• Tax Deduction Under Decree 173/85.

IV. Program Preliminarily Found Not to Exist

1. Tax Concessions for the Steel Industry

Petitioners alleged that, under Paragraph 8 of the April 11, 1991 Steel Agreement between the GOA and Argentine steel producers, the GOA provides the steel industry with tax concessions. According to the response of the GOA, Paragraph 8 of the Steel Agreement does not provide tax concessions to the steel industry but merely states that the industry's Reembolso level will be studied taking into account the tax incidence of steel producers. For information on the Reembolso/Reintegro program, *see* the section ''Rebate of Indirect Taxes,'' above. Therefore, we preliminarily determine that there were no new tax concessions provided to the steel industry under the Steel Agreement.

Preliminary Results of Review

For the period January 1, 1991 through December 31, 1991, we preliminarily determine the net subsidy to be 0.00 percent *ad valorem* for Propulsora and 1.84 percent *ad valorem* for all other companies.

If the final results of this review remain the same as these preliminary results, the Department intends to instruct the U.S. Customs Service to assess the following countervailing duties:

Manufacturer/exporter	Rate (percent)
Propulsora	0.00
All Other Companies	1.84

The Department also intends to instruct the U.S. Customs Service to assess these countervailing duties on entries of the subject merchandise covered by this administrative review for the period January 1, 1991 through September 19, 1991, and to liquidate all entries made on or after September 20, 1991, without regard to countervailing duties. This countervailing duty order was revoked effective January 1, 1995. As such, no further instructions will be sent to Customs regarding cash deposits.

Parties to the proceeding may request disclosure of the calculation methodology and interested parties may request a hearing no later than 10 days after the date of publication of this notice. Interested parties may submit written arguments in case briefs on these preliminary results within 30 days of the date of publication. Rebuttal briefs, limited to arguments raised in case briefs, may be submitted seven days after the time limit for filing the case brief. Parties who submit argument in this proceeding are requested to submit with the argument (1) a statement of the issue and (2) a brief summary of the argument. Any hearing, if requested, will be held seven days after the scheduled date for submission of rebuttal briefs. Copies of case briefs and rebuttal briefs must be served on interested parties in accordance with 19 CFR 355.38(e).

Representatives of parties to the proceeding may request disclosure of proprietary information under administrative protective order no later than 10 days after the representative's client or employer becomes a party to the proceeding, but in no event later than the date the case briefs, under section 355.38(c), are due.

The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any case or rebuttal brief or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 355.22.

Dated: July 10, 1997.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

[FR Doc. 97–18871 Filed 7–16–97; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 062597B]

Taking and Importing of Marine Mammals; Offshore Seismic Activities in the Beaufort Sea

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 bowhead whales and other marine mammals by harassment incidental to conducting seismic surveys in the Western Beaufort Sea in state and federal waters has been issued to BP Exploration (Alaska) (BPXA).

EFFECTIVE DATE: This authorization is effective from July 11, 1997, until November 1, 1997, unless extended.

ADDRESSES: The application, authorization, monitoring plan, and 1996 environmental assessment (EA) are available by writing to the Chief, Marine Mammal Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910–3225, or by telephoning one of the contacts listed below.

FOR FURTHER INFORMATION CONTACT: Kenneth R. Hollingshead, Office of Protected Resources, NMFS, (301) 713–2055, Brad Smith, 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 (Secretary) 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 5, 1997, NMFS received an application from BPXA, 900 East Benson Boulevard, Anchorage, AK 99519, requesting a 1-year renewal of their authorization for the harassment of small numbers of several species of marine mammals incidental to conducting seismic surveys during the open water season in the Western Beaufort Sea between approximately 145° 30'W and 150° 30'W, in U.S. waters. Weather permitting, the survey

is expected to take place between approximately July 1 and October 20, 1997. A detailed description of the work planned is contained in the application (BPXA 1997) and is available upon request (see **ADDRESSES**).

Comments and Responses

A notice of receipt of the application and proposed authorization was published on April 22, 1997 (62 FR 19553), and a 30-day public comment period was provided on the application and proposed authorization. During the comment period, comments received were from the Marine Mammal Commission (MMC), LGL Limited on behalf of BPXA, the Alaska Eskimo Whaling Commission (AEWC) and Greenpeace Alaska (Greenpeace). Some of LGL's comments pertained to minor corrections to the proposed authorization notice and are not discussed below, others are discussed. Information on the activity and authorization request that are not subject to reviewer comments can be found in the proposed authorization notice and is not repeated here.

General concerns

Comment 1: LGL requested clarification that the proposed seismic area extends east and west of the Northstar Unit proper.

Response: NMFS notes that the application refers to a primary survey area that includes the Northstar area and other waters west of 148° W long. However, ice conditions could preclude seismic operations in that area at some times. As a result, BPXA has selected other locations of interest in order to allow more options for operations to continue in areas of open water. Essentially the areas of interest to BPXA lie between Harrison Bay and Flaxman Island in the Western Beaufort Sea. These areas were noted in Figure 3 of the application.

Comment 2: LGL notes that the closest point of approach of the planned seismic area to places where Kaktovik whalers are known to have taken bowhead whales is about 32 mi (51 km).

Response: NMFS notes that Flaxman Island is located at approximately 146° W long., while Figure 3 of the BPXA application (BPXA 1997) indicates the seismic survey area continues east of Flaxman to approximately 145° 30'W. The location of the westernmost Kaktovik whaling location is 144° 11'W (BPXA 1997). Therefore, the last sentence in 62 FR 19555, third column, third to last paragraph (April 22, 1997), was incorrect.

Comment 3: LGL requested clarification between NMFS' statements in the proposed authorization notice where NMFS stated: ''An incidental harassment take is presumed to occur when marine mammals * * *react to the generated sounds or visual cues.'' and statements found in 61 FR 64338 (December 4, 1996):

> ''Until new policy is implemented, NMFS' working definition is that incidental harassment has not taken place (sufficient to warrant an incidental small take authorization) if the marine mammal indicates simple alert, startle, or dive reaction in response to a single noise event. For airborne events, only if marine mammals move away from the noise or other harassment source, either towards the water if on land, or an obvious directional change seaward if already in the surf zone, does NMFS consider a harassment event to have taken place.''

Response: NMFS is presently reviewing the issue of noise in marine waters and its effect on marine mammals. Based upon that review, NMFS expects to propose policy and guidance on what does and what does not constitute a take by harassment and thereby subject to authorization under the MMPA. Until such time, NMFS recommends potential applicants take a conservative interpretation of the statutory definition of harassment (e.g., 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).

Marine mammal concerns

Comment 4: Greenpeace believes that there is an increasing amount of scientific literature which illustrates that seismic testing significantly impacts marine mammals and other species, such as fish. Greenpeace states that it is well known that marine mammals communicate by using sound and that it is clear that many species are extremely sensitive to both sound and physical disturbance. Based on the precautionary principle therefore, Greenpeace believes that when there is evidence to indicate that there could be harm, an activity should not be carried out. Greenpeace provides a reference (i.e., Chapter 6 in *Greenpeace: Oil in Arctic Waters: The Untold Story of Offshore Drilling in Alaska*) as evidence contrary to the applicant's scientific evidence of negligible impact.

Response: One of the primary concerns with marine seismic surveys in Arctic waters is for those animals that might be within close proximity of the source when it is powered up. While permanent hearing damage is not expected to occur as a result of the project, to reduce the potential for any ear injury to the greatest extent practicable, BPXA will be required, as a condition of the IHA, to use biological observers to monitor marine mammal presence in the vicinity of the seismic array. To avoid the potential for serious injury to marine mammals, BPXA will power down the seismic source if pinnipeds are sighted:

(a) Within 260 m (853 ft) of an array of >720 in^3 and <1,320 in^3 at >2.5 m (8.3 ft) depth;

(b) Within 130 m (426 ft) of that array operating at <2.5 m (8.3 ft) depth;

(c) Within 130 m (426 ft) of an array of >120 in^3 and <720 in^3 operating at >2.5 m (8.3 ft) depth;

(d) Within 60 m (197 ft) of that array operating at <2.5 m (8.3 ft) depth; and

(e) Within 60 m (197 ft) of a single airgun or an array of <120 in^3.

BPXA will power down the seismic source if bowhead, gray, or belukha whales are sighted:

(a) Within either 1020 m (3346 ft) of an array >720 in^3 and <1,320 in^3 operating at >2.5m (8.3 ft) depth; or

(b) Within 640 m (2100 ft) of that array operating at <2.5 m (8.3 ft) depth or of any smaller airgun source operating at any depth (BPXA 1997).

At the above referenced distances, the seismic source will be powered down whenever pinnipeds or cetaceans could be exposed to sound pressure levels equal to or greater than 190 dB and 180 dB (re 1 μPa), respectively. These distances are considered conservative (e.g., give greater protection to marine mammals) in comparison to mitigation required on other seismic surveys holding small take authorizations (see for example 60 FR 53753, October 17, 1995). For additional discussion on this issue, please refer to BPXA's 1996 application (61 FR 26501, May 28, 1996)).

In addition, BPXA will ramp-up the seismic source to operating levels at a rate no greater than 6 dB/min. If the array includes airguns of different sizes, the smallest gun will be fired first. Additional guns will be added at intervals appropriate to limit the rate of increase in source level to a maximum of 6 dB/min. This will allow sufficient opportunity for any unseen marine mammals to move away from the source before being exposed to sounds from the full seismic array.

When the received levels of noise exceed some behavioral reaction threshold, cetaceans will show disturbance reactions (BPXA 1997). The levels, frequencies, and types of noise that will elicit a response vary between and within species, individuals, locations and season. Behavioral

changes may be subtle alterations in surface-respiration-dive cycles. More conspicuous responses include changes in activity or aerial displays, movement away from the sound source, or complete avoidance of the area. The reaction threshold and degree of response are related to the activity of the animal at the time of the disturbance. Whales engaged in active behaviors such as feeding, socializing or mating are less likely than resting animals to show overt behavioral reactions, unless the disturbance is directly threatening (BPXA 1997).

It should be noted that masking effects on marine mammal calls and other natural sounds are expected to be limited in the case of bowhead and gray whales, given the fact that seismic sounds are short pulses occurring for less than 1 sec every 6–12 sec. Bowheads are known to continue calling in the presence of seismic pulses; their calls can be heard between the seismic pulses (Richardson *et al.* 1986). Masking effects are expected to be absent in the case of belukhas, given that sounds important to them are predominantly at much higher frequencies than are the airgun sounds.

The best scientific information available indicates that fish will often react to sounds, especially strong and/or intermittent sounds of low frequency (BPXA 1997). Sound pulses at received levels of 160 dB (re 1 μPa) may cause subtle changes in behavior. Pulses at levels of 180 dB may cause noticeable changes in behavior (Chapman and Hawkins 1969, Pearson *et al.* 1992, Skalski *et al.* 1992). It also appears that fish often habituate to repeated strong sounds rather rapidly, on time scales of minutes to an hour. However, the habituation does not endure, and resumption of the disturbing activity may again elicit disturbance responses from the same fish (BPXA 1997). Therefore, fish near the airguns are likely to dive to the bottom or exhibit some other kind of behavioral response. This would likely have little or no impact on marine mammal feeding.

Zooplankters that are very close to the source may react to the seismic shock wave. Little, if any, mortality is expected. Bowheads feed on concentrations of zooplankton (Thomson and Richardson 1987). A reaction by zooplankton to a seismic impulse would only be relevant to bowheads if it caused a concentration of zooplankton to scatter. Pressure changes of sufficient magnitude to cause this type of reaction would probably occur only very close to the source. Impacts on zooplankton behavior are predicted to be negligible and this would translate into negligible impacts on feeding bowheads.

Subsistence concerns

Comment 5: LGL notes that Inupiat whalers believe that avoidance reactions by bowhead whales can extend to longer distances, at least for actively migrating whales. Greenpeace notes that the whaling captains have presented compelling evidence that the (bowhead) whales are displaced from their migratory route and feeding areas by seismic and drilling operations and quote NSB whalers testimony that the zone of influence of seismic operations on the bowhead whale as much greater than that documented by visiting scientists. Greenpeace claims NMFS ignores the whaling captains' discussion of subtle behavioral effects on the bowhead whale (e.g., spookiness). The AEWC notes that hunters, at the March 5, 1997, Minerals Management Service's (MMS) Barrow, AK seismic workshop, stressed repeatedly that seismic noise causes Fall migrating bowheads to begin to deflect from their path at great distances (up to 35 miles (mi)).

Response: A primary focus for monitoring marine seismic surveys in Arctic waters is to determine the zone of influence for seismic noise on marine mammals, especially as it may affect the subsistence hunting of bowhead whales. Various studies (Reeves *et al.* 1984, Fraker *et al.* 1985, Richardson *et al.* 1986, Ljungblad *et al.* 1988) have reported that, when an operating seismic vessel approaches within a few kilometers, most bowhead whales exhibit strong avoidance behavior and changes in surfacing, respiration, and dive cycles. Bowheads exposed to seismic pulses from vessels more than 4.5 mi (7.5 km) away rarely showed observable avoidance of the vessel, but their surface, respiration, and dive cycles appeared altered in a manner similar to that observed in whales exposed at a closer distance (BPXA 1996).

Within a 3.7–60 mi (6–99 km) range, it has not been possible to determine a specific distance at which subtle behavioral changes no longer occur (Richardson and Malme 1993), given the high variability observed in bowhead whale behavior (BPX 1996).

Analysis of the results from BPXA's 1996 seismic monitoring program has not provided conclusive evidence about the radius of avoidance of bowheads to the seismic program. In that year, the peak number of bowhead sightings was 6.2–12.3 mi (10–20 km) from shore during no-seismic periods and 20–30 km (12.3–18.6 mi) from shore during periods that may have been influenced by seismic noise. This difference was not statistically significant, but the low numbers of sightings precluded meaningful interpretation (BPXA 1997). One of the objectives of the 1997 proposed monitoring plan (LGL 1997) will be to continue this investigation.

While the location of the proposed seismic activity is south of the main westward migration route of bowhead whales, whalers believe that some migrating bowheads are deflected by seismic operations at distances greater than those documented by scientific studies done to date (MMS 1997). Scientists believe that although whales may be able to hear the sounds emitted by the seismic array out to a distance of 30 mi (50 km) or more, it is unlikely that changes in migration route will occur at distances of >15 miles (>25 km) (BPXA 1997).

It is recognized that it is difficult to determine the maximum distance at which reactions occur (Moore and Clark 1992). As a result, BPXA is developing a CAA with the whalers (see response to comment 8 below) to reduce any potential interference with the hunt. Also, it is believed that the monitoring plan proposed by BPXA (LGL and Greeneridge 1997) will provide information that will help resolve uncertainties about the effects of seismic exploration on the accessibility of bowheads to hunters. This will be subject for review and discussion at the monitoring peer review workshop on July 16 and 17, 1997.

Monitoring concerns

Comment 6: Greenpeace believes that BPXA's 1996 and 1997 monitoring plans are not scientifically sufficient to determine impacts to Arctic pinniped and cetacean species. If the application is approved (against Greenpeace's recommendation), Greenpeace wants NMFS to require a comprehensive monitoring plan that is fully subjected to independent peer design and review. The AEWC also recommends that if the seismic survey continues after September 1 the monitoring plan must be (1) as comprehensive as that done during 1996; (2) peer-reviewed and revised as necessary in response to the peer-review; and (3) account for material presented at the March 5, 1997, MMS seismic workshop held in Barrow, Alaska.

Response: Section 101(a)(5)(D)(ii)(II) of the MMPA requires authorizations issued under this section to prescribe, where applicable, requirements pertaining to the monitoring and reporting of such taking by harassment, including requirements for independent peer review of proposed monitoring

plans or other research proposals where the proposed activity may affect the availability of a species or stock for taking for subsistence purposes.

A draft monitoring plan for BPXA's 1996 seismic survey was reviewed by NMFS, AEWC and other scientists in conjunction with a workshop held in Seattle, WA on May 20 and 21, 1996. An amended monitoring plan was prepared by BPXA in June 1996 and submitted to NMFS for approval. Subsequently, NMFS issued an IHA to BPXA on July 18, 1996, and BPXA implemented its monitoring plan for that year.

On March 15, 1997, BPXA submitted a draft monitoring plan to NMFS for the seismic survey in 1997. This document supplemented the information contained in section XIII of BPXA's March 5, 1997 application. Both documents were subsequently provided to reviewers beginning on April 22, 1997, at the start of the public comment period. The draft report on the 1996 monitoring and research program and the draft monitoring program for 1997 will be reviewed by NMFS, AEWC and independent scientists at a workshop to be held in Seattle, WA on July 16 and 17, 1997. As required in their IHA, an amended monitoring plan will need to be prepared by BPXA and submitted to NMFS for review and approval prior to August 20, 1997, in order for the IHA's period of validity to be extended after September 1, 1997.

Comment 7: The AEWC recommends (1) that NMFS should not approve any monitoring plan or issue an IHA until the results of the 1996 monitoring study have been peer-reviewed. A major aspect of the peer-review should be to determine the extent to which the 1996 monitoring effort met the objectives of the 1996 monitoring plan.

Response: NMFS agrees in part. However, because of the delay in completing a Plan of Cooperation (Conflict and Avoidance Agreement) between BPXA and the AEWC, and the effect of this delay on determining the appropriate monitoring for assessing whether the survey would have an unmitigable adverse impacts on native subsistence needs, a workshop for peer-reviewing the monitoring plan has been delayed. As a result, NMFS will not delay the issuance of the IHA until completion of a review of the 1997 monitoring plan, or the results of the 1996 monitoring plan, but will require both to be completed to the satisfaction of NMFS prior to the beginning of the bowhead whale migration and the start of the Western Beaufort Sea subsistence harvest (e.g., September 1, 1997).

Comment 8: Greenpeace also believes (1) the monitoring plan must be designed to substantiate the ''zone of influence,'' however distant; (2) operations must cease well before the fall bowhead migration and not continue during the fall bowhead hunt; and (3) no seismic operations should be allowed to continue east of Cross Island after the end of August. The MMC recommends that NMFS be satisfied that the proposed monitoring program is adequate to verify that only small numbers of marine mammals are taken, that the taking is by harassment only, and that the impacts on the affected species/stocks are negligible.

Response: Recognizing that Greenpeace recommendations (2) and (3) are mitigation recommendations and not monitoring recommendations, NMFS notes that both are presently subject to negotiations between BPXA and the AEWC/NSB. Resolution of these measures will be contained in a Conflict and Avoidance Agreement (CAA) signed by these parties. A signed CAA supports NMFS determination that there are no unmitigable adverse impacts for subsistence needs.

While implementation of these mitigation measures would be expected to reduce the number of harassment takes on bowhead whales, it would also significantly reduce the limited time available in the Western Beaufort Sea for survey work.

As mentioned above, the requirements and design of the monitoring plan will be the subject of the peer-review workshop this month. A task of that workshop will be to ensure that the monitoring program can, to the extent practicable, make the findings necessary to support the determinations made herein.

Comment 9: The MMC recommends that the plan be reviewed to take into account appropriate comments provided by the peer review panel on the 1997 monitoring plan. The panel should review the report to assure that the objectives are met and, if they are not, that the monitoring program for 1997 is revised accordingly.

Response: Thank you for this recommendation.

Cumulative impacts concerns

Comment 10: Greenpeace believes NMFS is ignoring cumulative impacts from oil exploration and development in the Arctic, including global warming and climate change perpetuated by the continued production and burning of fossil fuels.

Response: NMFS would like to clarify that it does not authorize the activity (i.e., conducting the seismic survey); such authorization is provided by the MMS and is not within the jurisdiction of the Secretary. NMFS' responsibility is limited to issuance or denial of an authorization for the short-term, incidental harassment of a small number of marine mammals by BPXA while conducting a seismic survey within an authorized lease sale area.

Furthermore, 3–D seismic surveys do not involve any oil drilling or production activities. The survey would provide subsurface data that would enable BPXA to more accurately assess the oil-bearing strata to more efficiently develop the Northstar field. Geological and geophysical work to gather seismic data is authorized by BPXA's lease.

National Environmental Policy Act (NEPA) concerns

Comment 11: Greenpeace notes that the proposed action would have significant and unmitigable impacts to subsistence communities and the Arctic marine environment and therefore NMFS fails to meet NEPA standards for making a Finding of No Significant Impact (FONSI). Greenpeace urges NMFS to prepare a full environmental impact statement (EIS) that considers the comprehensive environmental and human impacts of BPXA's seismic operations in the Beaufort Sea in the context of other present and future oil industry exploration and development activities in the region.

Response: In conjunction with the 1996 notice of proposed authorization for BPXA's application (61 FR 26501, May 28, 1996), NMFS released an EA that addressed the impacts on the human environment from issuance of an IHA to BPXA to conduct a seismic survey in the Western Beaufort Sea, and the alternatives to that proposed action. No comments were received on that document and, on July 18, 1996, NMFS concluded that neither implementation of the proposed authorization to BPXA for the harassment of small numbers of several species of marine mammals incidental to conducting seismic surveys during the open water season in the Northstar Unit and nearby waters in the U.S. Beaufort Sea, nor the alternatives to that action, would significantly affect the quality of the human environment. This year's activity is a continuation of the seismic work conducted in 1996. For BPXA's 1997 application, NMFS has conducted a review of the impacts expected from the issuance of an IHA in comparison to those evaluated in 1996. As described in detail herein, NMFS has again determined that there will be no more than a negligible impact on marine mammals from the issuance of the harassment authorization and that there will not be any unmitigable impacts to

subsistence communities provided the mitigation measures required under the authorization are implemented. Because the activity is the same conducted in 1996, and no new impacts on the environment have been identified, a new EA is not warranted and therefore, the preparation of an EIS on this action is not required by section 102(2) of NEPA or its implementing regulations. A copy of the EA is available upon request (see **ADDRESSES**).

NMFS notes that the responsibility for reviewing an activity under NEPA belongs primarily to the responsible Federal agency, if that activity is Federal, federally-funded, or federally-permitted. The MMS of the U.S. Department of the Interior has responsibility for leasing and subsequent exploration and development activities under the Outer Continental Shelf Lands Act. As a result, MMS published draft and final EISs under NEPA regarding leasing of offshore oil and gas exploration in this area (Lease Sale Area 144). Seismic surveys are covered under those documents. In addition, a multi-agency NEPA document is currently under development by the Corps of Engineers. This document will analyze the proposal for oil and gas development at Northstar and the alternatives to that proposal. A notice of NEPA scoping was published for public comment in November 1995; a draft EIS is planned for release later this year. Presumably, an analysis of concerns regarding potential future oil and gas industry and other environmental issues will be found in this document.

Consultation

Under section 7 of the Endangered Species Act, NMFS has completed consultations on the issuance of this authorization.

Conclusions

NMFS has determined that the short-term impact of conducting seismic surveys in the Western Beaufort Sea will result, at worst, in a temporary modification in behavior by certain species of cetaceans. While behavioral modifications may be made by these species of cetaceans to avoid the resultant noise, this behavioral change is expected to have a negligible impact on the animals. The number of potential incidental harassment takes will depend on the distribution and abundance of marine mammals (which vary annually due to variable ice conditions and other factors) in the area of seismic operations. Due to the distribution and abundance of marine mammals during the projected period of activity and the location of the proposed seismic activity in waters generally too shallow and distant from the edge of the pack ice for most marine mammals of concern, the number of potential harassment takings is estimated to be small (see 62 FR 19553, April 22, 1997 for potential levels of take). In addition, no take by injury and/or death is anticipated, and the potential for temporary or permanent hearing impairment will be avoided through incorporation of the mitigation measures described in the authorization.

Because bowhead whales are east of the seismic area in the Canadian Beaufort Sea until late August/early September, seismic activities are not expected to impact subsistence hunting of bowhead whales prior to that date. After September 1, 1997, BPXA will initiate aerial survey flights for bowhead whale assessments, and take other actions to avoid having an unmitigable adverse impact on subsistence uses. Appropriate mitigation measures to avoid an unmitigable adverse impact on the availability of bowhead whales for subsistence needs is the subject of consultation between BPXA and subsistence users. As a result of discussions between the two parties, a Conflict and Avoidance Agreement is, at this time, near completion. This Agreement consists of three main components: (1) Communications, (2) conflict avoidance, and (3) dispute resolution.

Summer seismic exploration in and near the Northstar Unit has a small potential to influence seal hunting activities by residents of Nuiqsut. However, NMFS believes that because (1) the peak sealing season is during the winter months, (2) the main summer sealing is off the Colville delta (west and inshore of Northstar), and (3) the zone of influence by seismic sources on beluga and seals is fairly small, the 1997 BPXA seismic survey will not have an unmitigable adverse impact on the availability of these stocks for subsistence uses.

Since NMFS is assured that the taking will not result in more than the incidental harassment (as defined by the MMPA Amendments of 1994) of small numbers of certain species of marine mammals, would have only a negligible impact on these stocks, will not have an unmitigable adverse impact on the availability of these stocks for subsistence uses, and would result in the least practicable impact on the stocks, NMFS has determined that the requirements of section 101(a)(5)(D) have been met and the authorization can be issued.

Authorization

Accordingly, NMFS has issued an IHA to BPXA for the above described seismic survey during the 1997 open water season provided the mitigation, monitoring and reporting requirements described in the authorization are undertaken.

Dated: July 11, 1997.

Patricia A. Montanio,

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

[FR Doc. 97–18862 Filed 7–16–97; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 071097E]

Caribbean Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Caribbean Fishery Management Council (Council) and its Administrative Committee will hold meetings.

DATES: The meetings will be held on August 11–13, 1997.

ADDRESSES: All meetings will be held at the Caravelle Hotel, in Christiansted, St. Croix, U.S. Virgin Islands.

Council Address: Caribbean Fishery Management Council, 268 Muñoz Rivera Avenue, Suite 1108, San Juan, PR 00918–2577.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council; telephone: (787) 766–5926.

SUPPLEMENTARY INFORMATION: The Council will hold its 92nd regular public meeting to discuss the First Amendment to the Coral Fish Fishery Management Plan, among other topics.

The Council will convene on August 12, 1997, from 9:00 a.m. to 5:00 p.m., through August 13, 1997, from 9:00 a.m. to noon, approximately.

The Administrative Committee will meet on August 11, 1997, from 1:00 p.m. to 5:00 p.m., to discuss administrative matters regarding Council operation.

The meetings are open to the public, and will be conducted in English. Fishers and other interested persons are invited to attend and participate with oral or written statements regarding agenda issues.