

writing by at least two peers; the criticism was disposed of either by acceptance or rebuttal, as appropriate, by the author(s); and the disposition of the criticism by the author(s) was independently determined to be appropriate and adequate. *Verification* means that the data, procedures, methods, equipment, mathematics, statistics, models, computer software, and anything else used to produce the scientific information are to be submitted to NMFS in a timely manner such that the scientific information may be replicated or rejected. For the final finding, "in a timely manner" means as of May 1, 2002.

#### References

- Gerrodette, T. 1996. A comparison of mortality limits for eastern tropical Pacific dolphins under the Declaration of Panama and under Potential Biological Removal (PBR) management. NMFS Administrative Report LJ-96-18.
- NMFS 1999. Report to Congress on the initial finding, required under the Marine Mammal Protection Act of 1972 as amended by the International Dolphin Conservation Program Act of 1997, regarding whether the intentional deployment on or encirclement of dolphins with purser seine nets is having a significant adverse impact on any depleted dolphin stock in the eastern tropical Pacific Ocean. Southwest Fisheries Science Center, National Marine Fisheries Service, National Oceanic Atmospheric Administration.
- Wade, P.R. and R.P. Angliss. 1997. Guidelines for assessing marine mammal stocks: Report of the GAMMS workshop April 3-5, 1996, Seattle, Washington. U.S. Department of Commerce, NOAA Technical Memorandum NMFS-OPR-12.

Dated: August 13, 2002.

**Donald R. Knowles,**

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

[FR Doc. 02-21587 Filed 8-22-02; 8:45 am]

BILLING CODE 3510-22-S

#### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

[I.D. 081402C]

**Endangered Species; File No. 1374;  
Marine Mammals; File Nos. 781-1666,  
1035-1688**

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

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Withdrawal of application, return of application, and receipt of application for permit.

**SUMMARY:** Notice is hereby given that the following applicants have applied in due form for a permit to take marine mammals and/or endangered species for the purposes of scientific research:

Dr. Andrew J. Read, Duke University Marine Laboratory, 135 Duke Marine Lab Road, Beaufort, NC 28516-9721 (File No. 1374);

NMFS Northwest Fisheries Science Center, 2725 Montlake Blvd. E, Seattle, WA 98112-2097 (Dr. Cynthia Tynan, Principal Investigator) (File No. 781-1666); and

Dr. Cynthia Tynan, School of Oceanography, University of Washington, Box 357940, Seattle, WA 98195-7940 (File No. 1035-1688).

**DATES:** Written or telefaxed comments on the new application must be received on or before September 23, 2002.

**ADDRESSES:** The applications and related documents are available for review upon written request or by appointment (See **SUPPLEMENTARY INFORMATION**).

**FOR FURTHER INFORMATION CONTACT:**

Carrie Hubard or Ruth Johnson, (301)713-2289.

**SUPPLEMENTARY INFORMATION:** The subject permits are requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222-227), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

#### Application Withdrawn

On March 25, 2002 a notice was published in the **Federal Register** (67 FR 13607) that an application had been filed by Dr. Andrew J. Read of Duke University Marine Laboratory. The purpose of this research was to describe relationships between the movements of sea turtles and the fall gillnet flounder fishery as well as habitat use of loggerhead, green and Kemp's ridley sea turtles. Up to 30 loggerhead, 10 green and 10 Kemp's ridley sea turtles would be monitored via satellite telemetry. The applicant has requested that the application be withdrawn and will now work on a similar project already

authorized under NMFS Southeast Region scientific research Permit No. 1260.

#### Application Returned

On April 25, 2002 a notice was published in the **Federal Register** (67 FR 20491) that an application had been filed by NMFS, Northwest Fisheries Science Center, (Dr. Cynthia Tynan, Principal Investigator). The applicant requested permission to conduct photo-identification, prey sampling and line-transect surveys of marine mammals in U.S. waters of the North Pacific. Because the principal investigator on the permit application has changed affiliations and no longer works at NWFSC, the application has been returned.

#### Application Received

For File No. 1035-1688, the applicant requests permission to conduct shipboard line-transect surveys of marine mammals in U.S. waters of the North Pacific. The applicant proposes to take various species of cetaceans and five species of pinnipeds via harassment during photo-identification from small boats or larger research vessels, line-transect surveys from ships, and collection of prey near cetaceans. Cetacean prey will be collected via dip nets and towed zooplankton nets. The goal of this research is to provide temporal (seasonal) and spatial (mesoscale and fine-scale) variability in euphausiid and forage fish occurrence patterns necessary to identify the important bio-physical linkages between top-predator distributions and the density and availability of their prey. Line-transect data will also provide updated abundance estimates.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Written comments or requests for a public hearing on this application should be mailed to the Chief, Permits, Conservation and Education Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate.

Comments may also be submitted by facsimile at (301)713-0376, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the

comment period. Please note that comments will not be accepted by e-mail or by other electronic media.

Concurrent with the publication of this notice in the Federal Register, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Documents are available in the following offices:

All documents: 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 File Nos. 781-1666, 1035-1688: Northwest Region, NMFS, 7600 Sand Point Way NE, BIN C15700, Bldg. 1, Seattle, WA 98115-0700; phone (206)526-6150; fax (206)526-6426;

For File Nos. 781-1666, 1035-1688: Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213; phone (562)980-4001; fax (562)980-4018; and

For File No. 1374: Southeast Region, NMFS, 9721 Executive Center Drive North, St. Petersburg, FL 33702-2432; phone (727)570-5301; fax (727)570-5320.

Dated: August 19, 2002.

**Eugene T. Nitta,**

*Acting Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.*  
[FR Doc. 02-21591 Filed 8-22-02; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 080902C]

#### Marine Mammals; File No. 1007-1629

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

**ACTION:** Issuance of permit amendment.

**SUMMARY:** Notice is hereby given that Leszek Karczmarski, Ph.D., Marine Mammal Research Program, Texas A&M University, 4700 Avenue U, Building 303, Galveston, Texas 77551 has been issued an amendment to scientific research Permit No. 1007-1629-00.

**ADDRESSES:** The amendment 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,

NOAA Fisheries, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713-2289; fax (301)713-0376; and

Protected Species Coordinator, Pacific Area Office, NOAA Fisheries, 1601 Kapiolani Blvd., Room 1110, Honolulu, HI 96814-4700; phone (808)973-2935; fax (808)973-2941.

**FOR FURTHER INFORMATION CONTACT:** Jill Lewandowski or Trevor Spradlin, (301)713-2289.

**SUPPLEMENTARY INFORMATION:** On June 28, 2002, notice was published in the **Federal Register** (67 FR 43586) that an amendment of Permit No. 1007-1629-00, issued August 13, 2001 (66 FR 42523), had been requested by the above-named individual. 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 No. 1007-1629-01 now authorizes the take of 5,000 individual Hawaiian spinner dolphins (*Stenella longirostris*) annually by behavioral observation and photo-identification, 600 individuals annually through genetic sampling, and an unlimited number of individuals by close approach incidental to research activities. The purpose of the research is to compare population structure, genetic flow and social behavior between groups of Hawaiian spinner dolphins. The amended permit expands the geographic area of study to include vessel-based research in all the Northwestern and Main Hawaiian Islands.

Dated: August 19, 2002.

**Eugene T. Nitta,**

*Acting Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.*  
[FR Doc. 02-21592 Filed 8-22-02; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 081902B]

#### Draft Code of Conduct for Responsible Aquaculture in the U. S. Exclusive Economic Zone

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

**ACTION:** Notice of availability; schedule change; request for comments.

**SUMMARY:** The National Marine Fisheries Service (NMFS) announces the availability of a draft Code of Conduct for Responsible Aquaculture in the U. S. Exclusive Economic Zone (Code of Conduct). The purpose of the Code of Conduct is to provide general guidance for siting and operating aquaculture facilities in the Exclusive Economic Zone (EEZ) seaward of coastal state boundaries and authorities. NMFS solicits written comments on the Code of Conduct. NMFS also announces a schedule change for the publication of a final Code of Conduct.

**DATES:** Submit written comments on the draft Code of Conduct to the appropriate address or fax number by 5 p.m. on September 23, 2002.

**ADDRESSES:** The draft Code of Conduct is available on the NMFS Web site: [www.nmfs.gov/aquaculture.htm](http://www.nmfs.gov/aquaculture.htm). The document will also be provided in hard copy upon request (see **FOR FURTHER INFORMATION CONTACT**). Comments on the Code of Conduct may be sent to Colin Nash, NMFS/WASC, P.O. Box 130, Manchester, WA 98353 or by fax to 206-842-8364. Comments may also be hand-delivered during business hours to: NMFS Manchester Research Station, 7305 Beach Drive East, Port Orchard, WA, 98366-8204. Comments will not be accepted via telephone, e-mail, or Internet.

**FOR FURTHER INFORMATION CONTACT:** Susan Bunsick, Office of Sustainable Fisheries, 1315 East-West Highway, Silver Spring, MD 20910 or call 301-713-2334 Extension 102. You may also fax your request to 301-713-0596 or send an e-mail to [susan.bunsick@noaa.gov](mailto:susan.bunsick@noaa.gov). Comments on the Code of Conduct will not be accepted at these contact points.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

NMFS has Federal responsibility for the living marine resources of the United States. Under authority of the Magnuson-Stevens Fishery Conservation and Management Act, NMFS has responsibility for federally managed species and for the conservation and enhancement of essential fish habitat in the zone seaward of coastal state boundaries to the 200-nautical mile limit of the EEZ. NMFS has additional responsibilities for threatened and endangered species and for marine mammals under authorities of the Endangered Species Act and the Marine Mammal Protection Act.

The United States was an active participant in the 1993-1995 consultations that led to the adoption by the Food and Agriculture Organization