

customer base, or supplier base as a result of the name change. Finally, ThyssenKrupp Nirosta GmbH, ThyssenKrupp Nirosta North America, Inc., ThyssenKrupp VDM GmbH, and ThyssenKrupp VDM USA, Inc., have provided sufficient documentation of the name change. *See, e.g.*, Exhibits 3 through 6 of the June 12, 2002 submission (notarized document that at the general meeting of the company it agreed to change the name of the company, and certificate of amendment to the certificate of incorporation). Therefore, we preliminarily determine that ThyssenKrupp Nirosta GmbH, ThyssenKrupp Nirosta North America, Inc., ThyssenKrupp VDM GmbH, and ThyssenKrupp VDM USA, Inc., have maintained the same management, production facilities, supplier relationships, and customer bases as did Krupp Thyssen Nirosta GmbH, Krupp Thyssen Nirosta North America, Inc., Krupp VDM GmbH, Krupp VDM Technologies Corp., respectively. Based upon the foregoing, we preliminarily determine that ThyssenKrupp Nirosta GmbH, ThyssenKrupp Nirosta North America, Inc., ThyssenKrupp VDM GmbH, and ThyssenKrupp VDM USA, Inc. are the successors-in-interest to Krupp Thyssen Nirosta GmbH, Krupp Thyssen Nirosta North America, Inc., Krupp VDM GmbH, Krupp VDM Technologies Corp., respectively, and we find it appropriate to issue the preliminary results in combination with the notice of initiation in accordance with 19 CFR 351.221(c)(3)(ii). If there are no changes in the final results of the changed circumstances review, ThyssenKrupp Nirosta GmbH and ThyssenKrupp VDM GmbH will retain the antidumping duty cash deposit rate assigned to Krupp Thyssen Nirosta GmbH and Krupp VDM GmbH in the most recent administrative review of the subject merchandise.

#### Public Comment

Pursuant to 19 CFR 351.310, any interested party may request a hearing within 10 days of publication of this notice. Case briefs and/or written comments from interested parties may be submitted no later than 21 days after the date of publication of this notice. Rebuttal briefs and rebuttals comments, limited to the issues raised in those case briefs or comments, may be filed no later than 28 days after the publication of this notice. All written comments must be submitted and served on all interested parties on the Department's service list in accordance with 19 CFR 351.303. Any hearing, if requested, will be held no later than 30 days after the date of publication of this notice, or the

first working day thereafter. Persons interested in attending the hearing should contact the Department for the date and time of the hearing. The Department will publish in the **Federal Register** a notice of final results of this changed circumstances antidumping duty administrative review, including the results of its analysis of any issues raised in any written comments.

During the course of this changed circumstances review, we will not change any cash deposit instructions on the merchandise subject to this review, unless a change is determined to be warranted pursuant to the final results of this review.

We are issuing and publishing this determination and notice in accordance with sections 751(b) and 777(i)(1) of the Tariff Act and 19 CFR 351.221(c)(3) and 19 CFR 351.216.

Dated: July 16, 2002.

**Faryar Shirzad,**

*Assistant Secretary for Import Administration.*

[FR Doc. 02-19110 Filed 7-26-02; 8:45 am]

**BILLING CODE 3510-DS-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Evaluation of Coastal Zone Management Program and National Estuarine Research Reserve

**AGENCY:** Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration (NOAA), DOC.

**ACTION:** Notice of intent to evaluate.

**SUMMARY:** The NOAA Office of Ocean and Coastal Resource Management (OCRM) announces its intent to evaluate the performance of the Delaware National Estuarine Research Reserve and the Delaware Coastal Management Program. Since the Coastal Management Program and the National Estuarine Research Reserve are administered by the same office, they are being evaluated together.

The Coastal Zone Management Program evaluation will be conducted pursuant to section 312 of the Coastal Zone Management Act of 1972 (CZMA), as amended and regulations at 15 CFR part 923, subpart L. The National Estuarine Research Reserve evaluation will be conducted pursuant to sections 312 and 315 of the Coastal Zone Management Act of 1972 (CZMA), as

amended and regulations at 15 CFR part 921, subpart E and part 923, subpart L.

The CZMA requires continuing review of the performance of states with respect to coastal program and research reserve program implementation. Evaluation of Coastal Zone Management Programs and National Estuarine Research Reserves requires findings concerning the extent to which a state has met the national objectives, adhered to its Coastal Management Program document or Reserve final management plan approved by the Secretary of Commerce, and adhered to the terms of financial assistance awards funded under the CZMA.

The evaluations will include a site visit, consideration of public comments, and consultations with interested Federal, state, and local agencies and members of the public. A public meeting will be held as party of the site visit.

Notice is hereby given of the dates of the site visit for the listed evaluations, and the date, local time, and location of the public meeting during the site visit.

The Delaware Coastal Management Program and National Estuarine Research Reserve evaluation site visit will be held September 16-20, 2002. One public meeting will be held during the week. The public meeting will be on Tuesday, September 17, 2002, from 6 p.m. to 8 p.m., in the Delaware Department of Natural Resources and Environmental Control Auditorium, Richardson and Robbins Building, 89 Kings Highway, Dover, Delaware 19901.

Copies of the state's most recent performance reports, as well as OCRM's notifications and supplemental request letters to the states, are available upon request from OCRM. Written comments from interested parties regarding these Programs are encouraged and will be accepted until 15 days after the public meeting. Please direct written comments to Douglas Brown, Deputy Director, Office of Ocean and Coastal Resource Management, NOS/NOAA, 1305 East-West Highway, 10th floor, Silver Spring, Maryland 20910. When the evaluations are completed, OCRM will place a notice in the **Federal Register** announcing the availability of the Final Evaluation Findings.

#### FOR FURTHER INFORMATION CONTACT:

Douglas Brown, Deputy Director, Office of Ocean and Coastal Resource Management, NOS/NOAA, 1305 East-West Highway, Silver Spring, Maryland 20910, (301) 713-3155, Extension 215.

(Federal Domestic Assistance Catalog 11.419 Coastal Zone Management Program Administration)

Dated: July 24, 2002.

**Jamison S. Hawkins,**

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

[FR Doc. 02-19116 Filed 7-26-02; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 072202A]

#### Receipt of an Application for an Incidental Take Permit (1398)

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

**ACTION:** Notice of availability.

**SUMMARY:** NMFS has received an application for an incidental take permit (Permit) from the North Carolina Division of Marine Fisheries (NCDMF) pursuant to the Endangered Species Act of 1973, as amended (ESA). As required by the ESA, NCDMF's application includes a conservation plan designed to minimize and mitigate any such take of endangered or threatened species. The Permit application is for the incidental take of ESA-listed adult and juvenile sea turtles associated with otherwise lawful commercial fall gill net fisheries for flounder operating in Pamlico Sound, NC. The duration of the proposed Permit is for 3 years. NMFS is furnishing this notice in order to allow other agencies and the public an opportunity to review and comment on this document. All comments received will become part of the public record and will be available for review.

**DATES:** Written comments from interested parties on the Permit application and Plan must be received at the appropriate address or fax number (see ADDRESSES) no later than 5 p.m. Eastern daylight time on August 28, 2002.

**ADDRESSES:** Written comments on this action should be addressed to the Chief, Endangered Species Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910. Comments may also be sent via fax to 301-713-0376. The application is available for download and review at [http://www.nmfs.noaa.gov/prot\\_res/PR3/Permits/ESAPermit.html](http://www.nmfs.noaa.gov/prot_res/PR3/Permits/ESAPermit.html). Comments will not be accepted if submitted via e-mail or the Internet.

**FOR FURTHER INFORMATION CONTACT:**

David Bernhart (ph. 727-570-5312, fax 727-570-5517, e-mail David.Bernhart

@noaa.gov). Comments received will also be available for public inspection, by appointment, during normal business hours by calling 301-713-1401.

**SUPPLEMENTARY INFORMATION:** Section 9 of the ESA and Federal regulations prohibit the "taking" of a species listed as endangered or threatened. The term "take" is defined under the ESA to mean harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. NMFS may issue permits, under limited circumstances, to take listed species incidental to, and not the purpose of, otherwise lawful activities. Section 10(a)(1)(B) of the ESA provides for authorizing incidental take of listed species. NMFS regulations governing permits for threatened and endangered species are promulgated at 50 CFR 222.307.

#### Species Covered in this Notice

The following species are included in the conservation plan and Permit application: Loggerhead (*Caretta caretta*), green (*Chelonia mydas*), leatherback (*Dermochelys coriacea*), hawksbill (*Eretmochelys imbricata*), and Kemp's ridley (*Lepidochelys kempii*) sea turtles.

#### Background

NMFS issued Permit 1259 to NCDMF (65 FR 65,840, November 2, 2000) and Permit 1348 (66 FR 51,023, October 5, 2001) for managing the sea turtle interactions in certain factions of the 2000 and 2001 commercial fall gill net fisheries for flounder in the southeastern portion of Pamlico Sound. On July 18, 2002, NCDMF submitted an application to NMFS for a Permit (1398) authorizing incidental take of ESA-listed sea turtles associated with the shallow water fishery for the 2002, 2003, and 2004 fall fishing seasons. This application includes endangered Kemp's ridley, leatherback, and hawksbill sea turtles and the threatened green and loggerhead sea turtles. This fishery targets flounder. The proposed implementation of this fishery will allow for the continued commercial harvest of this species. This fishery is estimated to have a value of over one million dollars per year. This fishery supports fishermen and the local economy.

#### Conservation Plan

The conservation plan prepared by NCDMF describes measures designed to monitor, minimize, and mitigate the incidental takes of ESA-listed sea turtles. The conservation plan includes managing the shallow water large and small mesh gill net fishery which

operates from April through December in areas adjacent to the Outer Banks and mainland in Pamlico Sound. Three gill net restricted areas (GNRAs) will be designated for the eastern Pamlico Sound and two GNRA's in the western Pamlico Sound along the mainland in Hyde and Pamlico Counties.

The three eastern GNRA's consist of waters extending out from the barrier islands to a depth of less than 20 feet (6.1 m). The three GNRA's from south to north are as follows: (1) the area from Wainwright Island including Ocracoke Inlet bound by Core Banks; (2) the area north of Ocracoke Inlet to and encompassing Hatteras Inlet; (3) the area north of Hatteras Inlet to and encompassing Oregon Inlet. The shallow water fishery operates from April through December in depths typically less than 3 feet (1.0 m). Vessels are usually open skiffs ranging from 15 to 25 feet (4.6 to 7.6 m) in length. Each fisherman sets 500 to 2000 yards (457 to 1,828 m) of large mesh (5.5 to 7.0 inch (14.0 to 17.8 cm)) or small mesh (3.5 to 4.5 inch (8.90 to 11.4 cm)) gill net, which are soaked overnight and retrieved by hand.

Monitoring during the 2000 fishing season consisted of 4.3 percent coverage of this fishery with 37 trips observed. Four sea turtle interactions were observed and all were green turtles, three were released alive. During the 2001 fishing season, 131 large mesh trips were observed which represented 9 percent coverage. Four green sea turtles and one hawksbill were observed in the large mesh gill net fishery. For the small mesh fishery, 47 trips were observed for the "set" net and 12 trips observed for the "runaround" accomplishing 20 and 8.4 percent coverage, respectively. No sea turtle interactions were observed.

In addition to the Outer Banks fisheries, a mainland based flounder gill net fishery occurs in the shallow water bays and along the shoreline of Hyde and Pamlico Counties. The two GNRA's consist of all mainland areas within 200 yards (183 m) of shore between 76 30'W and 76 50'W. The fishery operating in this area is similar to the Outer Banks fishery with the effort from April through December. Fishing depths are typically less than 3 feet (1.0 m), and each fisherman sets 500 to 2000 yards (457 to 1,828 m) of large mesh (5.5 to 7.0 inch (14.0 to 17.8 cm)), which are soaked overnight and retrieved by hand. This fishery did not operate during the 2001 fishing season due to the 2001 closure of Pamlico Sound (66 FR 50350, October 3, 2001). No observer trips have been conducted within this fishery and therefore there have been no