

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