

Atmospheric Administration (NOAA), Commerce.

ACTION: Receipt of applications for scientific research permits (1079, 1080).

SUMMARY: Notice is hereby given that Notice is hereby given that Georgia-Pacific West, Inc. (GPWI) in Fort Bragg, CA, and Dr. Jerry J. Smith, San Jose State University in San Jose, CA, have applied in due form for permits authorizing takes of a threatened species for scientific research purposes.

DATES: Written comments or requests for a public hearing on any of these applications must be received on or before October 14, 1997.

ADDRESSES: The applications 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 Species Division, NMFS, 777 Sonoma Avenue, Room 325, Santa Rosa, CA 95404-6528 (707 575-6066).

Written comments or requests for a public hearing should be submitted to the Protected Species Division in Santa Rosa, CA.

SUPPLEMENTARY INFORMATION: GPWI and Dr. Jerry J. Smith request permits 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).

GPWI (1079) requests a five-year permit for takes of juvenile, threatened, central California coast coho salmon (*Oncorhynchus kisutch*) associated with fish population studies on GPWI properties in Mendocino County Drainages of the Big, Ten-Mile, and Noyo Rivers, Salmon, Pudding and Usal Creeks and other small coastal streams between the Navarro River and Usal Creek within the Evolutionarily Significant Unit (ESU). The studies consist of coho salmon distribution and abundance surveys for which ESA-listed fish are proposed to be taken. ESA-listed fish will be captured, anesthetized, handled (identified and measured), allowed to recover from the anesthetic, and released.

Dr. Jerry J. Smith (1080) requests a five-year permit for takes of juvenile, threatened, central California coast coho salmon (*Oncorhynchus kisutch*) associated with fish population studies in defined drainages of Marin, San Mateo and Santa Cruz Counties within the Evolutionarily Significant Unit (ESU). The studies consist of five

assessment tasks for which ESA-listed fish are proposed to be taken: 1) Presence/absence, 2) population estimates, 3) spawner surveys, 4) tissue/scale sampling for genetic studies, and 5) microhabitat utilization. ESA-listed adult and juvenile fish will be observed or captured, anesthetized, handled (weighed, measured, fin-clipped), allowed to recover from the anesthetic, and released. Indirect mortalities are also requested.

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

Dated: September 4, 1997.

Nancy Chu,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 090297A]

Endangered Species; Permits

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

ACTION: Issuance of permit 1056 (P770#73) and modification 1 to scientific research/enhancement permit 1010 (P503S).

SUMMARY: Notice is hereby given that NMFS has issued a permit to the Coastal Zone and Estuarine Studies Division, Northwest Fisheries Science Center, NMFS at Seattle, WA (CZESD) and a modification to a permit to the Idaho Department of Fish and Game at Boise, ID (IDFG) that authorize takes of Endangered Species Act-listed species for the purpose of scientific research, subject to certain conditions set forth therein.

ADDRESSES: The applications 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, 525 NE Oregon Street, Suite 500, Portland, OR 97232-4169 (503-230-5400).

SUPPLEMENTARY INFORMATION: The permit and the modification to 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 ESA-listed fish and wildlife permits (50 CFR parts 217-222).

Notice was published on June 9, 1997 (62 FR 31410) that an application had been filed by CZESD for a scientific research permit (P770#73). Permit 1056 was issued to CZESD on August 11, 1997. Permit 1056 authorizes CZESD takes of juvenile, threatened, naturally-produced and artificially-propagated, Snake River spring/summer chinook salmon (*Oncorhynchus tshawytscha*) associated with two scientific research studies. The objective of Study 1 is to characterize the run-timing of wild fish over a period of years to determine if consistent patterns are apparent, and to use this information for real-time management decisions regarding water allocation during the smolt outmigrations. The long-term objectives of Study 2 are to monitor the nature and extent of genetic change over time in supplemented and unsupplemented populations and to correlate the genetic changes with measures of productivity. The results of this study would also provide information on population structure and effective population size. Permit 1056 expires on December 31, 2001.

Notice was published on June 9, 1997 (62 FR 31410) that an application had been filed by IDFG for modification 1 to scientific research/enhancement permit 1010 (P503S). Modification 1 to permit 1010 was issued to IDFG on August 22, 1997. Permit 1010 authorizes IDFG takes of juvenile, ESA-listed, Snake River spring/summer chinook salmon (*Oncorhynchus tshawytscha*) associated with a captive rearing program. For modification 1, IDFG is authorized to release a small number of mature spring chinook salmon from its captive rearing program to obtain information on the spawning behavior and success of outplanted fish as well as to examine the efficacy of all procedures associated with the program. Experimental outplanting will allow IDFG to refine transport, acclimation, release, segregation, and monitoring methods for future releases. In addition, excess hatchery-produced jacks will be sacrificed for cryopreservation of sperm,

dissection for disease or physiological analysis, and genetic sampling. The release and/or disposition of maturing fish are for experimental purposes. The release of mature ESA-listed fish is valid in 1997 only. The sacrifice of excess hatchery-produced jacks is valid for the duration of permit 1010. Permit 1010 expires on December 31, 2000.

Issuance of the permit and the modification to a permit, as required by the ESA, was based on a finding that such actions: (1) Were requested/proposed in good faith, (2) will not operate to the disadvantage of the ESA-listed species that is the subject of the permits, and (3) are consistent with the purposes and policies set forth in section 2 of the ESA and the NMFS regulations governing ESA-listed species permits.

Dated: September 5, 1997.

Nancy Chu,

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

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COMMODITY FUTURES TRADING COMMISSION

Performance of Certain Functions by National Futures Association With Respect to Non-U.S. Firms and Non-U.S. Markets

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice and order.

SUMMARY: The Commodity Futures Trading Commission (Commission) is authorizing National Futures Association (NFA) to perform fitness checks with respect to (1) foreign firms acting in the capacity of futures commission merchants (FCMs) seeking relief under Rule 30.10 and (2) any applicant for registration or registrant having or seeking to add a foreign principal, subject to any limitations by individual offshore jurisdictions that fitness information solely be communicated to and among regulators. In addition, the Commission is authorizing NFA (1) to receive filings from foreign firms acting in the capacities of commodity pool operators (CPOs) and commodity trading advisors (CTAs) filing for exemption from registration under Rule 30.5, (2) to monitor compliance with Rule 30.10, Rule 30.5, and the provisions of Deutsche Terminborse (DTB) terminal placement relief, (3) to receive filings from FCMs with respect to order transmittal procedure relief for foreign

futures and options orders, (4) to receive documentation pertaining to Globex and New York Mercantile Exchange (NYMEX) ACCESS "pass-the-book" relief, and (5) to maintain and serve as the official custodian of certain Commission records.

EFFECTIVE DATE: September 11, 1997.

FOR FURTHER INFORMATION CONTACT: Lawrence B. Patent, Associate Chief Counsel, Division of Trading and Markets, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, N.W., Washington, D.C. 20581. Telephone: (202) 418-5430.

United States of America

Before the Commodity Futures Trading Commission Order Authorizing the Performance of Certain Functions With Respect to Non-U.S. Firms and Non-U.S. Markets

I. Authority and Background

Section 8a(10) of the Commodity Exchange Act¹ (Act) provides that the Commission may authorize any person to perform any portion of the registration functions under the Act, notwithstanding any other provision of law, in accordance with rules adopted by such person and submitted to the Commission for approval or, if applicable, for review pursuant to Section 17(j) of the Act² and subject to the provisions of the Act applicable to registrations granted by the Commission. Section 17(o)(1) of the Act³ provides that the Commission may require NFA to perform Commission registration functions, in accordance with the Act and NFA rules. The Commission's Division of Trading and Markets (Division) received a letter from NFA expressing NFA's willingness to perform certain functions now performed by the Commission, to undertake to protect the confidentiality, security and integrity of information received and to abide by any additional use requirements or limitations regarding the receipt and handling of information from foreign jurisdictions, as discussed below.⁴

Upon consideration, the Commission has determined to authorize NFA, effective September 11, 1997, to perform the following functions, subject to any limitations by individual offshore jurisdictions that fitness information solely be communicated to and among governmental regulators: (1) For foreign firms acting in the capacity of an FCM,

fitness checks and monitoring of compliance with Rule 30.10⁵ relief granted to the firm's regulator or self-regulatory organization (SRO); (2) for foreign firms acting in the capacities of CPOs and CTAs, accepting filings that comply with Rule 30.5; (3) conducting fitness inquiries directed to foreign regulatory and self-regulatory bodies with respect to any firm applying for registration under the Act or any registrant having or adding a foreign principal; (4) receiving documentation pertaining to Globex and NYMEX ACCESS "pass-the-book" relief; (5) receiving filings from FCMs with respect to order transmittal procedure relief for foreign futures and options orders; (6) monitoring DTB terminal placement relief; and (7) maintaining and serving as the official custodian of records for the filings and acknowledgment requirements submitted by (a) exchange member firms seeking "pass-the-book" relief, (b) FCMs seeking order transmittal procedure relief, or (c) firms intending to operate DTB computer terminals in the U.S., and maintaining requests and related materials submitted pursuant to Rules 30.10 and 30.5 or obtained in the course of conducting foreign fitness inquiries. As discussed below, each of these functions involves the registration or exemption from registration of non-U.S. persons or is related to trading by U.S. persons on non-U.S. markets. In the future, the Commission may delegate other similar administrative and processing functions by letter and Commission Advisory.

A. Foreign FCM Fitness and Compliance With Rule 30.10

Rule 30.10 allows the Commission to exempt a foreign firm acting in the capacity of an FCM from compliance with certain Commission rules and regulations based upon the firm's compliance with comparable regulatory requirements imposed by the firm's home-country regulator. The Commission has established a process whereby a foreign regulator or SRO can petition on behalf of its regulatees or members, respectively, for such an exemption based upon the comparability of the regulatory structure in the foreign jurisdiction to that under the Act.⁶ This petition process requires

⁵ Commission rules referred to herein can be found at 17 CFR Ch. I (1997).

⁶ The specific elements examined in evaluating whether the particular foreign regulatory program provides a basis for permitting substituted compliance for purposes of exemptive relief pursuant to Commission Rule 30.10 are set forth in Appendix A to part 30, "Interpretative Statement with Respect to Commission's Exemptive Authority

¹ 7 U.S.C. § 12a(10) (1994).

² 7 U.S.C. § 21(j) (1994).

³ 7 U.S.C. § 21(o)(1) (1994).

⁴ The Division received the letter from NFA on August 27, 1997.