy American-Made Equipment and Products*—Applicants are hereby notified that they will be encouraged, to the greatest extent practicable, to purchase American-made equipment and products with funding provided under this program.

*Classification*: This notice has been determined to be not significant for purposes of Executive Order 12866. The standard forms reference in this notice are cleared under OMB Control No. 0348-0043, 0348-0044, 0348-0040, and 0348-0046 pursuant to the Paperwork Reduction Act.

Dated: June 7, 1996.

Jerome S. Morse,  
Director, Resource Management and Planning, Staff, Trade Development.  
[FR Doc. 96-15013 Filed 6-12-96; 8:45 am]  
BILLING CODE 3510-DR-P

## National Oceanic and Atmospheric Administration

[I.D. 051496A]

### Small Takes of Marine Mammals Incidental to Specified Activities; Haro Strait Oceanographic Experiment

**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 to take small numbers of marine mammals by harassment incidental to conducting a physical oceanography experiment in Haro Strait, Puget Sound, WA has been issued jointly to Prof. Henrik Schmidt of the Department of Ocean Engineering, and Mr. Patrick Miller of the Department of Biology, Massachusetts Institute of Technology (MIT), Cambridge, MA.

**EFFECTIVE DATE:** This authorization is effective from June 10, 1996, to July 5, 1996.

**ADDRESSES:** The application, authorization, and environmental assessment (EA) are available from the following office: Marine Mammal Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

**FOR FURTHER INFORMATION CONTACT:** Kenneth Hollingshead, Office of

Protected Resources at 301-713-2055, or Brent Norberg, Northwest Regional Office at 206-526-6733.

#### 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.

The MMPA Amendments of 1994 established 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 January 31, 1996, NMFS received a complete application from MIT requesting an authorization for the harassment of small numbers of marine mammals incidental to conducting a physical oceanography experiment that uses sound to study the flow field and mixing processes in Haro Strait, in the San Juan Island Archipelago (Puget Sound) WA, just south of Stuart Island (48°39'00" N, 123°11'00" W).

The experiment, which will be from June 10 through July 5, 1996, for a total of 26 days, is scheduled to take advantage of the extreme ebb tides that