

Activities Pursuant to the Act

On June 27, 1997, the Secretary received letters from the Commission prepared pursuant to section 806(b) of the Act. The Commission's letters stated that the State of Maryland's and the Commonwealth of Massachusetts' scup and black sea bass regulations did not meet the provisions of the Commission's FMPs, and, therefore, the Commission found the State of Maryland and the Commonwealth of Massachusetts out of compliance with the FMPs as described below:

Scup

The State of Maryland has not implemented and is not enforcing the Commission's FMP for scup because it has not adopted the following measures contained in the FMP:

- a. Minimum sizes for commercial and recreational fisheries (9 inches),
- b. Minimum mesh sized for commercial fisheries (7 inches),
- c. Commercial quota limitation (4-1/2 inches),
- d. Permitting and reporting requirements,
- e. Summer closure for the commercial fishery,
- f. Pot and trap limitations, and
- g. Prohibition concerning roller gear greater than 18 inches.

The Commonwealth of Massachusetts has not implemented permit and reporting requirements and restrictions on the use of pot and trap gear.

Black Sea Bass

The State of Maryland has not implemented and is not enforcing the Commission's FMP for black sea bass because it has not adopted the following measures contained in the FMP:

- a. Minimum size for commercial fisheries (9 inches),
- b. Minimum mesh size for commercial fisheries (4 inches),
- c. Pot and trap restrictions, and
- d. Restriction on roller gear in excess of 18 inches.

The Commonwealth of Massachusetts has not implemented and is not enforcing the Commission's FMP for black sea bass because it has not adopted the pot and trap restrictions contained in the FMP.

The Commission's letters also suggested that the Secretary use his discretionary authority under the Act to delay the date of the moratorium for up to 6 months, because both states are making an effort to come into compliance.

Both states have agreed with the Commission's determination that they are not in compliance, but are taking

action to be in compliance with both Commission FMPs by September 19, 1997, for Massachusetts, and October 20, 1997, for Maryland. Further comments were received from the Commission; the New England and Mid-Atlantic Fishery Management Councils; NMFS' Northeast Science Center; and the Department of Interior's U.S. Fish and Wildlife Service.

Determination Regarding Compliance by the State of Maryland and the Commonwealth of Massachusetts

Based on a careful analysis of all relevant information, and taking into account comments presented by the State of Maryland and the Commonwealth of Massachusetts, the Secretary has determined that the State of Maryland and the Commonwealth of Massachusetts are not in compliance with the Commission's FMPs for scup and black sea bass. This determination is based on Maryland's and Massachusetts' failure to implement and enforce regulatory measures established in the Commission's scup and black sea bass FMPs. Further, the Secretary has determined that enforcement of these measures is necessary for the conservation of scup and black sea bass.

Although the State of Maryland and the Commonwealth of Massachusetts are not in compliance with the Commission's FMPs for scup and black sea bass, because they are making expeditious efforts to promulgate regulations which would bring themselves into compliance by November 1997, the Secretary is delaying the effective date of the moratorium until November 15, 1997. If the State of Maryland and/or the Commonwealth of Massachusetts adopt and implement measures bringing themselves into compliance, the Secretary will publish an appropriate announcement in the **Federal Register** rescinding the moratorium with respect to the State and/or the Commonwealth. If the State of Maryland and/or the Commonwealth of Massachusetts have not promulgated appropriate regulations by November 1, 1997, the moratorium will go into effect as of November 15, 1997. In such case, NMFS will promulgate a final regulation prohibiting fishing for scup, black sea bass, or both within Maryland and/or Massachusetts state waters, effective November 15, 1997. Delaying the effective date of the moratorium until November 15, 1997, will not significantly diminish conservation efforts because each state does have conservation measures in effect, although they do not meet the

Commission's FMPs for scup and black sea bass.

NMFS will notify the Governors of Maryland and Massachusetts of this action and will promulgate the regulations in the **Federal Register** necessary to implement this moratorium effective November 15, 1997. If the moratorium goes into effect, the Secretary will terminate it immediately with respect to the State and/or the Commonwealth upon receipt of notification from the Commission, and if the Secretary concurs with the Commission, that the State and/or the Commonwealth of Massachusetts have taken appropriate remedial actions to bring themselves into compliance.

Dated: September 9, 1997.

David L. Evans,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 97-24203 Filed 9-11-97; 8:45 am]

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[I.D. 090897A]

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 Pacific Fishery Management Council's (Council) Groundfish Management Team (GMT) will hold a public meeting.

DATES: The meeting will be held on Monday, September 29, 1997 at 1:00 p.m. and will continue through Friday, October 3, 1997. The Tuesday through Friday sessions will begin at 8:00 a.m. and may go into the evening until business for the day is completed.

ADDRESSES: The meeting will be held in the conference room at the Council office, 2130 SW Fifth Avenue, Suite 224, Portland, OR 97201.

FOR FURTHER INFORMATION CONTACT: Jim Glock, Groundfish Fishery Management Coordinator; telephone: (503) 326-6352.

SUPPLEMENTARY INFORMATION: The primary purpose of the meeting is to prepare analyses and reports for the Council's November 1997 meeting. The GMT will address topics as drafting assignments are prepared and completed during this meeting. As a result, daily agendas or schedules will not be available in advance of the

meeting. However, proposed items that may be discussed by the GMT in preparation for the Council's November meeting include development of final acceptable biological catch and harvest guideline recommendations for 1998, review and analysis of proposed management options for 1998, inseason catch projections for the remainder of 1997, and preparation of fishery management plan amendments, the Stock Assessment and Fishery Evaluation document, and the Draft Environmental Assessment for Proposed Harvest Levels.

Although other issues may come before the GMT for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal GMT action during this meeting. GMT action will be restricted to those issues specifically identified in this notice.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Eric Greene at (503) 326-6352 at least 5 days prior to the meeting date.

Dated: September 8, 1997.

Gary C. Matlock,

*Director, Office of Sustainable Fisheries,
National Marine Fisheries Service.*

[FR Doc. 97-24230 Filed 9-11-97; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 090597C]

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 (Council) will hold a meeting of its Bottomfish Task Force.

DATES: The meeting will be held on October 2, 1997, from 9:00 a.m. to 5:00 p.m.

ADDRESSES: The meeting will be held at the Council office, Conference Room, 1164 Bishop Street, Suite 1400, Honolulu, HI; telephone: (808) 522-8220.

Council address: Western Pacific Fishery Management Council, 1164

Bishop St., Suite 1400, Honolulu, HI 96813.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Bottomfish Task Force will review a draft amendment for the Mau Zone bottomfish fishery limited entry program in the Northwestern Hawaiian Islands. The Task Force will also discuss new entry criteria for the limited entry program and consider other business as needed.

Although other issues not contained in this agenda may come before this Task Force for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal Task Force action during this meeting. Task Force action will be restricted to those issues specifically identified in the agenda listed in this notice.

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: September 5, 1997.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 97-24204 Filed 9-11-97; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 090497B]

Marine Mammals; Permit No. 837 (File No. P771#67)

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

ACTION: Receipt of application for amendment.

SUMMARY: Notice is hereby given that the National Marine Mammal Laboratory, Alaska Fisheries Science Center, NMFS, NOAA, 7600 Sand Point Way NE., BIN C15700, Seattle, Washington 98115, has requested an amendment to permit no. 837.

DATES: Written or telefaxed comments must be received on or before October 14, 1997.

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

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

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

Written comments or requests for a public hearing on this request should be submitted to the Chief, Permits and Documentation Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular amendment request would be appropriate.

Comments may also be submitted by facsimile at (301) 713-0376, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period. Please note that comments will not be accepted by email or other electronic media. Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

SUPPLEMENTARY INFORMATION: The subject amendment to permit no. 837, issued on June 4, 1993 (58 FR 33085) is requested 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.*), the regulations governing the taking, importing, and exporting of endangered fish and wildlife (50 CFR 222.23), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

Permit no. 837 authorizes the permit holder to: harass up to 222,720 northern fur seals (*Callorhinus ursinus*) and 3500 California sea lions (*Zalophus californianus*) while conducting ground surveys; capture, restrain, shear-mark, sample and handle up to 30,000+ northern fur seals over a 5-year period; and collect parts from dead animals. The permit holder now requests authorization to collect biopsies from 60 additional female northern fur seals, (30 seals on St. Paul, 30 seals on St. George). The permittee is currently authorized to