

**DEPARTMENT OF COMMERCE****National Institute of Standards and Technology****Prospective Grant of Exclusive Patent License**

**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"), U.S. 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 Application No. 09/122,583, titled, "Designed Protein Pores As Components For Biosensors," filed July 24, 1998; NIST Docket No. 98-016, to the University of Massachusetts, 365 Plantation Street, Suite, 130, Worcester, MA 01605. The grant of the license would be for the field of Biological Applications.

**FOR FURTHER INFORMATION CONTACT:** J. Terry Lynch, (301) 975-2691, 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 USC 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within thirty days 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 USC 209 and 37 CFR 404.7. The availability of the invention for licensing was published in the **Federal Register**, Vol. 65, No. 53 (March 17, 2000).

U.S. Patent Application No. 09/122,583 is jointly owned by the U.S. government, as represented by the Secretary of Commerce, Worcester Institute, and the University of Chicago. The present invention relates to a mutant staphylococcal alpha hemolysin polypeptide containing a heterologous analyte-binding amino acid which assembles into an analyte-responsive heteroheptameric pore assembly in the presence of a wild type staphylococcal alpha hemolysin polypeptide, digital biosensors, and methods of detecting, identifying and quantifying analytes.

Dated: March 5, 2002.

**Karen H. Brown,**

*Deputy Director.*

[FR Doc. 02-5917 Filed 3-11-02; 8:45 am]

**BILLING CODE 3510-13-P**

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

[I.D. 030602H]

**New England Fishery Management Council; Public Meetings**

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

**ACTION:** Notice of public meetings.

**SUMMARY:** The New England Fishery Management Council (Council) is scheduling a public meeting of its Research Steering Committee, Monkfish Advisory Panel and Groundfish Oversight Committee in March, 2002 to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from these groups will be brought to the full Council for formal consideration and action, if appropriate.

**DATES:** The meetings will be held between March 25 and 27, 2002. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

**ADDRESSES:** The meetings will be held in Wakefield and Peabody, MA. See **SUPPLEMENTARY INFORMATION** for specific locations.

*Council address:* New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950; telephone: (978) 465-0492.

**FOR FURTHER INFORMATION CONTACT:** Paul J. Howard, Executive Director, New England Fishery Management Council; (978) 465-0492.

**SUPPLEMENTARY INFORMATION:****Meeting Dates and Agendas**

*Monday, March 25, 2002 at 9:30 a.m. and Tuesday, March 26, 2002 at 8:30 a.m.*—Research Steering Committee Meeting.

*Location:* Sheraton Colonial, One Audubon Road, Wakefield, MA 01880; telephone: (781) 245-9300.

The committee will coordinate previously funded projects, potential future projects and other funding initiatives to ensure that the Council's research priorities are met. This effort will include prioritizing the current initiatives previously identified as high priority cooperative research programs

industry-based surveys/study fleets, cod tagging and conservation engineering. They will also review and potentially revise the existing research priorities previously established by the Research Steering Committee and approved by the Council for use in future Requests for Proposals (RFPs). They will also develop a mechanism for project tracking, evaluation and incorporation of information into the management process. Also on the agenda is to review the ongoing initiatives to establish pilot programs for study fleets/industry-based surveys.

*Tuesday, March 26, 2002 at 9:00 a.m.*—Monkfish Advisory Panel Meeting. *Location:* Holiday Inn, One Newbury Street, Peabody, MA 01960; telephone: (978) 535-4600.

The Panel will review Amendment 2 goals and objectives adopted by the Councils, as well as management strategies being developed by the Oversight Committee. The Panel will advise the Committee on issues and alternatives pertaining to Amendment 2, including, but not limited to: how different fishery sectors have been affected by the current management plan; options for modifying how days-at-sea (DAS) are counted, particularly first or partial days of a trip; identifying times and areas of monkfish spawning that could be utilized as part of a management program; incidental catch limits for vessels not fishing on a monkfish DAS; and other specific matters identified by the Committee. The Panel will also develop its own recommendations to the Committee for management strategies to be considered in Amendment 2.

*Wednesday, March 27, 2002 at 9:30 a.m.*—Groundfish Oversight Committee Meeting.

*Location:* Holiday Inn, One Newbury Street, Peabody, MA 01960; telephone: (978) 535-4600.

The Groundfish Committee will continue development of Amendment 13 to the Northeast Multispecies Fishery Management Plan (FMP). At a meeting on February 27, 2002, the New England Council decided to develop groundfish management measures for five broad areas and one user group: inshore Gulf of Maine, offshore Gulf of Maine, eastern Georges Bank, western Georges Bank, Southern New England/Mid Atlantic, and recreational/charter/party. They will define the boundaries of the areas and develop specific objectives for each group (including specific objectives for the recreational/party/charter group). In addition, the committee will identify metrics that can be used to guarantee that objectives are met in each area/user group and will

identify any other issues that must be considered as measures are developed for an area. They will also discuss revised targets for biomass and fishing mortality for groundfish stocks based on a report that will be presented to the Council on March 19, 2002. Finally, the Committee may consider the report of the Capacity Committee, which will also be delivered to the Council on March 19, 2002. A schedule will also be developed for future committee work.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

### Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting dates.

Dated: March 7, 2002.

**Richard W. Surdi,**

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

[FR Doc. 02-5915 Filed 3-11-02; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 021102E]

#### **Small Takes of Marine Mammals Incidental to Specified Activities; Movement of Steel Drilling Caisson Through the Bering Strait and Chukchi Sea and Exploratory Drilling and Associated Activities at the McCovey Exploration Prospect in Beaufort Sea, AK**

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

**ACTION:** Notice of receipt of application and proposed incidental harassment authorization; request for comments.

**SUMMARY:** NMFS has received a request from Alberta Energy Company Ltd. Oil and Gas, USA, Inc. (AEC) for an authorization to take small numbers of

marine mammals by harassment incidental to movement of a Steel Drilling Caisson (SDC) from Port Clarence, AK through the Bering Strait and Chukchi Sea to the Beaufort Sea to planned exploratory drilling and associated activities at the McCovey Exploration Prospect in the western Beaufort Sea. Under the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to authorize AEC to incidentally take, by harassment, small numbers of bowhead whales, beluga whales, gray whales, killer whales, harbor porpoise, ringed seals, bearded seals, and spotted seals in the above mentioned areas during May 2002–August 2002 for SDC preparation, movement, refueling, and re-supplying and from mid-October 2002 through mid-March 2003 for the winter drilling season. The incidental take of polar bears and walrus from AEC's planned activities are not covered by this proposed incidental harassment authorization, as these species are under jurisdiction of the U.S. Fish and Wildlife Service.

**DATES:** Comments and information must be received no later than April 11, 2002.

**ADDRESSES:** Comments on the application should be addressed to Donna Wieting, Chief, Marine Mammal Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910–3225. A copy of the application used in this document may be obtained by writing to this address or by telephoning one of the contacts listed here.

**FOR FURTHER INFORMATION CONTACT:** Simona P. Roberts, (301) 713–2322, ext 106 or Brad Smith, (907) 271–3023.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, notice of a proposed authorization is provided to the public for review.

Permission may be granted if NMFS finds that the taking will have no more than a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses and that the

permissible methods of taking and requirements pertaining to the monitoring and reporting of such taking are set forth.

On April 10, 1996 (61 FR 15884), NMFS published an interim final rule establishing, among other things, procedures for issuing incidental harassment authorizations (IHAs) under section 101(a)(5)(D) of the MMPA for activities in Arctic waters. For additional information on the procedures to be followed for this authorization, please refer to 50 CFR 216.107.

#### **Summary of Request**

On December 18, 2001, NMFS received an application from AEC requesting an authorization for the harassment of small numbers of eight species of marine mammals incidental to movement of a SDC from Port Clarence, AK through the Bering Strait to the Beaufort Sea from May 2002 through August 2002 and planned exploratory drilling and associated activities at the McCovey Exploration Prospect in the Beaufort Sea from mid-October 2002 through mid-March 2003. A detailed description of these activities proposed for 2002-2003 is contained in the application (Lynx Enterprises, Inc., 2001), which is available upon request (see **ADDRESSES**).

#### **Description of Marine Mammals Affected by the Activity**

The region encompassing Port Clarence, AK, the Bering Strait, the Chukchi Sea and western Beaufort Sea supports a diverse assemblage of marine mammals under NMFS jurisdiction, including bowhead whales (*Balaena mysticetus*), beluga whales (*Delphinapterus leucas*), gray whales (*Eschrichtius robustus*), killer whales (*Orcinus orca*), harbor porpoise (*Phocoena phocoena*), ringed seals (*Phoca hispida*), bearded seals (*Erignathus barbatus*) and spotted seals (*Phoca largha*). Descriptions of the biology, distribution, and current status of these species can be found in NMFS Stock Assessment Reports (2000, 1999, and 1997). Please refer to those documents for more information on these species.

#### **Potential Effects of SDC Mobilization, Exploratory Drilling, and Associated Activities on Marine Mammals**

Potential harassment of marine mammals will result from the noise generated by the operation of towing vessels during SDC mobilization between Port Clarence and the McCovey Prospect, the noise generated during refueling and re-supplying the SDC at the