

lobster permitted vessels that take lobsters in the EEZ by a method other than traps, (4) a prohibition on the taking or possession of lobster in the EEZ; (5) the application of current Federal regulations (50 CFR part 649) to the EEZ under ACFCMA; and (6) status quo or no action taken. NMFS also requests comments on the appropriate regulatory authority under which it should proceed with lobster conservation measures.

NMFS has determined that the preparation of an EIS is appropriate, because of the potentially significant impact of EEZ regulations on the human environment. All of the Federal EEZ measures recommended in draft Amendment 3 to the ASMFC FMP will be assessed also during the EIS process. Participants in this fishery will be affected and may face more restricted harvests of lobster while the natural stocks of lobster are allowed to recover.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: October 17, 1997.

**Gary Matlock,**

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

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

[I.D. 101597A]

**Marine Mammals**

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

**ACTION:** Issuance of photography permit no. 860-1374

**SUMMARY:** Notice is hereby given that Mr. Michael deGruy, The Film Crew, 629 State Street, Suite 222, Santa Barbara, California 93101, has been issued a permit to take by Level B harassment gray whales (*Eschrichtius robustus*) and northern elephant seals (*Mirounga angustirostris*) for purposes of commercial photography.

**ADDRESSES:** The permit and related documents are available for review upon written request or by appointment in the following offices:

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

Regional Administrator, Southwest Region, NMFS, 501 West Ocean Blvd.,

Suite 4200, Long Beach, CA 90802-4213 (562/980-4001).

**FOR FURTHER INFORMATION CONTACT:** Jeannie Drevenak, (301) 713-2289.

**SUPPLEMENTARY INFORMATION:** On September 3, 1997, notice was published in the **Federal Register** (62 FR 46484) that the above-named applicant had submitted a request for a permit to take gray whales and northern elephant seals by Level B harassment during the course of commercial photographic activities in California waters. The requested permit has been issued, under the authority of section 104(c)(6) of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*).

Dated: October 15, 1997.

**Ann D. Terbush, Chief,**

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

[FR Doc. 97-27929 Filed 10-21-97; 8:45 am]

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**DEPARTMENT OF COMMERCE**

**Patent and Trademark Office**

**Request for Comments on Patent Formalities Treaty**

**AGENCY:** Patent and Trademark Office, Commerce.

**ACTION:** Notice of request for public comments.

**SUMMARY:** The Patent and Trademark Office is seeking comments to obtain views of the public on the international effort to simplify the formal requirements associated with patent applications and patents and the consequent changes to United States law and practice. Comments may be offered on any aspect of this effort.

**DATES:** All comments are due by December 1, 1997.

**ADDRESSES:** Persons wishing to offer written comments should address those comments to the Commissioner of Patents and Trademarks, Box 4, Patent and Trademark Office, Washington, DC 20231, marked to the attention of Mrs. Lois E. Boland.

Comments may also be submitted by facsimile transmission to (703) 305-8885 or by electronic mail through the Internet to [plt.comments@uspto.gov](mailto:plt.comments@uspto.gov). All comments will be maintained for public inspection in Room 902 of Crystal Park II, at 1211 Crystal Drive, Arlington, Virginia.

**FOR FURTHER INFORMATION CONTACT:** Mrs. Lois E. Boland by telephone at (703) 305-9300, by fax at (703) 305-

8885 or by mail marked to her attention and addressed to Commissioner of Patents and Trademarks, Box 4, Washington, DC 20231.

**SUPPLEMENTARY INFORMATION:**

**1. Background**

The United States has been involved in an effort to reduce the formal requirements associated with patent applications and patents in the different countries of the world. A committee of experts, meeting under the auspices of the World Intellectual Property Organization (WIPO), continues to develop treaty articles and rules which attempt to minimize the formal requirements associated with patent applications and patents. Upon conclusion, these treaty articles and rules will simplify the formal obligations and reduce the associated costs for patent applicants and owners of patents in obtaining and preserving their rights for inventions in many countries of the world. The next (5th) committee of experts meeting will take place at WIPO in December of 1997. It is likely that two additional such meetings will take place in 1998. The issue of when a Diplomatic Conference will be convened to conclude these negotiations will be discussed in a March 1998 meeting at WIPO. WIPO has suggested that a 1999 Diplomatic Conference may be possible.

The United States Patent and Trademark Office (USPTO), leading the negotiations for the United States, is interested in obtaining comprehensive comments to assess continued support for the effort. Prior to each of the previous meetings of the committee of experts, the USPTO informally solicited and received comments on the then-current drafts of the treaty articles, rules and notes. In light of the impending conclusion of this effort, the USPTO desires to ensure that the text of the treaty is disseminated as widely as possible and the opportunity to provide comments is correspondingly comprehensive.

Written comments may be offered on any aspect of the draft treaty articles, rules or notes or expected implementation in the United States. Comments are also welcome on the following issues:

- The formalities/substantive distinction, discussed, specifically, with respect to Article 5, below;
- The subject matter appropriate for treaty articles versus that which should be relegated to rules; and
- Whether this effort should be concluded by a separate treaty or as