

inhibiting the Pribilovians' ability to arrive at a self-sustaining economy.

It is the opinion of some of the Pribilovian people that the Federal Government has not concluded its obligations to the Pribilovian people. It is the Secretary's opinion that the Federal Government has fulfilled, or is in the final stages of fulfilling, all obligations to the Pribilovian people as directed by Congress through legislation enacted over the last 50 years.

At least one-third of the claims submitted for this Report express dissatisfaction with the way land or the 1983 Act trust has been controlled, used or distributed by a competing island entity. An equal number of claims allege the past or present failure or unwillingness of the Federal Government to act to resolve these disputes. As this Report is being written, both TDX and the City of St. Paul have initiated separate lawsuits against the Secretary of Commerce and the Under Secretary of NOAA to resolve a land dispute previously resolved in two distinct settlement agreements. (A copy of the complaints filed are attached as Exhibits 5(a) and 5(b)).

After several visits to the Islands by NOAA and Department personnel, including meetings for the taking of the statements of the local people, and as a result of an analysis of the claims submitted, it is the opinion of the Secretary that these claims are without adequate foundation in law, or under any existing policy or agreement.

The debate over administration of ongoing Federal obligations is also detracting from the Department's ability to meet its responsibilities under Title II of the 1983 Act. As the Federal agency responsible for protecting the welfare and habitat of the fur seal under Title I of the 1983 Act, a role as provider of indefinite and ongoing support for economic (e.g., commercial) development under Title II creates an internal paradox. Any interpretation that Title II of the 1983 Act guaranteed the Pribilovian people an unrestrained and indefinite economy administered through the Department is at odds with the clear intent of the Act and places the Department in an untenable and incommensurable position. The depleted status of the fur seal demands that the Department be permitted to pursue statutory obligations goals unfettered.

Conditions on St. George are widely divergent from those on St. Paul and the Secretary recognizes the difficulty of assessing the struggles of one entity in the shadow of another's success. To ensure that due consideration is given to the entirety of the Pribilovian question,

the Secretary recommends that Congress authorize and direct an independent economic assessment of the practical realities facing the Island of St. George. The Secretary further suggests that such analysis be undertaken within the parameters of a clearly articulated economic objective. The Department is unable to estimate the costs of this analysis.

The Secretary also recognizes that the opinions and positions presented in this Report will not be widely accepted by those entities and residents who submitted statements. We do not believe that it was Congress' intent that the P.L. 104-91 process be used as a claims process representing potential lawsuits against the United States government. As set out in the **Federal Register** notice commencing this process (attached as Exhibit 17), it was not the intent of the Secretary that this Report serve as a claims process. Despite repeated attempts to dissuade the claims concept, the Pribilovian people adhered to it. It is the Secretary's view that section 3(c) is best understood as encompassing "claims" associated with Pribilof Island land transfers and grants and cooperative agreements to promote environmental cleanup. It seems clear that, regardless of Congressional intent, the larger, well-supported Island entities will persist in pursuing claims against the United States and the Department. To minimize the extensive and consuming administrative and transactional costs associated with the defense of these potential claims, the Secretary recommends that Congress establish a claims process to be administered through the United States Court of Federal Claims.

The Department is unable to predict how many of the 85 potential claims that have been raised under the P.L. 104-91 process will be actively pursued by Pribilovian representatives in a formal, adjudicative setting. The Department is therefore unable to estimate the costs of this recommendation.

This Report was signed by the Secretary of Commerce on March 17, 1997.

Dated: April 1, 1997.

Terry Garcia,

Assistant Secretary for Oceans and Atmosphere, National Oceanic and Atmospheric Administration.

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DEPARTMENT OF COMMERCE

Patent and Trademark Office

Meeting of the Public Advisory Committee for Trademark Affairs

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Notice of meeting.

SUMMARY: The Patent and Trademark Office is announcing, in accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), an open meeting of the Public Advisory Committee for Trademark Affairs.

DATES: The meeting will be held from 10:00 a.m. until 4:00 p.m. on Monday, May 19, 1997.

ADDRESSES: U.S. Patent and Trademark Office, 2121 Crystal Drive, Crystal Park 2, Room 912, Arlington, Virginia.

FOR MORE INFORMATION CONTACT: David E. Bucher, Deputy Assistant Commissioner for Trademark Policy and Projects, by mail marked to his attention and addressed to Office of the Assistant Commissioner for Trademarks, Patent and Trademark Office, 2900 Crystal Drive, South Tower Building, Suite 10B10, Arlington, VA 22202-3513; by telephone at (703) 308-9100, ext. 20; by fax at (703) 308-9099; or by e-mail to dave.bucher@uspto.gov.

SUPPLEMENTARY INFORMATION: The meeting will be open to public observation. Accordingly, seating will be available to members of the public on a first-come-first-served basis. Members of the public will be permitted to make oral comments of three (3) minutes each. Written comments and suggestions will be accepted before or after the meeting on any of the matters discussed. Copies of the minutes will be available upon request. The agenda for the meeting is as follows:

- (1) Opening remarks
- (2) Financial Report
- (3) Trademark Trial and Appeal Board Report
- (4) Business Process Reengineering Report
- (5) Report on Service and Examination Activities
- (6) Discussion of Policy Issues in Examination
- (7) Legislation and International Affairs Report
- (8) Discussion of Trademark/Domain name issues
- (9) Discussion of prospective hearings on Intent-to-Use

Dated: April 10, 1997.

Bruce A. Lehman,

Assistant Secretary of Commerce and Commissioner of Patents and Trademarks.

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