

**DEPARTMENT OF COMMERCE****International Trade Administration****Export Trade Certificate of Review**

**ACTION:** Notice of revocation of Export Trade Certificate of Review No. 99-00006.

**SUMMARY:** The Secretary of Commerce issued an Export Trade Certificate of Review to T.P. International Expo Services, Inc. Because this certificate holder has failed to file an annual report as required by law, the Secretary is revoking the certificate. This notice summarizes the notification letter sent to T.P. International Expo Services, Inc.

**FOR FURTHER INFORMATION CONTACT:** Jeffrey Anspacher, Director, Office of Export Trading Company Affairs, International Trade Administration, 202/482-5131. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** Title III of the Export Trading Company Act of 1982 ("the Act") (Pub. L. 97-290, 15 U.S.C. 4011-21) authorizes the Secretary of Commerce to issue export trade certificates of review. The regulations implementing Title III ("the Regulations") are found at 15 CFR part 325 (1999). Pursuant to this authority, a certificate of review was issued on January 11, 2000 to T.P. International Expo Services, Inc.

A certificate holder is required by law to submit to the Department of Commerce annual reports that update financial and other information relating to business activities covered by its certificate (section 308 of the Act, 15 U.S.C. 4018, § 325.14(a) of the Regulations, 15 CFR 325.14(a)). The annual report is due within 45 days after the anniversary date of the issuance of the Certificate of Review (§325.14(b) of the Regulations, 15 CFR 325.14(b)). Failure to submit a complete annual report may be the basis for revocation (§§ 325.10(a) and 325.14(c) of the regulations, 15 CFR 325.10(a)(3) and 325.14(c)).

On January 7, 2002, the Department of Commerce sent to T.P. International Expo Services, Inc. a letter containing annual report questions with a reminder that its annual report was due on February 25, 2002. Additional reminders were sent on April 11, 2002 and on May 21, 2002. The Department has received no written response from T.P. International Expo Services, Inc. to any of these letters.

On July 10, 2002, and in accordance with § 325.10(c)(2) of the Regulations, (15 CFR 325.10 (c)(2)), the Department of Commerce sent a letter by certified

mail to notify T.P. International Expo Services, Inc. that the Department was formally initiating the process to revoke its certificate for failure to file an annual report. In addition, a summary of this letter allowing T.P. International Expo Services, Inc. thirty days to respond was published in the **Federal Register** on July 16, 2002 at 67 FR 46634. Pursuant to § 325.10(c)(2) of the regulations (15 CFR 325.10(c)(2)), the Department considers the failure of T.P. International Expo Services, Inc. to respond to be an admission of the statements contained in the notification letter.

The Department has determined to revoke the certificate issued to T.P. International Expo Services, Inc. for its failure to file an annual report. The Department has sent a letter, dated August 19, 2002, to notify T.P. International Expo Services, Inc. of its determination. The revocation is effective thirty (30) days from the date of publication of this notice. Any person aggrieved by this decision may appeal to an appropriate U.S. district court within 30 days from the date on which this notice is published in the **Federal Register** §§ 325.10(c)(4) and 325.11 of the Regulations, 15 CFR 324.10(c)(4) and 325.11 of the Regulations, 15 CFR 325.10(c)(4) and 325.11.

Dated: August 19, 2002.

**Jeffrey Anspacher,**

*Director, Office of Export Trading Company Affairs.*

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**BILLING CODE 3510-DR-P**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

[I.D. 081402A]

**Endangered and Threatened Species; Take of Anadromous Fish**

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

**ACTION:** Receipt of an application to modify an existing scientific research/enhancement permit (1044) and request for comment.

**SUMMARY:** Notice is hereby given that NOAA Fisheries has received an application for a permit modification for permit number 1044 from the Southwest Fisheries Science Center (SWFSC) in Santa Cruz, CA. The modified permit would affect ten Evolutionarily Significant Units (ESUs) of salmonids identified in **SUPPLEMENTARY**

**INFORMATION** following. This document serves to notify the public of the availability of the permit modification application for review and comment before a final approval or disapproval is made by NOAA Fisheries.

**DATES:** Written comments on the permit application must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Pacific Standard Time on September 23, 2002.

**ADDRESSES:** Written comments on the modification request should be sent to the appropriate office as indicated below. Comments may also be sent via fax to the number indicated for the request. Comments will not be accepted if submitted via e-mail or the Internet. The applications and related documents are available for review in the indicated office, by appointment: Daniel Logan, Protected Species Division, NOAA Fisheries, 777 Sonoma Avenue, Room 325, Santa Rosa, CA 95404-6528 (ph: 707-575-6053, fax: 707-578-3435). Documents may also be reviewed by appointment in the Office of Protected Resources, F/PR3, NOAA Fisheries, 1315 East-West Highway, Silver Spring, MD 20910-3226 (301-713-1401).

**FOR FURTHER INFORMATION CONTACT:**

Daniel Logan at phone number 707-575-6053, or e-mail: [dan.logan@noaa.gov](mailto:dan.logan@noaa.gov).

**SUPPLEMENTARY INFORMATION:****Authority**

Issuance of permits and permit modifications, as required by the Endangered Species Act of 1973 (16 U.S.C. 1531-1543) (ESA), is based on a finding that such permits/modifications: (1) are applied for in good faith; (2) would not operate to the disadvantage of the listed species which are the subject of the permits; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA. Authority to take listed species is subject to conditions set forth in the permits. Permits and modifications are issued in accordance with and are subject to the ESA and NOAA Fisheries regulations governing listed fish and wildlife permits (50 CFR parts 222-226).

Those individuals requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). The holding of such a hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in the permit action summaries are those of the applicant and do not necessarily reflect the views of NOAA Fisheries.

### Species Covered in This Notice

This notice is relevant to the following eight threatened and two endangered salmonid ESUs: threatened Southern Oregon/northern California Coasts coho salmon (*Oncorhynchus kisutch*), threatened Central California Coast coho salmon, threatened California Coastal Chinook salmon (*O. tshawytscha*), threatened Central Valley Spring-run Chinook salmon, endangered Sacramento River Winter-run Chinook salmon, threatened Northern California steelhead (*O. mykiss*), threatened Central California Coast steelhead, threatened Central Valley steelhead, threatened South-central California Coast steelhead, and endangered Southern California steelhead.

### Modification Request Received

SWFSC requests a modification to permit 1044 for takes of adult and juvenile ESA-listed coho salmon, chinook salmon, and steelhead associated with population studies, carcass counts, redd surveys, genetic analyses, and habitat association studies. Presently, permit 1044 authorizes intentional takes of adult and juvenile threatened Southern Oregon/northern California Coasts coho salmon, and threatened Central California Coast coho salmon for projects in northern California. This requested modification would add intentional takes of threatened California Coastal chinook salmon, threatened Central Valley Spring-run chinook salmon, endangered Sacramento River Winter-run chinook salmon, threatened Northern California steelhead, threatened Central California Coast steelhead, threatened Central Valley steelhead, threatened South-central California Coast steelhead, and endangered Southern California steelhead to the SWFSC permit.

Dated: August 19, 2002.

**Susan L. Pultz,**

*Acting Chief, Endangered Species Division,  
Office of Protected Resources, National  
Marine Fisheries Service.*

[FR Doc. 02-21590 Filed 8-22-02; 8:45 am]

**BILLING CODE 3510-22-S**

### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

[I.D. 021102C]

#### Taking and Importing of Marine Mammals

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

Atmospheric Administration (NOAA),  
Commerce.

**ACTION:** Final organized decision  
process.

**SUMMARY:** The Dolphin Protection  
Consumer Information Act (DPCIA)  
requires the Secretary of Commerce  
(Secretary), subject to certain  
conditions, to amend the "dolphin-safe"  
labeling standard so that tuna from the  
eastern tropical Pacific Ocean (ETP)  
purse seine fishery caught in sets in  
which no dolphins were killed or  
seriously injured may be labeled  
"dolphin-safe." The Secretary is  
required by the Marine Mammal  
Protection Act (MMPA) to conduct  
specified scientific research and to make  
a finding, based on the results of that  
research, information obtained under  
the International Dolphin Conservation  
Program (IDCP), and any other relevant  
information, as to whether the  
intentional deployment on or  
encirclement of dolphins with purse  
seine nets is having a "significant  
adverse impact" on any depleted  
dolphin stock in the ETP. "Significant  
adverse impact" is not defined in the  
statute. On February 15, 2002, NMFS  
proposed an organized decision process  
(ODP) for outlining the types of  
information that will be available to the  
Secretary and the context in which the  
Secretary will consider the information  
in arriving at a final finding. NMFS  
accepted public comment on the  
proposed ODP for 60 days. This notice  
responds to comments and contains the  
final ODP to be used by the Secretary in  
making the finding.

**FOR FURTHER INFORMATION CONTACT:**  
Nicole R. Le Boeuf, Office of Protected  
Resources, NMFS, 301-713-2322.

#### SUPPLEMENTARY INFORMATION:

##### Background

Since its enactment in 1972, the  
MMPA (16 U.S.C. 1361 *et seq.*) has been  
amended several times to address the  
issue of dolphin mortality in the ETP  
tuna purse seine fishery. As concern  
among U.S. consumers grew, the DPCIA  
(16 U.S.C. 1385) was enacted in 1990 to  
establish the dolphin-safe labeling  
standard. The International Dolphin  
Conservation Program Act (IDCPA),  
(Public Law 105-42), was enacted in  
1997, in response to the success of the  
ETP tuna purse seine fishery in  
dramatically reducing dolphin mortality  
caused by normal fishing operations.  
The IDCPA amended both the MMPA  
and the DPCIA. The MMPA, as  
amended by the IDCPA, requires the  
Secretary to conduct specified scientific  
research on dolphin stocks in the ETP.

The DPCIA, as amended by the IDCPA,  
requires the Secretary to make a finding,  
based on the scientific research,  
information obtained under the IDCP  
(the international program of dolphin  
conservation established by the nations  
participating in the ETP purse seine  
fishery), and any other relevant  
information, as to whether the  
intentional deployment on or  
encirclement of dolphins with purse  
seine nets is having a "significant  
adverse impact" on any depleted  
dolphin stock in the ETP. There are  
three depleted dolphin stocks in the  
ETP: northeastern offshore spotted,  
eastern spinner, and coastal spotted.  
The ETP is the area of the Pacific Ocean  
bounded by 40° N. lat., 40° S. lat., 160°  
W. long., and the western coastlines of  
North, Central, and South America.

The Secretary's finding will  
determine the definition of "dolphin-  
safe" as applicable to tuna harvested by  
purse seine vessels with carrying  
capacities of greater than 400 short tons  
operating in the ETP. Refer to the  
**Federal Register** Notice at 64 FR 24590  
(May 7, 1999), for more information on  
the dolphin-safe labeling standard.

The DPCIA requires the Secretary to  
make an initial finding regarding the  
dolphin-safe label in 1999, and a final  
finding by December 31, 2002. On April  
29, 1999, NMFS made an initial finding  
that there was insufficient evidence at  
that time to determine whether the  
chase and encirclement of dolphins by  
the tuna purse seine fishery was having  
a significant adverse impact on any  
depleted dolphin stock in the ETP  
(NMFS 1999) (64 FR 24590). The U.S.  
District Court for the Northern District  
of California in *Brower v. Daley*, 93 F.  
Supp. 2d 1071 (N. D. Ca. 2000), set aside  
this determination, and that ruling was  
affirmed by the Ninth Circuit Court of  
Appeals in *Brower v. Evans*, 257 F. 3d  
1058 (9th Cir. 2001). As a result, the  
dolphin-safe labeling standard (from  
section (h)(2) of the DPCIA) is currently  
in effect.

NMFS' IDCPA research activities will  
provide substantial additional  
information for the final finding relative  
to what was available for the initial  
finding in 1999. Some of this new  
information will include: dolphin  
abundance data from 1999 and 2000,  
updated mortality estimates based on  
observer data, an updated review of  
scientific literature on stress in marine  
mammals, results from a necropsy study  
of dolphins killed in the fishery, a  
review of historical demographic and  
biological data related to dolphins  
involved in the fishery, results from a  
required chase-recapture experiment, as  
well as information regarding variability