

equivalent to 30 mt of halibut mortality in the GOA and 8 mt of halibut mortality in the Bering Sea. Halibut catch will be measured through a census conducted while deck sorting halibut under the direction of NMFS-certified observers. The applicants expect that this process will enable halibut mortality from the experiment to be lower than the estimated rates for the Pacific cod trawl fisheries.

Bering Sea crab bycatch will not exceed 2,500 *C. bairdi* crab, 600 *C. opilio* crab or 75 red king crab. In the GOA, the bycatch of *C. bairdi* will be limited to 200 crab. Trace amounts of red king crab bycatch may occur in the GOA. Although such small amounts of crab do not warrant a specified bycatch allowance, the EFP could be amended to establish one if bycatch is higher than anticipated.

The researchers will use a recapture bag, as opposed to doing blocks of similar tows to measure the effects of using an excluder device. The latter method was used by Groundfish Forum, Inc., in a similar experiment conducted in 1998 to develop a halibut excluder device for the deepwater flatfish fisheries. The recapture bag is considered a more powerful design than paired tows for assessing the efficacy of an excluder, but increases the amount of labor and dedicated staff needed to collect the required data from each tow and to get halibut overboard with minimal mortality.

The prototype device was developed during a research trip conducted in July 2000 by a NMFS gear specialist. The researchers' goal is to develop a device with the following characteristics:

1. It will release a large percentage of the halibut that come into the trawl;
2. It will avoid significant reductions in target catch;
3. It will function with limited failures or breakages;
4. It will be resistant to clogging and debris jams;
5. It will be durable and easily stored on deck;
6. It will be constructed from affordable materials that are readily available.

The Regional Administrator may terminate the experiment if prohibited species bycatch exceeds the high-end projections of the permit applicants. The experiment may not be conducted in Steller sea lion critical habitat (as defined at 50 CFR 226.202) in the Bering Sea and in the GOA west of 144° W. long.

Failure of the permittees to comply with the terms and conditions of the EFP and all applicable provisions of 50 CFR parts 600 and 679, the Magnuson-

Stevens Act, or any regulations promulgated thereunder, or any other applicable laws, may be grounds for revocation, suspension or modification of this permit as well as civil or criminal sanctions imposed under those laws.

#### Classification

NMFS prepared an EA for this EFP. The Assistant Administrator for Fisheries, NOAA, concluded that no significant impact on the human environment will occur as a result of fishing under this EFP. A copy of the EA is available from NMFS (see

**ADDRESSES**). The Regional Administrator determined that fishing activities conducted pursuant to this EFP will not affect endangered and threatened species or critical habitat under the Endangered Species Act, and that a consultation is not required under the essential fish habitat provisions of the Magnuson-Stevens Act.

This notice is exempt from review under Executive Order 12866. It also is exempt under the Regulatory Flexibility Act (RFA) because prior notice and opportunity for public comment are not required. Therefore, the analytical requirements of the RFA are inapplicable.

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

Dated: September 8, 2000.

#### Bruce C. Morehead,

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.* [FR Doc. 00-23533 Filed 9-12-00; 8:45 am]

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#### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

[I.D. 081700C]

#### Marine Mammals; File No. 779-1339-02

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

**ACTION:** Issuance of permit amendment.

**SUMMARY:** Notice is hereby given that Southeast Fisheries Science Center, National Marine Fisheries Service, 75 Virginia Beach Drive, Miami, FL 33149 (Principal Investigator: Dr. Keith D. Mullin) has been issued an amendment to scientific research Permit No. 779-1339.

**ADDRESSES:** The amendment 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 13705, Silver Spring, MD 20910 (301/713-2289);

Regional Administrator, Southeast Region, NMFS, 9721 Executive Center Drive North, St. Petersburg, FL 33702-2432 (813/570-5312); and

Regional Administrator, Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930, (978/281-9250).

**FOR FURTHER INFORMATION CONTACT:** Ruth Johnson or Simona Roberts, 301/713-2289.

**SUPPLEMENTARY INFORMATION:** On July 11, 2000, notice was published in the **Federal Register** (65 FR 42676) that an amendment of Permit No. 779-1339, issued July 8, 1997 (62 FR 38069), had been requested by the above-named organization. The requested amendment has been granted under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*) and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

Permit 779-1339 authorized the Holder to: (1) harass cetaceans for the purpose of estimating abundance, collecting behavioral data, photography and biopsy sampling, and (2) collect and import biopsy tissue samples taken with a projectile dart from cetaceans. The amendment increased the number of animals that could be biopsy sampled annually.

Issuance of this amendment, as required by the ESA, was based on a finding that such permit (1) was applied for in good faith, (2) will not operate to the disadvantage of the endangered species which is the subject of this permit, and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: September 7, 2000.

**Ann D. Terbush,**

*Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.* [FR Doc. 00-23534 Filed 9-12-00; 8:45 am]

**BILLING CODE 3510-22-S**

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#### UNITED STATES PATENT AND TRADEMARK OFFICE

#### Trademark Trial and Appeal Board (TTAB) Actions (formerly Petition to Cancel a Trademark Registration)

**ACTION:** Proposed collection; comment request.

**SUMMARY:** The United States Patent and Trademark Office (USPTO), as part of its