

DC 20230. Applications may be examined between 8:30 a.m. and 5 p.m. in Suite 4100W, U.S. Department of Commerce, Franklin Court Building, 1099 14th Street, NW., Washington, DC.

**Docket Number:** 03-054. **Applicant:** Frostburg State University, Department of Biology, 101 Braddock Road, Compton Science Center, Frostburg, MD 21532. **Instrument:** Electron Microscope, Model JEM-1011. **Manufacturer:** JEOL Ltd., Japan. **Intended Use:** The instrument is intended to be used for science-related educational purposes in the course BIO 436/536, Electron Microscopy for Biologists. **Application accepted by Commissioner of Customs:** December 10, 2003.

**Gerald A. Zerdy,**

*Program Manager, Statutory Import Programs Staff.*

[FR Doc. 03-31595 Filed 12-22-03; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 121203C]

#### Vessel Monitoring Systems (VMS); Certification of New VMS Unit for Use in Northeast Fisheries

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

**ACTION:** Notice of VMS unit certification.

**SUMMARY:** NMFS announces the approval and certification of the Boatracs FMCT/G (Fisheries Mobile Communications Transceiver/Global Positioning System (GPS) based) VMS unit for use in all fisheries in the northeastern United States in which VMS units are required.

**DATES:** This new FMCT/G VMS unit can be used effective December 23, 2003.

**FOR FURTHER INFORMATION CONTACT:** Northeast Office for Law Enforcement, VMS Program, telephone 978-281-9213.

#### SUPPLEMENTARY INFORMATION:

Regulations at 50 CFR 648.9 set forth VMS requirements for fisheries in the northeastern United States that require the use of VMS for fishery monitoring and/or reporting. Specifically, § 648.9(b) lists minimum VMS performance criteria that a VMS unit must meet in order to be certified for use.

The Administrator, Northeast Region, NMFS, has reviewed all components of the FMCT/G and other information provided by the vendor and has

certified the following unit for use in all Northeast fisheries in which VMS units are required: Boatracs FMCT/G, available from Boatracs, 1935 Cordell Court, El Cajon, CA 92020-0911, Telephone: (619) 438-6000, 1-800-336-8722.

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

Dated: December 16, 2003.

**Bruce C. Morehead,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 03-31613 Filed 12-22-03; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 071703A]

#### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Exempted Fishing Permit

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

**ACTION:** Disapproval of an exempted fishing permit (EFP).

**SUMMARY:** NMFS announces that it has disapproved the request for an exempted fishing permit (EFP) from Florida Offshore Aquaculture, Inc., of Madeira Beach, FL. The EFP would have authorized a 24-month feasibility study for net cage culture of cobia, mahi-mahi, greater amberjack, Florida pompano, red snapper and cubera snapper at a site approximately 33 statute miles (53 km) WSW. of Johns Pass, FL.

**FOR FURTHER INFORMATION CONTACT:** Peter Eldridge, 727-570-5305; fax: 727-570-5583; e-mail: [peter.eldridge@noaa.gov](mailto:peter.eldridge@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The EFP was requested under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), and regulations at 50 CFR 600.745(b), concerning scientific research activity, exempted fishing permits, and exempted educational activity.

Florida Offshore Aquaculture, Inc., requested an EFP to determine the feasibility of raising fish in the exclusive economic zone approximately 33 miles (53 km) WSW. of Johns Pass, FL. Initially, the project intended to raise juvenile cobia in four cages during the

first year. The applicant intended to expand the project to eight cages with cobia, mahi-mahi, greater amberjack, Florida pompano, red snapper and cubera snapper. The applicant stated that disease-free fingerlings would be obtained from the Aquaculture Center of the Florida Keys (59300 Overseas Highway, Marathon, FL, phone (305) 743-6135) and the Marine Science Institute of the University of Texas (750 Channel View Drive, Port Aransas, TX, phone (361) 749-6795). Further, the applicant stated that the brood stock and their spawn would be genetically tagged using the satellite DNA method.

On July 30, 2003, NMFS published in the **Federal Register** a notice of receipt of an application for an exempted fishing permit with a request for comments on the EFP (68 FR 44745). During the public comment period, 340 individuals opposed the granting of the EFP. In addition, one shrimp firm opposed the EFP because it would disrupt their operations. Six environmental organizations opposed granting the EFP and stated that an Environmental Impact Statement (EIS) rather than an Environmental Assessment (EA) should be prepared for this project. In July 2003, the Florida Department of Environmental Protection (FDEP) expressed concerns about the EA and requested that the EA be revised to reflect their concerns. The Florida Department of Agriculture and Consumer Services supported the permit application.

Consistent with the requirements of 50 CFR 600.745(b)(3)(i), NMFS provided copies of the EFP application and information to the State of Florida, the Gulf of Mexico Fishery Management Council (Council), the U.S. Coast Guard (Coast Guard), and Region 4 of the Environmental Protection Agency (EPA) along with information on the EFP's effects on target species.

The Council considered the EFP request at its September 2003 meeting, and strongly recommended that the EFP for Florida Offshore Aquaculture, Inc. be denied. The Coast Guard and the EPA did not respond to the NMFS request for comments. On October 27, 2003, the Florida Department of Environmental Protection commented that the revised EA lacked adequate information pertaining to the environmental effects of caged aquaculture operations in warm waters, particularly the Gulf of Mexico, and the potential for short- and long-term environmental impacts due to expansion of the facility. Also, they stated that the precedent setting nature of the proposed action warrants a

thorough evaluation under the National Environmental Policy Act.

The major issues of concern, as indicated by the Council, environmental organizations, and individuals, included: (1) the applicant made false statements in connection with the application; (2) which vessel would be used for transporting feed and fish to and from the cages; (3) who would conduct the DNA fingerprinting that would allow tracking of the aquaculture fish throughout their sale; (4) possible escapement and its impact on wild stocks; (5) the type of food used for feeding; (6) possible transfer of diseases to wild fish; (7) timing of cage placement offshore; (8) timing of acquiring fingerlings; (9) the expertise and ability of the applicant to undertake the endeavor; (10) associated penalties for violating the EFP; (11) who is responsible for any environmental damage; (12) staff expertise on treating disease; (13) how disease outbreaks would be treated; (14) liability and environmental insurance; (15) paper trail on aquacultured fish throughout the marketing chain; (16) possible conflicts or impacts on or with other fishing activities; (17) possible interactions of wild fish or other organisms with the cages; (18) response to storm events; (19) why a smaller number of cages will not be used if this is a feasibility study; and (20) the range of species for possible stocking.

Given the inexperience of the applicant and the false information in the application, it appears that the applicant lacks the capability to comply with the conditions of the EFP. It is likely that the project could impact significantly the surrounding habitat and marine fishery resources. Virtually all of the agencies and environmental organizations stated that the proposed action required either an EIS or a thorough analysis of the environmental impacts. Given the precedent setting nature of the action, NMFS concurs that the proposed action warrants an EIS.

The Council is developing a generic amendment and an EIS to determine the feasibility of conducting and regulating aquaculture projects in Federal waters in the Gulf of Mexico. This effort is expected to be completed within 2 years. This process will result in extensive public input and appears necessary to ensure that no unanticipated consequences will result from proposed future aquaculture projects. NMFS will work with the Council and support the development of the generic amendment and EIS.

Given the precedent setting nature of the project and the need for full public input into the process, especially the

need for an EIS, NMFS believes that it is premature to grant an EFP at this time. Rather, applicants should work closely with the Council to develop appropriate procedures for establishing and maintaining future aquaculture projects in Federal waters. Thus, NMFS denies the application for an EFP.

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

Dated: December 17, 2003.

**Bruce C. Morehead,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 03-31611 Filed 12-22-03; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Telecommunications and Information Administration

#### Notice, Establishment of a Frequency Assignment Coordination Web Site

**AGENCY:** National Telecommunications and Information Administration, Department of Commerce.

**ACTION:** Notice.

**SUMMARY:** The National Telecommunications and Information Administration (NTIA), as part of an agreement with the Federal Communications Commission (FCC) in its Allocations and Service Rules for the 71-76 GHz, 81-86 GHz and 92-95 GHz Bands Report and Order, plans to establish a Web-based coordination system to facilitate frequency assignment coordination between federal and non-federal operations within the 70, 80, and 90 GHz bands.<sup>1</sup> Until the complete web-based coordination system is operational, NTIA and the federal agencies will continue to process private sector assignments for coordination within 14 working days of the FCC providing those assignment requests to NTIA. Although the automated coordination system will not be ready for use for several months, NTIA is publicly announcing that the following Web site <<http://ntiacsd.ntia.doc.gov/webcoord/status.cfm>> can be accessed by non-federal applicants to determine the status of their frequency assignment applications for these bands at any point in time.

**FOR FURTHER INFORMATION CONTACT:** Karl B. Nebbia, Office of Spectrum Management, Deputy Associate Administrator, at (202) 482-1850, or

<sup>1</sup> Allocations and Service Rules for the 71-76 GHz, 81-86 GHz, and 92-95 GHz Bands, WT Docket No. 02-146, Report and Order, FCC 03-248 at ¶54 (released, Nov. 4, 2003) (Allocations and Service Rules Order).

electronic mail: [knebbia@ntia.doc.gov](mailto:knebbia@ntia.doc.gov); or Thomas Woods, Office of Spectrum Management, Frequency Assignment Branch Chief, at (202) 482-1132, or electronic mail: [twoods@ntia.doc.gov](mailto:twoods@ntia.doc.gov).

**SUPPLEMENTARY INFORMATION:** New technologies are making widespread beneficial use of the 70, 80, and 90 GHz bands possible for the first time. These bands, which are shared between federal and non-federal users, can now be used to offer a broad range of new products and services, such as high-speed wireless local area networks, and to increase access to broadband services, including access systems for the Internet. In order to accelerate the introduction of these technologies, NTIA and the FCC have agreed to use an innovative Web-based frequency coordination mechanism to coordinate use between the federal and non-federal sectors. The FCC's recent Allocations and Service Rules Order for the 71-76 GHz, 81-86 GHz, and 92-95 GHz bands, set in motion the steps necessary to implement these technologies. The NTIA/FCC agreement calls for the formulation of a plan for the web-based frequency coordination mechanism within four months of the release of the Allocations and Service Rules Order.<sup>2</sup> Within another four months, the interactive system would be operational. This new system will allow non-federal users to use a Web site to determine whether they have any potential conflict with federal users. Non-federal user applicants will be required to input certain information into a database. Once that information has been submitted, it will be processed within minutes and a determination will be made on whether or not the applicant can move forward in planning for their system's operational use within those bands of spectrum.

Until the complete Web-based system is operational, however, federal and non-federal users will continue to coordinate their assignments through NTIA's Interdepartment Radio Advisory Committee (IRAC) Frequency Assignment Subcommittee (FAS). To help each applicant know the status of a particular application with respect to its FAS review, NTIA will provide status information at <http://ntiacsd.ntia.doc.gov/webcoord/status.cfm>. This site will identify when non-federal applications for these bands have been submitted to the FAS, when those applications completed federal agency review, and the final result.

While not a part of the agreement regarding the automated mechanism for the 70, 80, 90 GHz bands, the 21.2-23.6

<sup>2</sup> See *id.* at ¶ 2.