

Although nonemergency issues not contained in the CPSMT meeting agenda may come before the CPSMT for discussion, those issues may not be the subject of formal CPSMT action during this meeting. CPSMT action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the CPSMT's intent to take final action to address the emergency.

### Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Ms. Carolyn Porter at (503) 326-6352 at least 5 days prior to the meeting date.

Dated: May 8, 2002.

**Richard W. Surdi,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 02-12032 Filed 5-13-02; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Notice of Area the Public Is Requested to Temporarily Avoid During Coral Reef Restoration Activities in the Florida Keys National Marine Sanctuary (FKNMS)

**AGENCY:** National Marine Sanctuaries Program (NMSP), Office of Ocean and Coastal Resources Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

**ACTION:** Notice of Area to be Temporarily Avoided.

**SUMMARY:** NOAA requests that users of the Florida Keys National Marine Sanctuary (FKNMS) avoid, from May 15, 2002 through June 28, 2002, an area of approximately 0.58 acres marked by construction buoys in the vicinity of 25°0.67' N, 80°22.37' W, which is at "Molasses Reef," and is located 6 nautical miles (11.1 km) off the southeastern portion of Key Largo, Florida. During this time, NOAA and authorized contractors will be conducting physical restoration activities of a coral reef where the M/V Wellwood grounded in August 1984. The public is requested to avoid the area

during this period due to the presence of heavy construction materials and equipment (e.g., barges and cranes), moorings, surface air supply hoses of divers and increased localized boat traffic. The intent of this notice is to ensure the timely and successful completion of the restoration and the protection of life and property during these complex activities.

**DATES:** The public is requested to avoid the area from May 15, 2002 through June 28, 2002. If less or more time is needed, NOAA will so inform the public. Public notice of this request also will be provided through local news media, a Notice to Mariners, and posting of placards or bulletin boards in public areas in Key Largo.

**FOR FURTHER INFORMATION CONTACT:** Harriet Sopher, Program Manager, Resource Protection Team, National Marine Sanctuaries Program, National Oceanic and Atmospheric Administration, 1305 East West Highway, SSMC4, 11th Floor, Silver Spring, Maryland, 20910. Telephone number: 301-713-3125, ext. 109.

#### SUPPLEMENTARY INFORMATION:

##### Background

On August 4, 1984, the M/V Wellwood, a 122-meter Cypriot-registered freighter, ran aground on the upper fore reef of Molasses Reef within the FKNMS. The grounding site is a bank reef located 6 nautical miles (11.1 km) off the southeast portion of Key Largo, Florida (entered at approximately 25°0.67' N, 80°22.37' W). The impact of the grounding and the shifting of the vessel created large scars on the Molasses Reef fore reef. Significant injuries were inflicted to the coral reef colonies, substrate, and other resident marine organisms such as sponges and sea fans. The unconsolidated coral rubble and ship debris have been removed. Storm events, including Hurricane Georges in the autumn of 1998, have caused additional damage to the grounding site.

Section 312 of the National Marine Sanctuaries Act (NMSA; 16 U.S.C. 1443) authorizes NOAA to pursue claims for response costs and damages when sanctuary resources are destroyed, lost or injured. Funds recovered under section 312 are used to restore, replace or acquire equivalent sanctuary resources. As part of the restoration process at the site of the M/V Wellwood grounding, NOAA and its authorized contractor will be placing reef modules and tremie concrete to rebuild the physical structure of the damaged coral reef. This activity will occur from April 15, 2002 through June 28, 2002.

Because divers, moorings, heavy construction materials and equipment (e.g., barges and cranes) and increased localized boat traffic will be present during the restoration activity, NOAA requests the public to avoid an area of approximately 0.58 acres where the restoration activity will occur. Five to seven, recreational mooring buoys will be removed from the work area and the nearby vicinity. The work area will be marked by construction buoys. The buoys will be set about 30 feet beyond the barge tie down locations, and create an area approximately 200 feet by 150 feet, with the longer axis oriented in a NE-SW direction, around the grounding site (25°0.67' N, 80°22.37' W).

The intent is to provide an area for the conduct of these important restoration activities; protect the life and property of construction crews and Sanctuary users while heavy construction materials and equipment (e.g., barges and cranes) are in the area; protect moorings which will be used at the site to stabilize the barges; protect the surface air supply hoses of the divers and SCUBA crew who will be conducting the restoration activities; and ensure timely and successful completion of the restoration. The area that the public is requested to avoid is the minimum area necessary to moor the barges and includes buffer zones to moor support vessels and provide an extra margin for public safety during the restoration activities. The time period for which the public is requested to avoid the restoration site is the expected time necessary to complete the construction activities. If less or more time is needed, NOAA will so notify the public.

During the spring of 2002, one-on-one contact was made with local dive operators, a public meeting was held to explain the restoration project and make the public aware of the area it would be requested to temporarily avoid. Additionally, NOAA issued press releases to the local newspapers and radio stations which have covered the restoration planning process and which have provided notice of NOAA's request for the public to avoid the restoration area.

#### Locations and Boundaries of the Area the Public Is Requested to Avoid

The area which the public is requested to avoid is located approximately 6 nautical miles offshore the southeast portion of Key Largo, Florida (centered near 25°0.67' N, 80°22.37' W). The total area is approximately 0.58 acres. The boundary of this area will be marked by construction buoys.

The area is bounded by the following coordinates:

*Latitude and Longitude*

A: 25°00'37.96364" N 80°22'14.60425" W  
 B: 25°00'31.20173" N 80°22'22.54159" W  
 C: 25°00'45.20646" N 80°22'22.54159" W  
 D: 25°00'38.44445" N 80°22'29.96212" W

Dated: May 8, 2002.

**Jamison S. Hawkins,**

*Deputy Assistant Administrator for Ocean Services and Coastal Zone Management.*

[FR Doc. 02-12004 Filed 5-13-02; 8:45 am]

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

[I.D. 050302A]

**Endangered Species; Permit No. 1351**

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

**ACTION:** Issuance of permit.

**SUMMARY:** Notice is hereby given that Dr. Frank A. Chapman, Department of Fisheries and Aquatic Sciences, University of Florida, University of Florida, 7922 N.W. 71 St., Gainesville, Florida 32653, has been issued a permit to take Shortnose Sturgeon (*Acipenser brevirostrum*) for purposes of scientific research and enhancement.

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

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713-2289; fax (301)713-0376.

**FOR FURTHER INFORMATION CONTACT:**

Lillian Becker, (301)713-2289.

**SUPPLEMENTARY INFORMATION:** On September 17, 2001, notice was published in the **Federal Register** (66 FR 48031) that a request for a scientific research/enhancement permit to take shortnose sturgeon had been submitted by the above-named individual. The requested permit has been issued under the authority of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222-226).

The Holder was issued a four year permit [#1351] to identify the physical, chemical, and biological parameters necessary for optimal survival and

growth of shortnose sturgeon. The research activities proposed in this investigation address the goals and objectives of the shortnose sturgeon recovery plan.

Issuance of this permit, 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: May 8, 2002.

**Eugene T. Nitta,**

*Acting Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 02-12034 Filed 5-13-02; 8:45 am]

**BILLING CODE 3510-22-S**

**CONSUMER PRODUCT SAFETY COMMISSION**

**[CPSC Docket No. 02-2]**

**In the Matter of DAISY MANUFACTURING COMPANY Inc.; d/b/a/ Daisy Outdoor Products, 400 West Stribling Drive, Rogers, Arkansas 72756; Prehearing Conference**

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice of first prehearing conference.

**DATES:** This notice announces a prehearing conference to be held in the matter of Daisy Manufacturing Company, Inc. on June 7, 2002 at 10 a.m.

**ADDRESSES:** The prehearing conference will be in hearing room 420 of the East-West Towers Building, 4330 East-West Highway, Bethesda, Maryland 20814.

**FOR FURTHER INFORMATION CONTACT:**

Todd A. Stevenson, Secretary, U.S. Consumer Product Safety Commission, Washington, DC; telephone (301) 504-0800; telefax (301) 504-0127.

**SUPPLEMENTARY INFORMATION:** This public notice is issued pursuant to 16 CFR 1025.21(b) of the U.S. Consumer Product Safety Commission's Rules of Practice for Adjudicative Proceedings to inform the public that a prehearing conference will be held in administrative proceeding under section 15 of the Consumer Product Safety Act ("CPSA"), 15 U.S.C. 2064 and section 15 of the Federal Hazardous Substances Act ("FHSAs"), 15 U.S.C. 1274, captioned CPSC Docket No. 02-2, In the Matter of DAISY MANUFACTURING COMPANY, Inc. doing business as

Daisy Outdoor Products. The Presiding Officer in the proceeding is United States Administrative Law Judge William B. Moran. The Presiding Officer has determined that, for good and sufficient cause, the time period for holding the first prehearing conference had to be extended to the date announced above, which date is beyond the fifty (50) day period referenced in 16 CFR 1025.21(a).

The public is referred to the Code of Regulations citation listed above for identification of the issues to be raised at the conference and is advised that the date, time and place of the hearing also will be established at the conference.

Substantively, the issues being litigated in this proceeding are described by the Presiding Officer to include: Whether certain identified models of the Daisy Powerline Airgun, designed to shoot BBs or pellets, contain defects which create a substantial product hazard defect in that, allegedly, BBs can become lodged within a "virtual magazine," or fail to feed into the firing chamber, with the consequences that one may fire or shake the gun without receiving any visual or audible indication that is still loaded. Consequently, the complaint asserts that these alleged problems can lead consumers to erroneously believe that the gun is empty and that such phenomena means that the gun is "defective" within the meaning of section 15 of the CPSA, 15 U.S.C. 2064 and section 15 of the FHSAs, 15 U.S.C. 1274. The Complaint further alleges that the gun's design, by making it difficult to determine when looking into the loading port whether a BB is present, constitutes a "defect" under the CPSA and the FHSAs and presents a "substantial product hazard," creating a substantial risk of injury to consumers, within the meaning of section 15(a)(2), of the CPSA, 15 U.S.C. 2064(a)(12), and presents a substantial risk of injury of children under section 15(c)(1) and (c)(2) of the FHSAs, 15 U.S.C. 1274(c)(1) and (c)(2). The public should be mindful that these are allegations only and the CPSC bears the burden of proof in establishing any violations. Should these allegations be proven, Complaint Counsel for the Office of Compliance of the U.S. Consumer Product Safety Commission seeks a finding that these products present a substantial product hazard and present a substantial risk of injury to children and that public notification of such hazard and risk of injury be made pursuant to section 15(c) of the CPSA and that other appropriate relief be directed, as set forth in the Complaint.