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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 062097A]

Western Pacific 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 Western Pacific Fishery Management Council will hold a meeting of its Precious Corals Plan Team.

DATES: The meeting will be held on July 29, 1997, from 1:00 p.m. to 5:00 p.m.

ADDRESSES: The meeting will be held at the Hawaii Department of Land and Natural Resources, 1151 Punchbowl, Rm. 132, Honolulu, HI; telephone: (808) 522-8224.

Council address: Western Pacific Fishery Management Council, 1164 Bishop St., Suite 1405, Honolulu, HI 96813.

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director; telephone: (808) 522-8220.

SUPPLEMENTARY INFORMATION: The Council's Precious Corals Plan Team will hold a meeting to discuss state and Federal permits for American Deepwater Engineering; the consistency of state and Federal regulations for harvesting precious corals in Hawaii; and a draft amendment to the Council's Precious Corals Fishery Management Plan that would establish a framework process for established management measures, including quotas and gear restrictions.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, 808-522-8220 (voice) or 808-522-8226 (fax), at least 5 days prior to meeting date.

Dated: June 23, 1997.

Bruce C. Morehead,
Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 97-17420 Filed 7-2-97; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 062397B]

Endangered Species; Permits

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

ACTION: Receipt of an application for a scientific research permit (P649).

SUMMARY: Notice is hereby given that Rick Golden, a fishery biologist employed by the Umpqua National Forest at Idleyld Park, OR, has applied in due form for a permit that would authorize a take of an endangered species for scientific research.

DATES: Written comments or requests for a public hearing on this application must be received on or before August 4, 1997.

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

Office of Protected Resources, F/PR3, NMFS, 1315 East-West Highway, Silver Spring, MD 20910-3226 (301-713-1401); and

Protected Resources Division, F/NWO3, NMFS, 525 NE Oregon Street, Suite 500, Portland, OR 97232-4169 (503-230-5400).

Written comments or requests for a public hearing should be submitted to the Chief, Protected Resources Division, Portland.

SUPPLEMENTARY INFORMATION: Rick Golden requests a permit 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 ESA-listed fish and wildlife permits (50 CFR parts 217-227).

Rick Golden (P649) requests a 3-year permit for an annual take of adult and juvenile, endangered, Umpqua River cutthroat trout (*Oncorhynchus clarki clarki*) associated with research designed to determine whether the fish is present in the Fish Creek watershed. Fish Creek is a tributary of the upper North Umpqua River in southwest Oregon. Anecdotal evidence suggests that anadromous cutthroat trout were historically, and may still be present in the Fish Creek watershed. The primary reason for determining the presence/absence of resident cutthroat trout in the Fish Creek Basin is to clarify the degree of impact that projected timber harvests in the basin would have on ESA-listed cutthroat trout. The research also has

significance in ongoing discussions on whether fish passage facilities should be constructed at Soda Springs Dam. In addition, knowledge of the presence of resident cutthroat trout in Fish Creek above Soda Springs Dam, and information concerning the size and distribution of that population, will be useful to NMFS in designating critical habitat and designing a recovery plan for the ESA-listed fish. Rick Golden proposes to observe ESA-listed fish by snorkeling and to capture and handle ESA-listed fish using electroshocking. An indirect mortality of ESA-listed fish associated with the research is also requested.

Those individuals requesting a hearing (see **ADDRESSES**) should set out the specific reasons why a hearing on this application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in this application summary are those of the applicant and do not necessarily reflect the views of NMFS.

Dated: June 24, 1997.

Nancy Chu,

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

[FR Doc. 97-17421 Filed 7-2-97; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 062697A]

Marine Mammals

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

ACTION: Issuance of scientific research permit no. 859-1373.

SUMMARY: Notice is hereby given that the United States Air Force, 30th Space Wing, Vandenberg Air Force Base (VAFB), California 93437-5320, is hereby authorized to take California sea lions (*Zalophus californianus*), Pacific harbor seals (*Phoca vitulina richardsi*), and northern elephant seals (*Mirounga angustirostris*) 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

Regional Administrator, Southwest 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802-4213 (310/980-4001).

SUPPLEMENTARY INFORMATION: On May 5, 1997, notice was published in the **Federal Register** (62 FR 24422) that the above-named applicant had submitted a request for a scientific research permit to capture, chemically sedate/immobilize, measure auditory brainstem response, take blood samples, flipper tag, attach telemetry instruments, and recapture capture, and unintentionally harass California sea lions (*Zalophus californianus*), Pacific harbor seals (*Phoca vitulina richardsi*), and northern elephant seals (*Mirounga angustirostris*) in order to determine the effects of noise from rocket launches and sonic booms. Activities are to be conducted over a 5-year period in the vicinity of VAFB and the Northern Channel Islands. 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: June 26, 1997.

Ann D. Terbush,

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

[FR Doc. 97-17419 Filed 7-2-97; 8:45 am]

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COMMODITY FUTURES TRADING COMMISSION

Registration Actions by National Futures Association With Respect to Floor Brokers, Floor Traders and Applicants for Registration in Either Category

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice and order.

SUMMARY: The Commodity Futures Trading Commission (Commission) is authorizing National Futures Association (NFA) to grant the registration of any applicant for registration as a floor broker (FB) or floor trader (FT) or to maintain the registration of any registered FB or FT who may be subject to statutory disqualification from registration without forwarding such cases to the Commission for review. The Commission previously had directed NFA to stay the granting of registration and provide the Commission with the

opportunity to object to such granting of registration where an applicant for FB or FT registration has a disciplinary history including a potential statutory disqualification from registration, but NFA determined that registration should be granted, either with or without conditions. The Commission also had directed NFA to provide the Commission with the opportunity to object to maintaining the registration of a registered FB or FT with certain new disciplinary history. This Order conforms NFA's authority regarding the FB and FT registration categories to the authority delegated by the Commission to NFA concerning the other categories of registration under the Commodity Exchange Act (Act).¹

EFFECTIVE DATE: July 3, 1997.

FOR FURTHER INFORMATION CONTACT: Lawrence B. Patent, Associate Chief Counsel; Robert P. Shiner, Assistant Director; or Natalie A. Markman, Attorney-Advisor, Division of Trading and Markets, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, N.W., Washington, D.C. 20581. Telephone: (202) 418-5450.

SUPPLEMENTARY INFORMATION:

Introduction

The Commission previously has issued Orders authorizing NFA to perform registration processing functions with respect to FBs and FTs, including: (1) Processing and, where appropriate, granting applications for registration under the Act; (2) issuing and terminating, where appropriate, temporary licenses; (3) processing the triennial review of registration information, periodic updates, terminations of trading privileges and requests for withdrawal from registration; (4) establishing and maintaining systems of records regarding FBs and FTs and serving as the official custodian of those Commission records; and (5) denying, conditioning, suspending, modifying, restricting or revoking the registration of any FB, FT or applicant for registration in either category.² However, the Commission has not previously authorized NFA to take action without Commission review that would either: (1) Grant registration, with or without conditions, with respect to an application for registration as an FB or an FT where the applicant's disciplinary history includes a potential statutory

disqualification³ from registration⁴ or (2) maintain registration, either with or without restrictions, with respect to a registered FB or FT with new disciplinary history.⁵ The Commission noted in its Order published on August 1, 1994 that the referral of these registration matters by NFA to the Commission was only a "temporary requirement."⁶ By the Order below issued on this date, the Commission is conforming NFA's authority concerning the FB and FT registration categories to the authority delegated by the Commission to NFA concerning the other categories of registration under the Act.⁷ However, the Commission will continue to handle any matter that already has been referred to it by NFA. The Commission also will continue to accept or act upon requests for exemption and render "no-action" opinions with respect to applicable registration requirements.

As recommended by the Commission in its February 1996 review of NFA's registration fitness program, NFA will provide the Commission with quarterly schedules of all applicants cleared for registration and all registrants whose

³The grounds for statutory disqualification are set forth in Sections 8a (2), (3) and (4) of the Act.

⁴When the Commission issued its most recent delegation Order, it noted that:

[U]nless the Commission orders otherwise * * * if NFA determines that registration should be granted in such a case, either with or without conditions, NFA shall transmit the file to the Commission and stay the granting of registration until the Commission has had an opportunity to object to such granting of registration. 59 FR 38957, 38958 (footnote omitted).

See also *id.* at 38959 n.11.

⁵The Commission noted that:

NFA need not * * * forward to the Commission any matter related to an FB, FT or applicant for registration in either category where the only "yes" answer to a disciplinary history question relates to a single arrest where there was no subsequent conviction, guilty plea or plea of nolo contendere, or a single misdemeanor conviction based on conduct unrelated to financial market activity that predates the application for registration by at least five years, provided such matter is disclosed on the registration application or any update thereto. If a person willfully makes any materially false or misleading statement or omits to state any material fact in his registration application or any update thereto, that is a separate ground for statutory disqualification from registration. 7 U.S.C. 12a(2)(G) and 12a(3)(G) (1994).

⁶59 FR 38957, 38958 (footnote omitted).

⁷The Commission previously has authorized NFA to perform registration processing functions, and to take adverse registration actions, with respect to futures commission merchants, introducing brokers, commodity pool operators, commodity trading advisors, leverage transactions merchants and associated persons of such entities, as well as applicants for registration in any of the aforementioned categories. See 48 FR 15940 (April 13, 1983); 48 FR 35158 (August 3, 1983); 48 FR 51809 (November 14, 1983); 49 FR 8226 (March 5, 1984); 49 FR 39593 (October 9, 1984); 50 FR 34885 (August 28, 1985); 54 FR 19594 (May 8, 1989); and 54 FR 41133 (October 5, 1989).

¹7 U.S.C. 1 *et seq.* (1994).

²51 FR 25929 (July 7, 1986); 51 FR 34490 (September 29, 1986); 58 FR 19657 (April 15, 1993); 59 FR 38957 (August 1, 1994).