documented in the System Commissioning and Support Function Demonstration Plans; and

(3) The operational and administrative infrastructures and technical development needed to support the modernized field offices be maintained as required by the modernization plan." It is expected that these qualifications can be met for the above proposed certifications. If these qualifications can not be met prior to the September MTC meeting, these proposed certifications may or may not be presented to the Committee. If a decision to certify is made, the Secretary of Commerce must publish the final certification in the FR and transmit the certification to the appropriate Congressional committees prior to automating and closing these offices.

Dated: July 8, 1997.

Robert S. Winokur,

Acting Assistant Administrator for Weather Services.

[FR Doc. 97-18414 Filed 7-11-97; 8:45 am]

BILLING CODE 3510-12-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 063097D]

Endangered Species; Permits

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

ACTION: Issuance of modification 6 to permit 848 (P507D) and modification 1 to permit 1011 (P211J).

SUMMARY: Notice is hereby given that NMFS has issued modifications to permits to the Washington Department of Fish and Wildlife at Olympia, WA (WDFW) and the Oregon Department of Fish and Wildlife at La Grande, OR (ODFW) that authorize takes of Endangered Species Act-listed species for the purpose of scientific research/enhancement, subject to certain conditions set forth therein.

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

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

Notice was published on April 16, 1997 (62 FR 18587) that an application had been filed by WDFW (P507D) for modification 6 to scientific research/enhancement permit 848. Modification 6 to permit 848 was issued to WDFW on May 23, 1997. Permit 848 authorizes WDFW takes of adult and juvenile, threatened, Snake River spring/summer chinook salmon (*Oncorhynchus tshawytscha*) associated with a supplementation hatchery program and scientific research/monitoring. For modification 6 to permit 848, WDFW is authorized takes of juvenile, threatened, Snake River fall chinook salmon (*Oncorhynchus tshawytscha*) associated with scientific research designed to answer questions on fall chinook salmon production in the lower Tucannon River. Also for modification 6, WDFW is authorized to return adult, ESA-listed, Snake River spring/summer chinook salmon carcasses from the supplementation program back to the Tucannon River for nutrient enrichment. Modification 6 is valid for the duration of the permit. Permit 848 expires on March 31, 1998.

Notice was published on April 16, 1997 (62 FR 18587) that an application had been filed by ODFW (P211J) for modification 1 to scientific research/enhancement permit 1011. Modification 1 to permit 1011 was issued to ODFW on June 20, 1997. Permit 1011 authorizes ODFW takes of juvenile, threatened, Snake River spring/summer chinook salmon (*Oncorhynchus tshawytscha*) associated with a captive broodstock program for Catherine Creek, upper Grande Ronde River, and Lostine River populations. For modification 1, ODFW is authorized to collect returning adult, ESA-listed, naturally-produced fish from the three watersheds in 1997 to begin a supplementation program. ODFW anticipates sufficient adult returns to these watersheds in 1997 to allow the collection of ESA-listed adults for hatchery broodstock. ODFW believes that the collection of ESA-listed adults for hatchery supplementation will increase the probability of the persistence of the populations because of the survival advantage provided by the hatchery. The collection of ESA-listed adults for broodstock is authorized in 1997 only. The incubation of eggs and the rearing of ESA-listed juveniles is authorized for the duration of the permit. Permit 1011 expires on December 31, 2000.

Issuance of the permit modifications, as required by the ESA, was based on a finding that the modifications: (1) Were requested/proposed 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 ESA-listed species permits.

Dated: July 7, 1997.

Nancy Chu,

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

[FR Doc. 97-18297 Filed 7-11-97; 8:45 am]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 061097B]

Endangered and Threatened Species; Revision of Candidate Species List Under the Endangered Species Act

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

ACTION: Notice of modification of list of candidate species.

SUMMARY: NMFS identifies marine and anadromous species as candidates for possible addition to the List of Endangered and Threatened Species. NMFS is soliciting information concerning the status of these species and nominations of additional species that appear to warrant listing consideration. This notice is not a proposal for listing, and the involved species do not receive substantive or procedural protection under the Endangered Species Act of 1973 (ESA). The candidate species list serves to notify the public that NMFS has concerns regarding these species/vertebrate populations that may warrant listing in the future, and it facilitates voluntary conservation efforts. NMFS encourages Federal agencies and other appropriate parties to take these species into account in project planning.

DATES: Comments will be accepted until further notice (see **ADDRESSES**).

ADDRESSES: Comments and reliable documentation for these and any recommended additions or deletions to the candidate species list should be sent to the Chief, Endangered Species Division, NMFS, Office of Protected

Resources, 1315 East-West Highway, F/PR3, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Nancy Chu or Terri Jordan at (301) 713-1401.

SUPPLEMENTARY INFORMATION: The ESA requires determinations of whether species of wildlife and plants are endangered or threatened, based on the best available scientific and commercial data. "Species" includes any species or subspecies of fish, wildlife, or plant, and any distinct population segment of any vertebrate species that interbreeds when mature (vertebrate population). NMFS and the U.S. Fish and Wildlife Service (FWS) share responsibilities under the ESA. With some exceptions, NMFS is responsible for species that reside all or the major portion of their lifetime in marine or estuarine waters. The regulations implementing Section 4 of the ESA (49 FR 38900, October 1, 1984) define "candidate" as "any species being considered by the Secretary for listing as an endangered or a threatened species, but not yet the subject of a proposed rule." As resources permit, NMFS conducts a review of the status of each candidate species to determine if it warrants listing as endangered or threatened under the ESA.

On February 28, 1996, the FWS published a revised candidate notice of review in the **Federal Register** (61 FR 7596) that candidates for listing under the ESA. The FWS noted its intention to discontinue maintaining a list of species that were previously identified as "Category-2 candidates." Category-2 candidates were species for which NMFS or the FWS had information indicating that protection under the ESA may be warranted but for which they lacked sufficient information on status and threats. The FWS' new definition of candidate species is "those species for which the FWS has on file sufficient information to support issuance of a proposed listing rule."

NMFS intends to continue using the original definition of candidate species as defined in the joint FWS/NMFS section 4 regulations. Candidate species include unlisted species for which biological status reviews have been initiated or have been completed. NMFS believes it is important to highlight species for which listing may be warranted so that Federal and state agencies, Native American tribes, and the private sector are aware of which species could benefit from proactive conservation efforts.

In addition, NMFS has developed more specific criteria for determining which species/vertebrate populations should be included on the NMFS candidate species list. These criteria include the requirement for reliable information and the consideration of: (1) The biological status of a species or vertebrate population; and (2) the degree of threat to its continued existence in the wild.

Biological Status

Biological status is determined by both demography and genetic composition of the species/vertebrate population. If there is evidence of demographic or genetic concerns that would indicate that listing may be warranted, the species/vertebrate population should be added to the candidate species list.

(a) Demographic concerns would occur when there is a significant decline in abundance or range from historical levels that would indicate that listing may be warranted. This could result from overharvest, habitat degradation, disease outbreaks, predation, natural climatic conditions, and hatchery practices that lead to competition with natural stocks or depletion of natural fish for use as hatchery broodstock.

(b) Genetic concerns that would indicate that listing may be warranted include outbreeding and inbreeding depression resulting from poor hatchery practices or substantially reduced numbers of natural individuals.

Degree of Threat

If a species/vertebrate population is rare or in poor biological condition AND faces a high degree of threat (i.e., the threat is relatively severe, and/or imminent), then it should be added to the candidate species list.

The previous list was published on June 11, 1991, at 56 FR 26797. NMFS is removing 37 species from this list. The status of four species has been changed. While NMFS determined that the bottlenose dolphin is depleted under the Marine Mammal Protection Act on April 6, 1993, it also determined that it did not warrant listing under the ESA (58 FR 17789). The Saimaa seal was listed as endangered on July 28, 1993 (58 FR 40538). FWS listed the Delta smelt and the tidewater goby as threatened on March 5, 1993 (58 FR 12854) and February 4, 1994 (59 FR 5494), respectively. Six marine mammals, the flatback turtle, and the giant and southern giant clams are being deleted from the list because they are foreign species for which significant proactive conservation efforts are unlikely to be stimulated due to inclusion in the candidate species list. Because there are insufficient data to determine population trends for the northern bottlenose whale and the starlet sea anemone, they are removed from the list. Ten fishes are removed from the list because the information available to NMFS does not meet the more stringent standard of documentation now required for candidate status. Also, ten coral species are being deleted because the information available indicates declines in certain populations, but not throughout the species' ranges. Corals are invertebrates, and the ESA only allows invertebrates to be listed at the species level, and not at the population level.

With this notice, 15 new species for which reliable information is available to NMFS meeting the criteria stated above, are added to the list of candidate species.

Among these 15 species are six Pacific salmonids. On September 12, 1994, NMFS announced that comprehensive status reviews would be conducted for all populations of Pacific salmon and anadromous trout in California, Oregon, Washington, and Idaho (59 FR 46808). This decision effectively classified all seven salmonid species under NMFS jurisdiction—coho, chinook, pink, chum, and sockeye salmon, steelhead and sea-run cutthroat trout—as candidate species. These status reviews are at various stages of completion and have resulted in proposed or final listing determinations for several distinct population segments of Pacific salmon. The status review of pink salmon has been completed and it has been determined that listing is not warranted. During the next 12-18 months, NMFS expects to conclude all of these status reviews and make population-specific determinations regarding listing status under the ESA.

NMFS intends to consider the results of the status reviews and all data received in response to this notice to make appropriate amendments to the accompanying tables.

It is important to note that this list is limited by the information available. Therefore, it does not encompass all declining marine and anadromous species that may warrant listing in the future. Moreover, inclusion of a species on the candidate list does not create a higher listing priority for that species. As appropriate, NMFS may initiate a status review for any species or vertebrate population of concern, regardless of whether it is a candidate species, and the public may petition to list any species or vertebrate population. Inclusion in the candidate species list is intended to stimulate voluntary conservation efforts, which, if effective,

can result in a lower likelihood of an ESA listing.

In Table 1, Revised list of candidate species, the common name appears as the first entry followed by the scientific name, the family name, and the area of concern. This area denotes the general geographic boundaries of the species or the vertebrate population for which concern has been expressed. Ongoing or future Biological status reviews may narrow the geographic area or population of concern in the future.

Table 2 lists species and vertebrate populations which have been proposed for listing under the ESA. Two of these were on the previous 1991 candidate species list. As final determinations are made, these species/vertebrate populations may be determined to not warrant listing, to warrant listing, or be designated as candidate species.

Dated: July 8, 1997.

Patricia A. Montanio,

Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

TABLE 1.—REVISED LIST OF CANDIDATE SPECIES

Common name	Scientific name	Family	Area of concern [6]
Marine Mammals			
Beluga Whale [1]	*Delphinapterus leucas*	Monodontidae	AK (Cook Inlet population).
Fishes			
Dusky Shark *	*Carcharhinus obscurus*	Carcharhinidae	Atlantic; Gulf of Mexico; Pacific.
Sand Tiger Shark *	*Odontaspis taurus*	Odontaspididae	Atlantic; Gulf of Mexico
Night Shark *	*Carcharinus signatus*	Carcharhinidae	Atlantic; Gulf of Mexico
Atlantic Sturgeon	*Acipenser oxyrhynchus oxyrhynchus*	Acipenseridae	Atlantic, anadromous.
Alabama Shad *	*Alosa alabamae*	Clupeidae	AL, FL, anadromous.
Searun Cutthroat Trout *,[4]	*Oncorhynchus clarki clarki*	Salmonidae	Pacific, WA to CA, anadromous.[4]
Chum Salmon *,[4]	*Oncorhynchus keta*	Salmonidae	Pacific, WA, OR, anadromous.[4]
Coho Salmon*	*Oncorhynchus kisutch*	Salmonidae	Pacific, anadromous. Puget Sound/Strait of Georgia, Southwest WA, Lower Columbia River, and OR Coast ESUs [2]
Steelhead Trout*,[5]	*Oncorhynchus mykiss*	Salmonidae	Pacific, anadromous. Middle Columbia River ESU
Sockeye Salmon*,[4]	*Oncorhynchus nerka*	Salmonidae	Pacific, WA, anadromous and freshwater.[4]
Chinook Salmon*,[4]	*Oncorhynchus tshawytscha*	Salmonidae	Pacific, WA to CA, anadromous.[4]
Atlantic Salmon*,[5]	*Salmo salar*	Salmonidae	Atlantic, anadromous. Kennebec River, Tunk Stream, Penobscot River, and St. Croix River DPSs.
Mangrove Rivulus*	*Rivulus marmoratus*	Aplocheilidae	FL, estuarine.
Saltmarsh Topminnow	*Fundulus jenkinsi*	Cyprinodontidae	TX, LA, MS, AL, FL.
Key Silverside	*Menidia conchorum*	Atherinidae	Florida Keys
Opposum Pipefish	*Microphis brachyurus lineatus*	Syngnathidae	Florida, Indian River Lagoon
Speckled Hind*	*Epinephelus drummondhayi*	Serranidae	NC to Gulf of Mexico.
Jewfish [1]	*Epinephelus itijara*	Serranidae	NC southward to Gulf of Mexico.
Warsaw Grouper*	*Epinephelus nigritus*	Serranidae	MA southward to Gulf of Mexico.
Nassau Grouper [1]	*Epinephelus striatus*	Serranidae	NC southward to Gulf of Mexico.
Mollusks			
White Abalone*	*Haliotes sorenseni*	Haliotidae	CA, Baja CA.

* addition to list.
[1] research initiated as a result of being on 1991 candidate species list.
[2] ESU=evolutionarily significant unit. Pacific salmon populations can only be listed under the ESA if they are "evolutionarily significant", per NMFS policy (56 FR 58612).
[3] DPS=distinct population segment.
[4] under ESA status review; specific ESUs meriting candidate status will be identified in the future following status review.
[5] for this species, certain ESUs/DPSs are candidate species, while others are proposed for listing under the ESA (see Table 2).
[6] Defines the general geographic area or populations of concern for the species.

TABLE 2.—SPECIES THAT HAVE BEEN PROPOSED FOR LISTING UNDER THE ESA

Common name	Scientific name	Family	Area under consideration
Marine Mammals			
Harbor Porpoise	*Phocoena phocoena*	Delphinidae	Gulf of Maine.
Fishes			
Steelhead Trout*,[1]	*Oncorhynchus mykiss*	Salmonidae	Pacific, anadromous. Lower Columbia River, OR Coast, Klamath Mountains Province, Northern CA, Central CA Coast, South/Central CA Coast, Southern CA, Central Valley, Upper Columbia River, Snake River Basin ESUs.
Atlantic Salmon*,[1]	*Salmo salar*	Salmonidae	Atlantic, anadromous. Dennys, E. Machias, Machias, Pleasant, Narraguagus, Ducktrap, and Sheepscot River DPS [3].

TABLE 2.—SPECIES THAT HAVE BEEN PROPOSED FOR LISTING UNDER THE ESA—Continued

Common name	Scientific name	Family	Area under consideration
Plants			
Johnson's Seagrass	*Halophila johnsonii*	Hydrocharitaceae	FL.

*Addition to list.
[1] Under status review.

[FR Doc. 97-18326 Filed 7-11-97; 8:45 am]
BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

Patent and Trademark Office (PTO)

Deposit of Biological Materials for Patents

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce (DoC), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Pub. L. 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before September 12, 1997.

ADDRESSES: Direct all written comments to Linda Engelmeier, Departmental Forms Clearance Officer, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW, Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Robert J. Spar, Patent and Trademark Office (PTO), Washington, D.C. 20231, telephone number (703) 305-9285.

SUPPLEMENTARY INFORMATION:

I. Abstract

Every patent must contain a description of the invention written so as to enable a person knowledgeable in the relevant science to make and use the invention. When the invention involves a biological material, sometimes words alone cannot sufficiently describe how to make and use the invention in a reproducible or repeatable manner. In such cases, the required biological material must either be known and readily (and continually) available, or be deposited in a suitable depository to obtain a patent. When a deposit is necessary, the PTO collects information to determine whether the patent statute has been complied with including whether the public has been notified about where samples of the biological material can be obtained.

II. Method of Collection

By mail, facsimile or hand carry when the applicant or agent files a patent application with the Patent and Trademark Office (PTO) or submits subsequent papers during the prosecution of the application to the PTO.

III. Data

OMB Number: 0651-0022.
Form Number: None.
Type of Review: Renewal without change.
Affected Public: Individuals or households, business or other non-profit, not-for-profit institutions and Federal Government.
Estimated Number of Respondents: 3,500.
Estimated Time Per Response: One hour.
Estimated Total Annual Burden Hours: 3,500 hours.
Estimated Total Annual Cost: $350,000 to submit the information to the PTO. Capital costs include testing and storage fees. A one time/per deposit testing fee typically costs $100.00 to assess the viability of the biological material. The one time/per deposit storage fee is approximately $960.00. The sum of capital costs is $3,710,000 annually. ($1060 X 3500)

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized or included in the request for OMB approval of this information collection; they will also become a matter of public record.

Dated: July 8, 1997.

Linda Engelmeier,
Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 97-18429, Filed 7-11-97; 8:45 am]
BILLING CODE 3510-16-P

COMMODITY FUTURES TRADING COMMISSION

Coffee, Sugar & Cocoa Exchange, Inc. Petition for Exemption From the Dual Trading Prohibition in Affected Contract Markets

AGENCY: Commodity Futures Trading Commission.

ACTION: Order.

SUMMARY: The Commodity Futures Trading Commission ("Commission") is granting the petition of the Coffee, Sugar & Cocoa Exchange, Inc. ("CSCE" or "Exchange") for exemption from the prohibition against dual trading in its Sugar #11 futures contracts.

DATES: This Order is effective July 8, 1997.

FOR FURTHER INFORMATION CONTACT: Duane C. Andresen, Special Counsel, Division of Trading and Markets, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st St., N.W., Washington, DC 20581; telephone (202) 418-5490.

SUPPLEMENTARY INFORMATION: On October 19, 1993, the Coffee, Sugar & Cocoa Exchange, Inc., ("CSCE" or "Exchange") submitted a Petition for Exemption from the Dual Trading Prohibition for its Sugar #11 and Coffee "C" futures contracts. Subsequently, the Exchange submitted an amended petition on March 21, 1997.[1] Upon consideration of these petitions and other matters of record, including Exchange submissions and undertakings

[1] In its amended petition, the Exchange petitioned for the dual trading exemption for six contract markets: Coffee "C", Sugar #11 and Cocoa futures and futures option contracts. This Order is applicable to the Sugar #11 futures contract market, which currently is the only affected contract market at the Exchange.