

It is therefore ordered,

First, that a civil penalty of \$5,000 is assessed against Gato, \$3,000 of which shall be paid to the Department within 30 days of the date of entry of this Order. Payment shall be made in the manner specified in the attached instructions. Payment of the remaining \$2,000 shall be suspended for a period of five years from the date from the entry of this Order and shall thereafter be waived, provided that, during the period of suspension, Gato has committed no violation of the Act, or any regulation, order, or license issued thereunder.

Second, that, James J. Gato, individually with an address at 5 Naumkeag Road, Peabody, Massachusetts 01960, and with an address at c/o Mass Computer Group, Inc., 79R Walnut Street, Peabody, Massachusetts 01960, shall, for a period of five years from the date of this Order, be denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction in the United States or abroad involving any commodity or technical data exported or to be exported from the United States, and subject to the Regulations.

A. All outstanding individual validated export licenses in which Gato appears or participates, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Export Services for cancellation. Further, all of Gato's privileges of participating, in any manner or capacity, in any special licensing procedure, including, but not limited to, distribution licenses, are hereby revoked.

B. Without limiting the generality of the foregoing, participation, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (i) As a party or as a representative of a party to any export license application submitted to the Department; (ii) in preparing or filing with the Department any export license application or request for reexport authorization, or any document to be submitted therewith; (iii) in obtaining from the Department or using any validated or general export license, reexport authorization, or other export control document; (iv) in carrying on negotiations with respect to, or in receiving, ordering, buying, selling, delivering, storing, using, or disposing of, in whole or in part, any commodities or technical data exported or to be exported from the United States and subject to the Regulations; and (v) in financing, forwarding, transporting, or

other servicing of such commodities or technical data.

C. After notice and opportunity for comment as provided in section 788.3(c) of the Regulations, any person, firm, corporation, or business organization related to Gato by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be subject to the provisions of this Order.

D. As provided by section 787.12(a) of the Regulations, without prior disclosure of the facts to and specific authorization of the Office of Exporter Services, in consultation with the Office of Export Enforcement, no person may directly or indirectly, in any manner or capacity: (i) Apply for, obtain, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to an export or reexport of commodities or technical data by, to, or for another person then subject to an order revoking or denying his export privileges or then excluded from practice before the Bureau of Export Administration; or (ii) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate: (a) In any transaction which may involve any commodity or technical data exported or to be exported from the United States; (b) in any reexport thereof; or (c) in any other transaction which is subject to the Export Administration Regulations, if the person denied export privileges may obtain any benefit or have any interest in, directly or indirectly, any of these transactions.

Third, that the proposed Charging Letter, the Consent Agreement and this Order shall be made available to the public. A copy of this Order shall be served on Gato and published in the Federal Register.

This Order is effective immediately.

Entered this 9th day of April, 1996.

John Despres,

Assistant Secretary for Export Enforcement.

[FR Doc. 96-9535 Filed 4-17-96; 8:45 am]

BILLING CODE 3510-DT-M

National Oceanic and Atmospheric Administration

[I.D. 041196A]

Endangered Species; Permits

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

ACTION: Issuance of permits 994 (P497D), 996 (P504G), 997 (P770#70), and 998 (P510B).

SUMMARY: Notice is hereby given that NMFS has issued permits that authorize takes of Endangered Species Act-listed species for the purpose of scientific research, subject to certain conditions set forth therein, to the Idaho Cooperative Fish and Wildlife Research Unit at Moscow, ID (ICFWRU); the U.S. Army Corps of Engineers at Walla Walla, WA (Corps); the Coastal Zone and Estuarine Studies Division, NMFS at Seattle, WA (CZESD); and the Shoshone-Bannock Tribes at Fort Hall, ID (SBT).

ADDRESSES: The applications and related documents are available for review in the following offices, by appointment:

Office of Protected Resources, F/PR8, NMFS, 1315 East-West Highway, Silver Spring, MD 20910-3226 (301-713-1401); and

Environmental and Technical Services Division, 525 NE Oregon Street, Suite 500, Portland, OR 97232-4169 (503-230-5400).

SUPPLEMENTARY INFORMATION: The permits were issued under the authority of section 10 of the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531-1543) and the NMFS regulations governing listed fish and wildlife permits (50 CFR parts 217-222).

Notice was published on February 7, 1996 (61 FR 4626) that an application had been filed by ICFWRU (P497D) for a permit to take ESA-listed species. Permit 994 was issued on April 2, 1996 to ICFWRU under the supervision of Joel Hunt, a research associate at the University of Idaho. Permit 994 authorizes a take of adult, threatened, Snake River spring/summer and fall chinook salmon (*Oncorhynchus tshawytscha*) associated with a study designed to assess the passage success of migrating adult salmonids at the four dams and reservoirs in the lower Columbia River in the Pacific Northwest, evaluate specific flow and spill conditions, and evaluate measures to improve adult anadromous fish passage. Permit 994 will expire on December 31, 2000.

Notice was published on February 27, 1996 (61 FR 7241) that an application had been filed by the Corps (P504G) for a permit to take ESA-listed species. Permit 996 was issued to the Corps on April 9, 1996. Permit 996 authorizes the Corps to directly take juvenile, threatened, Snake River spring/summer and fall chinook salmon (*Oncorhynchus tshawytscha*) and juvenile, endangered, Snake River sockeye salmon

(*Oncorhynchus nerka*) and to incidentally take adult, threatened, Snake River spring/summer and fall chinook salmon associated with a study designed to monitor the operation of the new juvenile fish bypass system at Ice Harbor Dam on the Snake River in Washington. Some adult fish, including ESA-listed adult salmon, are expected to fall back through the juvenile bypass system and will be incidentally captured and handled in the effort to return them to the river. Permit 996 will expire on December 31, 2000.

Notice was published on March 5, 1996 (61 FR 8568) that an application had been filed by CZESD (P770#70) for a permit to take ESA-listed species. Permit 997 was issued to CZESD on April 8, 1996. Permit 997 authorizes CZESD to take juvenile, threatened, Snake River spring/summer and fall chinook salmon (*Oncorhynchus tshawytscha*) and juvenile, endangered, Snake River sockeye salmon (*Oncorhynchus nerka*) associated with four studies designed to evaluate existing and proposed juvenile fish bypass systems at Ice Harbor and Little Goose Dams on the Snake River and McNary and John Day Dams on the Columbia River in the Pacific Northwest. A proportion of the ESA-listed juvenile fish that fail to enter the fish bypass system at John Day Dam only (Study 4) will be captured and sacrificed. The authorization for a take of ESA-listed species associated with Study 1 (Ice Harbor Dam) expires on December 31, 1998. The authorization for a take of ESA-listed species associated with Studies 2-4 expires on December 31, 1996.

Notice was published on February 7, 1996 (61 FR 4626) that an application had been filed by SBT (P510B) for a permit to take an ESA-listed species. Permit 998 was issued to SBT on April 9, 1996. Permit 998 authorizes SBT to take juvenile, endangered, Snake River sockeye salmon (*Oncorhynchus nerka*) associated with a study designed to evaluate the destiny of the ESA-listed juvenile sockeye salmon from the Idaho Department of Fish and Game's captive broodstock program that were released into Pettit Lake, ID in July, 1995 under the authority of permit 795. An evaluation of the success of this release is necessary to make management decisions on future releases of the progeny from the captive broodstock program. Permit 998 expires on December 31, 2000.

Issuance of the permits, as required by the ESA, was based on a finding that such actions: (1) Were requested in good faith, (2) will not operate to the disadvantage of the ESA-listed species

that are the subject of the permits, and (3) is consistent with the purposes and policies set forth in section 2 of the ESA and the NMFS regulations governing listed species permits.

Dated: April 11, 1996.

Margaret Lorenz,

Acting Chief, Endangered Species Division,
Office of Protected Resources, National
Marine Fisheries Service.

[FR Doc. 96-9513 Filed 4-17-96; 8:45 am]

BILLING CODE 3510-22-F

[I.D. 041196B]

Endangered Species; Permits

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

ACTION: Issuance of permit 995 (P605) and a second amendment of permit 747 (P45H).

SUMMARY: Notice is hereby given that NMFS has issued a permit and an amendment to a permit that authorize takes of an Endangered Species Act-listed species for the purpose of scientific research/enhancement, subject to certain conditions set forth therein, to Ms. Pamela A. Petrusso, in collaboration with the U.S. Bureau of Reclamation at Red Bluff, CA (BOR), and the U.S. Fish and Wildlife Service at Red Bluff, CA (FWS).

ADDRESSES: The applications and related documents are available for review in the following offices, by appointment:

Office of Protected Resources, F/PR8, NMFS, 1315 East-West Highway, Silver Spring, MD 20910-3226 (301-713-1401); and

Director, Southwest Region, NMFS, NOAA, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213 (310-980-4016).

SUPPLEMENTARY INFORMATION: The permit and the second amendment of a permit were issued under the authority of section 10 of the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531-1543) and the NMFS regulations governing listed fish and wildlife permits (50 CFR parts 217-222).

Notice was published on February 23, 1996 (61 FR 6975) that an application had been filed by Ms. Pamela A. Petrusso, in collaboration with BOR (P605), for a permit to take an ESA-listed species. Permit 995 was issued to Ms. Petrusso on April 2, 1996. Permit 995 authorizes Ms. Petrusso a take of juvenile, endangered, Sacramento River winter-run chinook salmon (*Oncorhynchus tshawytscha*) associated

with a study designed to determine the physical condition of juvenile chinook salmon rearing in mainstem habitats between Keswick Dam and Red Bluff on the Sacramento River. The project will contribute to BOR's efforts to reduce migration impediments to the four runs of Sacramento River chinook salmon by providing baseline data for interpretation of the results of entrainment studies. In addition, the study will advance the understanding of the early life history and ecology of young chinook salmon in the upper Sacramento River. Permit 995 will expire on June 30, 1998.

Permit 747 was issued to FWS on August 8, 1991. Permit 747 had authorized FWS takes of adult and juvenile, endangered, Sacramento River winter-run chinook salmon (*Oncorhynchus tshawytscha*) associated with scientific research, monitoring, and enhancement activities to promote the survival of this ESA-listed species. In the interest of ESA-listed species enhancement, supplementation hatchery programs and a captive broodstock program were initiated. In 1995, genetics research found that the artificial propagation of winter-run chinook salmon has likely resulted in hybridization with spring-run chinook salmon. In addition, hatchery-produced winter-run chinook salmon have not been returning to the mainstem Sacramento River as intended, but rather, are returning to Battle Creek where FWS's Coleman National Fish Hatchery is located, apparently as a result of imprinting on Battle Creek water.

Permit 747 was to expire on December 31, 1995. The first amendment of permit 747 was issued on December 20, 1995 (61 FR 346, January 4, 1996) and provided, in part, an extension of the permit through March, 1996 and a moratorium on the collection of adult ESA-listed fish for broodstock for the duration of the permit. An extension of the permit was necessary to allow FWS to continue research, monitoring, and enhancement activities until new permits replaced permit 747 (60 FR 58334, November 27, 1995) and to provide an opportunity to address the technical concerns with FWS' ESA-listed fish artificial propagation program. The purpose of the moratorium on the collection of adult ESA-listed fish for broodstock is to avoid compromising the genetic integrity of the winter-run chinook salmon population due to the technical problems and to avoid a significant drain on the 1996 spawning population if juveniles continue to imprint exclusively on Battle Creek.