

unwarranted invasion of personal privacy.

Dated: November 15, 2001.

Karen H. Brown,

Acting Director.

[FR Doc. 01-29167 Filed 11-20-01; 8:45am]

BILLING CODE 3510-13-M

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice of prospective grant of exclusive patent license.

SUMMARY: This is a notice in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i) that the National Institute of Standards and Technology ("NIST"), Department of Commerce, is contemplating the grant of an exclusive license in the United States of America, its territories, possessions and commonwealths, to NIST's interest in the invention embodied in U.S. Patent No. 5,508,342 (Application No. 08/189,708), titled, "Polymeric Amorphous Calcium Phosphate Compositions," filed February 1, 1994; NIST Docket No. 93-063US, to the American Dental Association Health Foundation (ADAHF), having a place of business at 211 East Chicago Avenue, Chicago, IL 60611. The grant of the license would be for all fields of use.

FOR FURTHER INFORMATION CONTACT: J. Terry Lynch, National Institute of Standards and Technology, Office of Technology Partnerships, 100 Bureau Drive, Stop 2200, Gaithersburg, MD 20899.

SUPPLEMENTARY INFORMATION: The prospective exclusive license will be royalty sharing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within sixty day from the date of this published Notice, NIST receives written evidence and argument which establish that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7. The availability of the invention for licensing was published in the **Federal Register**, Vol. 60, No. 175 (September 11, 1995).

U.S. Patent No. 5,508,342 is owned by the U.S. Government, as represented by the Secretary of Commerce. The present invention relates to a new type of bioactive composition which can be used in a prophylactic or reconstructive manner by preserving substantially

sound mineralized tissue as well as for promoting remineralization of minerally defective skeletal tissue, such as teeth and bones. More particularly, the present invention is directed to compositions containing amorphous calcium phosphate and unsaturated monomers and to the hardened polymeric composites which they form. The present invention is also directed to a method of treating teeth and bones to effect mineralization.

Dated: November 15, 2001.

Karen H. Brown,

Deputy Director.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Notice of Availability of a Draft Restoration Plan and Environmental Assessment for the M/V Kuroshima Oil Spill, Summer Bay, Unalaska, AK, Request for Comments

SUMMARY: Natural Resource Trustee agencies (Trustees) have developed a Draft Restoration Plan and Environmental Assessment (Draft RP/EA) for the restoration of natural resources injured by the release of fuel oil from the 1997 grounding of the M/V Kuroshima near the City of Unalaska, Alaska. The purpose of this notice is to inform the public of the availability of the Draft RP/EA and the opportunity to comment. All persons affected by, or otherwise interested in, the proposed restoration plan are invited to submit written comments and attend a public meeting in Unalaska on the proposed plan.

DATES: Comments on the Draft RP/EA must be submitted in writing on or before December 21, 2001. A public meeting has been scheduled November 26, 2001. Detail on this meeting is provided in the **SUPPLEMENTARY INFORMATION** section.

ADDRESSES: Comments and requests for the Draft RP/EA should be submitted to: Douglas Helton, National Oceanic and Atmospheric Administration, Damage Assessment Center, 7600 Sand Point Way, Seattle, WA, 98115. Alternatively, comments may be submitted electronically to the following E-mail address: Doug.Helton@NOAA.GOV. All comments received, including names and addresses, will become part of the public record.

FOR FURTHER INFORMATION CONTACT: Douglas Helton, NOAA Damage

Assessment Center, 7600 Sand Point Way, Seattle, WA, 98115, or visit the M/V Kuroshima web site at: www.darcnw.noaa.gov/kuro.htm

SUPPLEMENTARY INFORMATION:

Background

On November 26, 1997, the M/V Kuroshima, a 368-foot frozen seafood freighter dragged anchor and ran aground in Summer Bay on Unalaska Island, near Dutch Harbor, Alaska. Thirty-nine thousand gallons of heavy fuel oil were spilled. Much of the oil was blown upstream into Summer Bay Lake, which borders Summer Bay, with the remainder stranding along Summer Bay Beach and nearby shorelines. After reviewing a variety of potential injuries to natural resources and their services, the Trustees have identified five categories of natural resources and services adversely affected by the M/V Kuroshima spill that justify restoration: seabirds, salmon, vegetation, shellfish and intertidal biota, and recreational services.

Under the Oil Pollution Act of 1990 (OPA), Federal and State natural resource trustee agencies are authorized to determine the nature and extent of natural resource injuries, select appropriate restoration projects, and implement or oversee restoration. One goal under OPA is to make the public whole for injuries to natural resources and their services resulting from the release of oil. In consultation with the Qawalangin Tribe of Unalaska, the National Oceanic and Atmospheric Administration, the U.S. Fish and Wildlife Service, the Alaska Department of Fish and Game, the Alaska Department of Natural Resources, and the Alaska Department of Law (the Trustees) developed a Draft Restoration Plan and Environmental Assessment (Draft RP/EA) that addresses the natural resource and service injuries identified by the Trustees.

The primary purpose of this Notice is to inform the public of the availability of the Draft RP/EA, and solicit public comment on the proposed restoration actions. The Draft RP/EA includes: removing introduced predators to enhance nesting success for seabird populations affected by the spill; restoring dune vegetation; cleaning up beach debris; performing additional tests of intertidal shellfish; controlling shoreline erosion and lakeshore revegetation, managing salmon runs in the affected lake, and funding equipment and curriculum development for an environmental education camp for local youths.

Public Meeting

The Trustees have scheduled a public meeting for November 26, 2001, from 6:30 pm to 8:30 pm at the Unalaska City Hall, 43 Raven Way, Unalaska, Alaska. The purpose of this meeting will be to discuss the Draft RP/EA and solicit public comments.

Administrative Record

The Trustees have compiled a public record (Administrative Record) to support their restoration planning decisions and inform the public of the basis of their decisions. Additional information and documents, including public comments received on the Draft RP/EA, the Final RP/EA, and other related restoration planning documents, will also become a part of the Administrative Record, and will be submitted to a public repository upon their completion.

The documents comprising the public record (Administrative Record) can be viewed at the following locations: NOAA DANW, 7600 Sand Point Way, NE Seattle, Washington 98115, Contact Doug Helton at (206) 526-4563, or Doug.Helton@NOAA.GOV; The Qawalangin Tribe of Unalaska, 205 West Broadway, Unalaska, AK 99685, Contact Jacob Stepetin at (907-581-2920); and the U.S. Department of Justice, 801 B Street, Suite 504, Anchorage, Alaska 99501, Contact Lorraine Carter at 907-271-5452.

Dated: November 2, 2001.

Jamison S. Hawkins,

Deputy Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 01-29107 Filed 11-20-01; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 111201B]

Directed Economic Assistance Program; Establishment

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

ACTION: Notice of Direct Assistance Program

SUMMARY: The Consolidated Appropriations Act of 2001 makes \$3,000,000 available to the Secretary of Commerce to provide economic assistance to fishermen and fishing communities affected by Federal closures and fishing restrictions in the

Hawaii long line fishery. In furtherance of this directive, NOAA, NMFS, is establishing a direct economic assistance program (DEAP) to provide financial assistance to vessel owners that fished under a Hawaii longline limited access permit and harvested pelagic species in the Hawaii-based longline fishery between January 1, 1999, and November 29, 1999. This document announces the availability of assistance under the DEAP and the eligibility requirements.

DATES: Effective November 21, 2001.

ADDRESSES: Copies of the analysis used by NMFS to categorize vessels qualifying for the eligibility period as either "swordfish" or "tuna" fishing vessels are available from Dr. Charles Karnella, Administrator, Pacific Islands Area Office, 1601 Kapiolani Blvd., Suite 1110, Honolulu, HI 96814-4700.

FOR FURTHER INFORMATION CONTACT: Dr. Charles Karnella, Administrator, Pacific Islands Area Office (PIAO), NMFS, 808-973-2937.

SUPPLEMENTARY INFORMATION:

Background

Section 208 of Appendix D of the Consolidated Appropriations Act, 2001 (Pub. L. 106-554, enacted December 21, 2000) makes available \$3,000,000 to the Secretary of Commerce: "...to provide economic assistance to fishermen and fishing communities affected by federal closures and fishing restrictions in the Hawaii long line fishery...." The Federal closures and fishing restrictions described began in late 1999 when vessels registered for use under Hawaii longline limited access permits (Hawaii-based longline vessels) were prohibited from engaging in fishing in certain accustomed areas and with certain gear. These restrictions were the result of injunctions issued by the U.S. District Court for the District of Hawaii (the Court) to reduce the number of sea turtles injured and killed incidental to fishing operations. Specifically, on February 24, 1999, Turtle Island Restoration Network and The Center for Marine Conservation filed *Center for Marine Conservation, et al. v. National Marine Fisheries Service, et al., Civil Action No. 99-00152(DAE)(CMC v. NMFS)*. The Court in *CMC v. NMFS* issued an order on October 18, 1999, determining that an injunction was warranted during the time that NMFS prepared an environmental impact statement (EIS). On November 23, 1999, the Court issued the first in a series of orders directing NMFS to impose certain restrictions on the fishery (Order Setting Terms of Injunction filed November 23, 1999, Order Amending

Order Setting Terms of Injunction filed January 11, 2000, Amended Order Modifying Provisions of Order of Injunction filed June 26, 2000, Order Clarifying Order Modifying Provisions of Order of Injunction filed June 26, 2000, Order Further Amending Order Modifying Provisions of Order of Injunction filed August 4, 2000, and Order Modifying Injunction filed March 30, 2001).

Additionally, while preparing the EIS, using revised methods adopted for estimating the fishery's impacts on sea turtles, NMFS learned that the longline fishery had taken more olive ridley turtles than anticipated in a biological opinion (BO) under the Endangered Species Act (ESA) issued in November of 1998. Therefore, on June 7, 2000, NMFS reinitiated consultation under section 7 of the ESA to reassess the fishery's impacts on all sea turtles and on March 29, 2001, NMFS issued a new BO that superseded the BO of November 1998. In the 2001 BO, NMFS determined that continued operation of the Hawaii-based longline fishery was likely to jeopardize the continued existence of leatherback, loggerhead, and green sea turtle populations. To avoid the likelihood of jeopardy, NMFS developed Reasonable and Prudent Alternatives (RPAs) to the management regime. The RPAs include seasonal closure of certain areas and a prohibition of swordfish style fishing (e.g., shallow longline sets, etc.) north of the equator. NMFS has implemented, by emergency rule at 66 FR 31561, June 12, 2001, measures that conform with that BO and comply with the most recent court order in *CMC v. NMFS* (March 30th Order). Background information on actions to implement the various orders in *CMC v. NMFS* is not repeated here; this information was published in several previous **Federal Register** documents (64 FR 72290, December 27, 1999; 65 FR 16346, March 28, 2000; 65 FR 37917, June 19, 2000; 65 FR 51992, August 25, 2000; 65 FR 66186, November 3, 2000; 66 FR 1110, February 22, 2001; and 66 FR 15358, March 19, 2001).

The June 12, 2001, emergency rule cited above eliminated the swordfish portion of the Hawaii longline fishery, and further, will close an area from 0°-15° north lat., between 145°-180° west long., approximately 1.9 million square miles, to the tuna component of the Hawaii longline fishery each April and May to protect sea turtles. These and previous closures have had, and will continue to have, adverse economic effects on the participants in the Hawaii-based longline fishery. For fiscal year 2001, Congress appropriated