

whole, reflects an appropriate and equitable balance and mix of interests given the responsibilities of each AP. Criteria for membership include one or more of the following: (a) experience in the recreational fishing industry involved in catching swordfish, tunas, billfish, or sharks; (b) experience in the commercial fishing industry for HMS; (c) experience in fishery-related industries (marinas, bait and tackle shops); (d) experience in the scientific community working with HMS; (e) representation of a private, non-governmental, regional, (non-Federal) state, national, or international organization representing marine fisheries, environmental, governmental or academic interests dealing with HMS.

Five additional members of the AP include one voting representative each of the New England Fishery Management Council, the Mid-Atlantic Fishery Management Council, the South Atlantic Fishery Management Council, the Gulf of Mexico Fishery Management Council, and the Caribbean Fishery Management Council. The AP also includes 22 *ex-officio* participants: 20 representatives of the constituent states and two representatives of the constituent interstate commissions: the Atlantic States Marine Fisheries Commission and the Gulf States Marine Fisheries Commission.

NMFS will provide the necessary administrative support, including technical assistance, for the AP. However, NMFS will not compensate participants with monetary support of any kind. Depending on availability of funds, members may be reimbursed for travel costs related to the AP meetings.

C. Meeting Schedule

Meetings of each AP will be held as frequently as necessary but are routinely held once each year in the Spring. Often the meetings are held jointly, and may be held in conjunction with other advisory panel meetings or public hearings.

The HMS AP meeting on September 30, 2003, will focus on Atlantic shark management. NMFS published a proposed rule and notice of availability of Draft Amendment 1 to the HMS FMP on August 1, 2003 (68 FR 45196). The 60-day comment period ends on September 30, 2003. Since the alternatives presented in Draft Amendment 1 apply only to management measures for Atlantic sharks, the HMS AP discussion will be limited to Atlantic shark management. There will be time for the public to comment on shark management at the end of the meeting.

The joint HMS-Billfish AP meeting in February 2004 will focus on management alternatives for Atlantic tunas, swordfish, sharks, and billfish. On July 9, 2003, NMFS published a notice of intent to prepare an Environmental Impact Statement for Amendment 2 to the HMS FMP and Amendment 2 to the Billfish FMP (68 FR 40907). Amendment 2 to the HMS FMP is intended to address issues regarding quota allocation of Atlantic bluefin tuna, swordfish, and sharks among and within domestic fishing categories, examine management alternatives to improve and streamline the current HMS limited access permit program, conduct a 5-year review of HMS essential fish habitat (EFH) identifications, and address exempted fishing and scientific research permitting issues consistent with rebuilding plans, the Magnuson-Stevens Act, Atlantic Tunas Convention Act (ATCA), and other relevant Federal laws. Amendment 2 to the Billfish FMP is intended to conduct a 5-year review of Atlantic billfish EFH identifications and address other issues as appropriate, consistent with the Magnuson-Stevens Act, ATCA, and other relevant Federal laws.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Othel Freeman or Carol Douglas (*see FOR FURTHER INFORMATION CONTACT*) at least 7 days prior to the meeting.

Authority: 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Date: August 21, 2003.

Bruce C. Morehead,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 060903A]

Notice of Availability of Draft Stock Assessment Reports

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

ACTION: Notice of availability; request for comments.

SUMMARY: NMFS revised the Alaska, Atlantic and Gulf of Mexico, and Pacific marine mammal stock assessment reports (SARs) in accordance with the Marine Mammal Protection Act (MMPA). Draft 2003 reports are available for public review and comment.

DATES: Comments must be received by November 25, 2003.

ADDRESSES: Send comments or requests for copies of reports to: Chief, Marine Mammal Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910-3226, Attn: Stock Assessments. Comments may also be sent via facsimile (fax) to 301-713-0376. NMFS will not accept comments submitted via e-mail or Internet.

Copies of the Alaska Regional SARs may be requested from Robyn Angliss, Alaska Fisheries Science Center, NMFS, 7600 Sand Point Way, NE BIN 15700, Seattle, WA 98115-0070.

Copies of the Atlantic and Gulf of Mexico Regional SARs may be requested from Janeen Quintal, Northeast Fisheries Science Center, 166 Water St., Woods Hole, MA 02543 or Steven Swartz, Southeast Fisheries Science Center, 75 Virginia Beach Dr., Miami, FL 33149.

Copies of the Pacific Regional SARs may be requested from Cathy Campbell, Southwest Regional Office, NMFS, 501 West Ocean Boulevard, Long Beach, CA 90802-4213.

FOR FURTHER INFORMATION CONTACT: Tom Eagle, Office of Protected Resources, 301-713-2322, ext. 105, e-mail Tom.Eagle@noaa.gov; Robyn Angliss 206-526-4032, e-mail Robyn.Angliss@noaa.gov, regarding Alaska regional stock assessments; Janeen Quintal, 508-495-2252, e-mail Janeen.Quintal@noaa.gov, regarding Northwest Atlantic regional stock assessments; Steven Swartz, 305-361-4487, e-mail Steven.Swartz@noaa.gov, regarding Mid-Atlantic and Gulf of Mexico regional stock assessments; or Cathy Campbell, 562-280-4060, e-mail Cathy.E.Campbell@noaa.gov, regarding Pacific regional stock assessments.

SUPPLEMENTARY INFORMATION:

Electronic Access

All stock assessment reports and the guidelines for preparing them are available via the Internet at http://www.nmfs.noaa.gov/prot_res/PR2/Stock_Assessment_Program/sars.html.

Background

Section 117 of the Marine Mammal Protection Act (MMPA) (16 U.S.C. 1361 *et seq.*) requires NMFS and the U.S. Fish and Wildlife Service (FWS) to prepare stock assessments for each stock of marine mammals that occurs in waters under the jurisdiction of the United States. These reports must contain information regarding the distribution and abundance of the stock, population growth rates and trends, estimates of annual human-caused mortality and serious injury from all sources, descriptions of the fisheries with which the stock interacts, and the status of the stock. Initial reports were completed in 1995.

The MMPA requires NMFS and FWS to review the SARs at least annually for strategic stocks and stocks for which significant new information is available and at least once every 3 years for non-strategic stocks. NMFS and the FWS are required to revise a SAR if the status of the stock has changed or can be more accurately determined. NMFS, in conjunction with the Alaska, Atlantic, and Pacific Scientific Review Groups, reviewed the status of marine mammal stocks as required and revised reports for which new information was available. A summary of notable changes is described for each region below. Also, each regional set of stock assessment reports and a summary table of the changes made for 2003 are available on the Internet (see electronic access) and may be requested in hard copy form (see **ADDRESSES**). NMFS solicits public comments on the draft Alaska, Atlantic and Gulf of Mexico, and Pacific reports.

Alaska Stocks

NMFS revised 14 reports for marine mammal stocks in the Alaska Region, and the remaining 18 reports were not revised. Most revisions included incorporating new abundance or mortality estimates into the reports and did not change the status of the stock.

Counts of northern fur seal pups in the Pribilof Islands declined more than 5 percent per year from 1998 to 2002. The abundance estimate of this stock is derived from pup counts and has also declined accordingly. The population estimate remains over 800,000 fur seals, direct human-caused mortality remains a small portion of the calculated PBR, and the stock remains identified as strategic due to its designation as depleted under the MMPA.

The abundance estimates for Pacific white-sided dolphins, Central North Pacific stock, and Dall's porpoise, Alaska stock, are more than 8 years old

and are considered unreliable according to NMFS' guidelines for preparing marine mammal stock assessment reports (Wade and Angliss, 1997). In accordance with the guidelines, the PBR for Pacific white-sided dolphins has been changed to "undefined". The PBR for Dall's porpoise is not changed to "undefined" because recent surveys in part of the range suggest the population remains quite large, and a new abundance estimate is expected to be available in the near future. The recent surveys in a portion of the range are considered compelling evidence that the Dall's porpoise population in Alaska has not declined; therefore, continued use of the PBR is consistent with NMFS' guidelines for preparing marine mammal stock assessment reports.

For humpback whales, Central North Pacific stock, the report was revised to include abundance, mortality, and PBR estimates for the Southeast Alaska feeding aggregation as well as for the entire stock. This change was based upon a recommendation from the Alaska SRG because humpback whales encountered in Southeast Alaska are likely to be part of the single feeding aggregation.

Atlantic and Gulf of Mexico Stocks

The SARs for marine mammal stocks in the Atlantic Ocean, including the Gulf of Mexico, contained revisions in 37 reports, and 20 reports were not revised. Most revisions were minor updates to abundance or mortality estimates and did not change the status of the affected stock of marine mammals.

The new mean annual mortality estimate for common dolphins, Western North Atlantic stock, is 190, and the PBR for this stock remains 227. Consequently, the status of common dolphins, Western North Atlantic stock, was revised from strategic to non-strategic.

A new abundance estimate for Cuvier's beaked whale, Northern Gulf of Mexico stock, is included in the 2003 draft SAR, and this new abundance estimate raises the PBR for the stock from 0.2 to 0.6. The section of the report on Human-Caused Mortality was revised to indicate that mortality of beaked whales has been associated with noise-generating activities in the ocean, and there are many such activities within portions of the Gulf of Mexico where beak whales are distributed. The report leads to the conclusion that there is a potential for human-caused mortality to exceed the stock's PBR level; therefore, following a precautionary approach, the Status of Stock section of the SAR was revised to

label this stock as strategic. This section was also revised to clarify that fishery-related mortality and serious injury remains unknown; however, such mortality and serious injury can be considered at insignificant levels approaching a zero mortality and serious injury rate.

Pacific Stocks

The Pacific SARs contain revised stock assessments for 42 Pacific marine mammal stocks under NMFS' jurisdiction. Reports on the remaining 14 Pacific region stocks were not revised. Most revisions consisted of updates to abundance or mortality estimates that did not affect the status of the stock or the classification of any fishery that interacts with the stock. Three revisions included more than minor updates.

NMFS reinstated pygmy sperm whales (CA/OR/WA stock) to the list of marine mammal stocks for which a SAR is produced. Reinstatement was prompted by recent strandings of pygmy sperm whales, which indicate that pygmy sperm whales occur in waters under US jurisdiction more than rarely.

Harbor porpoise (Monterey Bay stock) was re-classified from strategic to non-strategic. Re-classification resulted from reduced mortality incidental to set gillnet fisheries within Monterey Bay. In 2001, the State of California largely closed gillnet fishing in the range of harbor porpoise under emergency regulations and made these regulations permanent in 2002.

Short-finned pilot whales (CA/OR/WA stock) were re-classified from non-strategic to strategic. Although the point estimate for incidental mortality and serious injury decreased in this update, the minimum abundance estimates also decreased from 717 to 149. The reduction in abundance was due to no sightings of pilot whales in the 2001 survey. Because pilot whale distribution appears variable and is likely related to specific oceanographic conditions, the reduction in abundance is not likely an indication that the actual number of pilot whales has been reduced. NMFS has previously observed fluctuations in sightings (thus, fluctuations in abundance estimates) of pilot whales during abundance surveys. These fluctuations are likely due to pilot whale distribution being affected by specific oceanographic conditions that sometimes are within the survey area and sometimes not. Because NMFS has no biological basis to adjust this abundance estimate to account for fluctuations in oceanographic conditions, the abundance estimate is a pooled estimate that includes results

from surveys in 1996 and 2001. Thus, the lower abundance estimate likely reflects fluctuations in pilot whale distribution rather than fluctuations in the actual abundance of pilot whales.

Dated: August 19, 2003.

Donna Wieting,

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

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CONSUMER PRODUCT SAFETY COMMISSION

Public Meeting Concerning Upholstered Furniture Flammability Rulemaking

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of public meeting.

SUMMARY: The Consumer Product Safety Commission (CPSC or Commission) will conduct a public meeting on Wednesday, September 24, 2003 to receive comments on the July 2003 CPSC staff briefing package on upholstered furniture flammability. The briefing package recommends that the Commission issue an advance notice of proposed rulemaking (ANPR) that could result in a mandatory flammability standard addressing upholstered furniture ignition by small open flames and/or smoldering cigarettes.¹ If the staff's recommendation was accepted, the Commission's ongoing proceeding under the Flammable Fabrics Act (FFA), 15 U.S.C. 1191-1204 addressing ignition of upholstered furniture by small open flame sources such as matches, cigarette lighters, and candles would be expanded to also include ignition by smoldering cigarettes.

The Commission invites oral presentations from individuals, associations, firms, and government agencies with information or comments related to the briefing package. The Commission will consider these presentations in its deliberations on the staff recommendation.

DATES: The meeting will begin at 9 a.m. on Wednesday, September 24, 2003. Requests to make oral presentations, and 10 copies of the text of the presentation, must be received by the CPSC Office of the Secretary no later than September 17, 2003. Persons making presentations at the meeting should provide an additional 25 copies

for dissemination on the date of the meeting.

Presentation texts should identify the author's affiliation with, or employment or sponsorship by, any entity with an interest in the Commission rulemaking on upholstered furniture flammability.

The Commission reserves the right to limit the number of persons who make presentations and the duration of their presentations. To prevent similar presentations, groups may be directed to designate a spokesperson.

ADDRESSES: The meeting will be in room 420 of the East-West Towers Building, 4330 East-West Highway, Bethesda, MD. Requests to make oral presentations, and texts of oral presentations should be captioned "Upholstered Furniture Flammability Rulemaking" and be mailed to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207, or delivered to that office, room 502, 4330 East-West Highway, Bethesda, Maryland 20814. Requests and texts of oral presentations may also be submitted by facsimile to (301) 504-0127 or by e-mail to cpsc-os@cpsc.gov.

FOR FURTHER INFORMATION CONTACT: For information about the purpose or subject matter of this meeting contact Dale Ray, Project Manager, Directorate for Economics, U.S. Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504-7704; e-mail: dray@cpsc.gov. For information about the schedule for submission of requests to make oral presentations and submission of texts of oral presentations, contact Rockelle Hammond, Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504-6833; fax (301) 504-0127; e-mail: rhammond@cpsc.gov.

SUPPLEMENTARY INFORMATION:

A. Background

Cigarette-ignitions of upholstered furniture have long been a leading cause of residential fire deaths, injuries and property damage. The Commission has extensively investigated this risk since the 1970s, when the CPSC staff prepared a draft proposed cigarette ignition standard. In 1977, a furniture industry group, the Upholstered Furniture Action Council (UFAC), established a voluntary industry program as an alternative to CPSC rulemaking. The UFAC voluntary guidelines were amended in 1983, and are widely followed among manufacturers today.

In 1993 the National Association of State Fire Marshals (NASFM) petitioned the Commission to issue rules concerning the flammability of

upholstered furniture when exposed to smoldering ignition, small open flame ignition and large open flame ignition sources. In 1994 the Commission acted to deny the petition insofar as it concerned large open flame ignition sources, to defer it insofar as it concerned smoldering ignition sources and to grant it insofar as it concerned small open flame sources. In 2001 the NASFM withdrew its petition.

Based on a 1996 CPSC survey, more than 85 percent of currently manufactured upholstered furniture (including products from non-UFAC member firms) meets the UFAC guidelines. Further, CPSC laboratory tests indicate that more than 80 percent of currently manufactured upholstered furniture resists cigarette ignition. However, cigarette-ignited fires involving upholstered furniture not made with cigarette-resistant materials constitutes a substantial proportion of overall fire losses. Thus, while the cigarette ignition risk is attributable to a relatively small proportion of currently produced upholstered furniture, the estimated societal costs associated with this risk are large.

The CPSC staff developed a draft small open flame standard for residential upholstered furniture that would prevent or limit fire growth following exposure to a small open flame.² The staff's draft standard does not directly address cigarette ignition resistance. However, CPSC laboratory testing suggests that flame retardant (FR) upholstery fabrics—identified by manufacturers as a likely means of limiting fire growth—would also reduce the risk of upholstered furniture fires ignited by smoldering cigarettes. About 80 percent of the projected safety benefits of a possible small open flame standard consist of reductions in cigarette fire losses.

The staff's October 2001 briefing package on upholstered furniture flammability presented options for possible continuing Commission action (e.g., a notice of proposed rulemaking on the small open flame ignition risk), and with respect to possible new action (e.g., an ANPR on the cigarette ignition risk).

In June 2002, the CPSC staff held a public meeting to obtain comments from stakeholders on all aspects of the Commission's proceeding on upholstered furniture. At the public meeting, the American Furniture Manufacturers Association (AFMA)

² The most recent draft appears in the staff's October 2001 briefing package on upholstered furniture flammability. See fn. 1, supra, re obtaining this and other pertinent materials from the CPSC Web site.

¹ The staff briefing package and other materials pertinent to this rulemaking are available on the CPSC Web site at: <http://www.cpsc.gov/library/foia/foia.html>.