Program	Ad valo- rem rate
Category D	0.29
Notes) Regional Incentives:	0.44
Labor Program	0.01
Interest Program	0.01
Housing Program	0.01
DC Loan Program	0.05
Total	0.81

Therefore, the Department will instruct the Customs Service to assess countervailing duties of zero for shipments from CMI, and 0.81 percent *ad valorem* on all other shipments from South Africa of the subject merchandise exported on or after January 1, 1991 and on or before December 31, 1991.

Further, as a result of removing from the countervailing duty rate the bounty or grant conferred by the Category A and B programs, we determine the cash deposit rate of estimated countervailing duties to be 0.37 percent ad valorem. This rate is de minimis as defined by 19 CFR 355.50. Therefore, as provided for by section 751(a)(1) of the Act, the Department will instruct the Customs Service to collect cash deposits of estimated countervailing duties of zero for all shipments of the subject merchandise from South Africa entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

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: January 31, 1995.

Susan G. Esserman,

Assistant Secretary for Import Administration.

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National Oceanic and Atmospheric Administration

[I.D. 011195A]

Marine Mammals; Small Takes of Marine Mammals Incidental to Specified Activities

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 harbor seals by harassment incidental to the nonexplosive demolition of the Still Harbor Dock Facility on McNeil Island in southern Puget Sound has been issued to the Washington State Department of Corrections (WDOC).

EFFECTIVE DATE: This authorization is effective from 0001 hours January 20, 1995 until 2400 hours January 19, 1996.

ADDRESSES: The application and authorization are available for review in the following offices: Marine Mammal Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910 and the Northwest Region, NMFS, 7600 Sand Point Way NE, Seattle, WA 98115.

FOR FURTHER INFORMATION CONTACT: Kenneth Hollingshead, Marine Mammal Division, Office of Protected Resources at 301–713–2055, or Brent Norberg, Northwest Regional Office at 206–526– 6733.

SUPPLEMENTARY INFORMATION: 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 receive an authorization, without regulations, to incidentally take small numbers of marine mammals by harassment. New subsection 101(a)(5)(D) establishes a 45day 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.

On August 18, 1994, the WDOC applied for an authorization under section 101(a)(5)(D) of the MMPA, for the take of a small number of harbor seals by harassment incidental to the demolition of the existing dock facility and the driving of approximately 152 concrete, plastic, and steel piles (90 concrete, 40 plastic, and 22 steel) of the Still Harbor Dock Facility on McNeil Island in southern Puget Sound, WA. Notice of receipt of the application and the proposed authorization was published on November 8, 1994 (59 FR 55639) and a 30-day public comment period was provided on the application and proposed authorization. In addition, an Environmental Assessment (EA) was prepared for this action by NMFS and made available at that time. During the comment period, one comment was received. The Marine Mammal Commission recommended that the proposed small take exemption not be issued until the uncertainties and details of the monitoring program have been worked out and NMFS is able to reasonably conclude that the (monitoring) program is appropriate to detect any possible harmful effects on the local harbor seal population. In part as a result of this comment, a condition of the Incidental Harassment Authorization is for WDOC to notify both NMFS and the Washington Department of Fish and Wildlife (WDFW) at least 48 hours prior to commencement of work in order to allow observations of harbor seals prior to work beginning. To ensure that observations take place during demolition work, if NMFS and/or WDFW biologists are not available during demolition, the WDOC is required to contract for behavioral observations to be made during any work on the McNeil Island Dock. The Commission also questioned the scheduling of the proposed activities and noted that while documentation states that "[t]he dock removal and construction schedules were developed to avoid reproductively sensitive life history periods of several species of wildlife, including harbor seals" the documents did not indicate what other wildlife species were considered or discussed. As a result, the Commission was concerned that they were not able to determine whether the proposed authorization would meet the requirements of section 101(a)(5)(D)(ii) of the MMPA. As explained to the Commission, these other species were not discussed in the EA because they were discussed in the Environmental