

proposed activity, information concerning the expected level of impact of the activity on northern right whales and other endangered and threatened species under NMFS' jurisdiction, including species other than marine mammals, and reasonable measures to minimize such impacts would assist NMFS in conducting the consultation and in issuing any incidental take statement.

Therefore, NMFS intends to reject Massachusetts' request for an incidental take statement.

(5) *Application for an incidental take permit under section 10(a)(1) of the ESA.* An incidental take permit under section 10(a)(1) of the ESA is unnecessary if an incidental take statement is issued in conjunction with a consultation conducted under section 7 of the ESA, with respect to the issuance of permits under section 101(a)(5)(E).

The legislative history of section 101(a)(5)(E) indicates that the issuance of a permit under that section should be considered a federal agency action for the purposes of the ESA (H. Rept. 103-439 p. 30). This indicates that any incidental take associated with a section 101(a)(5)(E) authorization would be covered through a section 7 incidental take statement rather than a section 10 incidental take permit.

NMFS notes that, unlike section 7 of the ESA, the provisions of section 10 do not include a cross-reference to section 101(a)(5) of the MMPA; nonetheless, NMFS stresses that section 7 of the ESA indicates that, except as otherwise provided, no provision of the ESA shall take precedence over any more restrictive provision of the MMPA. Therefore, any authorization to take endangered and threatened marine mammals must comply with provisions of both the ESA and the MMPA.

NMFS would refuse to consider any application for an incidental take permit unless the application referred to all endangered and threatened species under NMFS' jurisdiction that may be taken by the proposed activity. For that reason, NMFS considers the application submitted by Massachusetts to be incomplete. In addition, NMFS recommends that Massachusetts provide a more detailed and complete description of the proposed activity, with particular emphasis on the anticipated impact of that activity on endangered and threatened species.

NMFS also considers the proposed conservation plan submitted by Massachusetts to be inadequate. For example, that plan should specify the steps that will be taken to monitor, minimize and mitigate the impacts of

the proposed activity on endangered and threatened species and their habitat and the funding that will be available to implement such measures. These and other requirements are specified at 50 CFR 222.22. NMFS, again, notes that additional mitigation measures to protect northern right whales may be developed in the context of the Massachusetts TRP, the LWTRP or through other efforts. At this time, NMFS considers the application for an incidental take permit to be incomplete. NMFS encourages Massachusetts to provide additional information in support of their request.

Information Solicited

At this time, NMFS is offering the public an opportunity to review and comment on (1) the applications, (2) the issues described above, and (3) NMFS' preliminary determinations and suggestions. Interested persons are encouraged to submit comments, new and relevant information regarding interactions between northern right whales and commercial fisheries in Massachusetts, and suggestions concerning the request (see **ADDRESSES**). Following the close of the comment period and upon a determination that the applications are appropriate and complete, NMFS will consider all relevant information in a reassessment of impacts. If appropriate, NMFS will propose to authorize the taking as requested. If NMFS proposes to authorize this take request, interested parties will be given additional time and opportunity to comment.

Dated: November 29, 1996.

Ann Terbush,

*Acting Director, Office of Protected Resources,
National Marine Fisheries Service.*

[FR Doc. 96-30933 Filed 12-4-96; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[I.D. 112796A]

Marine Mammals; Scientific Research Permit No. 1023 (P6P)

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

ACTION: Issuance of permit.

SUMMARY: Notice is hereby given that Dr. G. David Johnson, Marine Mammal Program, Department of Vertebrate Zoology, National Museum of Natural History, Smithsonian Institution, NHB 390, MRC 108, 10th & Constitution Ave., SW., Washington, D.C. 20560, has been issued a permit to take marine mammal specimens and parts for the purpose of scientific research.

ADDRESSES: The permit and related documents are available for review upon written request or by appointment (see **SUPPLEMENTARY INFORMATION**).

SUPPLEMENTARY INFORMATION: On September 30, 1996, notice was published in the Federal Register (61 FR 51082) that a request for a scientific research permit to take marine mammals had been submitted by the above-named applicant. 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.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered fish and wildlife (50 CFR parts 222.25), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

Issuance of this permit as required by the Endangered Species Act of 1973, was based on a finding that such permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which is the subject of this permit; and (3) is consistent with the purposes and policies set forth in section 2 of the Act.

Documents may be reviewed in the following locations:

Permits Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910 (301/713-2289);

Branch of Permits, Office of Management Authority, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Arlington, VA 22203 (703/358-2104);

Regional Administrator, Northwest Region, NMFS, 7600 Sandpoint Way, NE BIN C15700, Bldg. 1, Seattle, WA 98115-0070 (206/526-6150);

Regional Administrator, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668 (907/586-7221);

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

Regional Administrator, Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930-2298 (508/281-9250); and

Regional Administrator, Southeast Region, NMFS, 9721 Executive Center Drive, St. Petersburg, FL 33702-2432 (813/570-5301).

Dated: November 27, 1996.

Ann D. Terbush,

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

Dated: November 27, 1996.

Margaret Tieger,

Acting Chief, Branch of Permits, Office of Management Authority, U.S. Fish and Wildlife Service.

[FR Doc. 96-30971 Filed 12-4-96; 8:45 am]

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[I.D. 110796C]

Marine Mammals; Scientific Research Permit No. 1022 (P617)

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

ACTION: Issuance of permit.

SUMMARY: Notice is hereby given that Dr. Madonna L. Moss, Professor, 1218 Department of Anthropology, University of Oregon, Eugene, OR 97403-1218, has been issued a permit to obtain 4 carcasses from 2 cetacean species of the Order Phocoenidae and 35 carcasses from 12 species of the Order Pinnipedia for scientific purposes.

ADDRESSES: The permit and related documents are available for review upon written request or by appointment in the following office(s):

Permits Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910 (301/713-2289);

Director, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668 (907/586-7221); and

Marine Mammals Management Office, 1011 East Tudor Road, Anchorage, AK 99503 (907/786-3800).

SUPPLEMENTARY INFORMATION: On September 17, 1996, notice was published in the Federal Register (61 FR 48888) that a request for a scientific research permit to obtain 4 carcasses (bones and teeth) from two species of the Order Phocoenidae and 35 carcasses from 12 species of the Order Pinnipedia for scientific purposes. 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.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered fish and wildlife (50 CFR part 222.23).

Issuance of this permit as required by the ESA was based on a finding that such permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which is the subject of this permit; and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: November 20, 1996.

Ann D. Terbush,

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

Dated: November 20, 1996.

Margaret Tieger,

Chief, Branch of Permits, Office of Management Authority, U.S. Fish and Wildlife Service.

[FR Doc. 96-30972 Filed 12-4-96; 8:45 am]

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COMMISSION OF FINE ARTS

Notice of Meeting

The Commission of Fine Arts' meeting scheduled for 19 December 1996 has been canceled. The next meeting is scheduled for 16 January 1997 at 10:00 AM in the Commission's offices in the Pension Building, Suite 312, Judiciary Square, 441 F Street, N.W., Washington, D.C. 20001 to discuss various projects affecting the appearance of Washington, D.C., including buildings, memorials, parks, etc.; also matters of design referred by other agencies of the government.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address or call the above number.

Dated in Washington, D.C. November 26, 1996.

Charles H. Atherton,
Secretary.

[FR Doc. 96-30975 Filed 12-4-96; 8:45 am]

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COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Restraint Limits for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Indonesia

November 29, 1996.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits.

EFFECTIVE DATE: January 1, 1997.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927-6704. For information on embargoes and quota re-openings, call (202) 482-3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Uruguay Round Agreements Act.

The import restraint limits for textile products, produced or manufactured in Indonesia and exported during the period January 1, 1997 through December 31, 1997 are based on limits notified to the Textiles Monitoring Body pursuant to the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing (ATC) and the Memorandum of Understanding (MOU) dated November 1, 1996 between the Governments of the United States and Indonesia.

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish the 1997 limits. The limits for certain categories have been reduced for carryforward applied in 1996.

A description of the textile and apparel categories in terms of HTS numbers is available in the **CORRELATION:** Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 60 FR 65299, published on December 19, 1995). Information regarding the 1997 **CORRELATION** will be published in the Federal Register at a later date.

The letter to the Commissioner of Customs and the actions taken pursuant