

The following changes are being considered to *Recombinant Organisms/Molecules*:

1. Change title "Recombinant Organisms/Molecules" to "Genetic Elements, Recombinant Nucleic Acids, and Recombinant Organisms".

2. Change "1. Genetically modified microorganisms or genetic elements from organisms on Appendix A, shown to produce or encode for a factor associated with a disease. 2. Genetically modified microorganisms or genetic elements that contain nucleic acid sequences coding for any of the toxins listed in this Appendix, or their toxic subunits." to:

"1. Full length nucleic acids (synthetic or naturally derived) of any of the viruses listed in Appendix A.

2. Nucleic acids (synthetic or naturally derived) of 100 nucleotides or more in length of Variola major virus (smallpox virus).

3. Nucleic acids (synthetic or naturally derived) of bacteria, fungi, or viruses listed in Appendix A that encode for either a functional toxin or virulence factor sufficient to cause disease if the nucleic acid is: (1) Expressed in vivo or in vitro; (2) in an expression vector or host chromosome; or (3) in a carrier plasmid.

4. Nucleic acids (synthetic or naturally derived) that encode for functional form of any of the toxins listed in Appendix A if: (1) Expressed in vivo or in vitro; (2) in an expression vector or host chromosome; or (3) in a carrier plasmid.

5. Microorganisms in Appendix A that have been genetically modified."

Finally, CDC is considering the following change to *Additional Exemptions*:

1. Remove the following text since exemptions will be addressed in the Interim Final Rule:

"1. Products subject to regulation under the Federal Insecticide Fungicide and Rodenticide Act (7 U.S.C. 136 *et seq.*) and the Toxic Substances Control Act (15 U.S.C. 2601 *et seq.*) are exempt.

2. Additional exemptions for otherwise covered strains will be considered when CDC reviews and updates the list of select agents and toxins in this Appendix. Individuals seeking an exemption should submit a request to CDC that specifies the agent or strain to be exempted and explains why such an exemption should be granted. Future exemptions will be published in the **Federal Register** for review and comment prior to inclusion in this Appendix."

List of Select Agents and Toxins

The following is the list of select agents and toxins that is being considered for adoption:

Viruses

1. Crimean-Congo haemorrhagic fever virus
2. Eastern Equine Encephalitis virus
3. Ebola viruses
4. Herpes B virus
5. Lassa fever virus
6. Marburg virus
7. Monkeypox virus
8. Nipah and Hendra Complex viruses
9. Rift Valley fever virus
10. South American Haemorrhagic fever viruses (Junin, Machupo, Sabia, Flexal, Guanarito)
11. Tick-borne encephalitis complex (flavi) viruses (Central European Tick-borne encephalitis, Far Eastern Tick-borne encephalitis (Russian Spring and Summer encephalitis, Kyasanur Forest disease, Omsk Hemorrhagic Fever))
12. Variola major virus (Smallpox virus)
13. Venezuelan Equine Encephalitis virus

Bacteria

1. Bacillus anthracis
2. Brucella abortus
3. Brucella melitensis
4. Brucella suis
5. Burkholderia mallei
6. Burkholderia pseudomallei
7. Botulinum neurotoxin producing strains of Clostridium
8. Coxiella burnetii
9. Francisella tularensis
10. Rickettsia prowazekii
11. Rickettsia rickettsii
12. Yersinia pestis

Fungi

1. Coccidioides immitis
2. Coccidioides posadasii

Toxins

1. Abrin
2. Botulinum neurotoxins
3. Clostridium perfringens epsilon toxin
4. Conotoxins
5. Diacetoxyscirpenol
6. Ricin
7. Saxitoxin
8. Shigatoxin and Shiga-like toxins
9. Staphylococcal enterotoxins
10. Tetrodotoxin
11. T-2 toxin

Exemptions: Toxin preparations containing ≤ 1 mg of Botulinum neurotoxins; ≤ 10 mg of Staphylococcal enterotoxins; or ≤ 100 mg of Abrin, Clostridium perfringens epsilon toxin, Conotoxins, Diacetoxyscirpenol, Ricin, Saxitoxin, Shigatoxin and Shiga-like

toxins, Tetrodotoxin, or T-2 toxin, are exempt. Toxin preparation stored in more than one location within a facility must be aggregated in determining if the exemption applies. The medical use of toxins for patient treatment are exempt.

Genetic Elements, Recombinant Nucleic Acids, and Recombinant Organisms

1. Full length nucleic acids (synthetic or naturally derived) of any of the viruses listed in Appendix A.

2. Nucleic acids (synthetic or naturally derived) of 100 nucleotides or more in length of Variola major virus (smallpox virus).

3. Nucleic acids (synthetic or naturally derived) of bacteria, fungi, or viruses listed in Appendix A that encode for either a functional toxin or virulence factor sufficient to cause disease if the nucleic acid is: (1) Expressed in vivo or in vitro; (2) in an expression vector or host chromosome; or (3) in a carrier plasmid.

4. Nucleic acids (synthetic or naturally derived) that encode for functional form of any of the toxins listed in Appendix A if: (1) Expressed in vivo or in vitro; (2) in an expression vector or host chromosome; or (3) in a carrier plasmid.

5. Microorganisms in Appendix A that have been genetically modified.

Other Restrictions

The deliberate transfer of a drug resistance trait to microorganisms listed in this Appendix that are not known to acquire the trait naturally is currently prohibited if such acquisition could compromise the use of the drug to control these disease agents in humans or veterinary medicine.

Dated: August 9, 2002.

Julie Louise Gerberding,

Director, Centers for Disease Control and Prevention.

[FR Doc. 02-21512 Filed 8-20-02; 4:01 pm]

BILLING CODE 4163-18-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AH08

Endangered and Threatened Wildlife and Plants; Designations of Critical Habitat for Plant Species From the Island of Molokai, HI

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of comment period, and public hearing announcement.

SUMMARY: The U.S. Fish and Wildlife Service (Service) gives notice of a public hearing on the proposed critical habitat designations for 46 plants from the island of Molokai, Hawaii. In addition, the comment period which originally closed on June 4, 2002, will be reopened. The new comment period and hearing will allow all interested parties to submit oral or written comments on the proposal. We are seeking comments or suggestions from the public, other concerned agencies, the scientific community, industry, or any other interested parties concerning the proposed rule. Comments already submitted on the proposed rule need not be resubmitted as they will be fully considered in the final determination.

DATES: The comment period for this proposal now closes on September 30, 2002. Any comments received by the closing date will be considered in the final decision on this proposal. The public hearing will be held from 6 p.m. to 8 p.m. on Monday, September 9, 2002, on the island of Molokai, Hawaii. Prior to the public hearing, the Service will be available from 3:30 to 4:30 p.m. to provide information and to answer questions. The Service will also be available for questions after the hearing.

ADDRESSES: The public hearing will be held at the Mitchell Pauole Center Hall, 90 Ainoa Street, Kaunakakai, Hawaii. Comments and materials concerning this proposal should be sent to the Field Supervisor, U.S. Fish and Wildlife Service, Pacific Islands Office, 300 Ala Moana Boulevard, Room 3-122, PO Box 50088, Honolulu, HI 96850. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Paul Henson, at the above address (telephone 808/541-3441, facsimile 808/541-3470).

SUPPLEMENTARY INFORMATION:

Background

On April 5, 2002, we published a revised proposed critical habitat rule for 46 of the 51 plant species listed under the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*), known historically from the island of Molokai (67 FR 16492). The original comment period closed on June 4, 2002. The comment period now closes on September 30, 2002. Written comments should be submitted to us (see **ADDRESSES** section).

A total of 51 species historically found on Molokai were listed as endangered or threatened species under the Act between 1991 and 1999. Some of these species may also occur on other Hawaiian islands. Previously, we proposed that designation of critical habitat was prudent for 47 (*Adenophorus periens*, *Alectryon macrococcus*, *Bidens wiebkei*, *Bonamia menziesii*, *Brighamia rockii*, *Canavalia molokaiensis*, *Centaurium sebaeoides*, *Clermontia oblongifolia* ssp. *brevipes*, *Ctenitis squamigera*, *Cyanea dunbarii*, *Cyanea grimesiana* ssp. *grimesiana*, *Cyanea mannii*, *Cyanea procera*, *Cyperus trachysanthos*, *Diellia erecta*, *Diplazium molokaiense*, *Flueggea neowawraea*, *Hedyotis mannii*, *Hesperomannia arborescens*, *Hibiscus arnottianus* ssp. *immaculatus*, *Hibiscus brackenridgei*, *Ischaemum byrone*, *Isodendron pyriformium*, *Labordia triflora*, *Lysimachia maxima*, *Mariscus fauriei*, *Marsilea villosa*, *Melicope mucronulata*, *Melicope reflexa*, *Neraudia sericea*, *Peucedanum sandwicense*, *Phyllostegia mannii*, *Phyllostegia mollis*, *Plantago princeps*, *Platanthera holochila*, *Pteris lidgatei*, *Schiedea lydgatei*, *Schiedea nuttallii*, *Schiedea sarmentosa*, *Sesbania tomentosa*, *Silene alexandri*, *Silene lanceolata*, *Spermolepis hawaiiensis*, *Stenogyne bifida*, *Tetramolopium rockii*, *Vigna o-wahuensis*, and *Zanthoxylum hawaiiense*) of the 51 species reported from the island of Molokai. No change is made to the 47 proposed prudency determinations in the April 5, 2002, revised proposed critical habitat rule for plants from Molokai. We previously proposed that designation of critical habitat was not prudent for *Pritchardia munroi* because it would likely increase the threats from vandalism or collection of this species on Molokai, and we did not propose critical habitat for this species (65 FR 83158). No change is made to this proposed prudency determination in the April 5, 2002, revised proposed critical habitat rule (67 FR 16492). In the April 5, 2002, revised proposed critical habitat rule, we proposed that designation of critical habitat is prudent for *Eugenia koolauensis*, a species for which a prudency determination has not been made previously. We determined that designation of critical habitat was prudent for *Labordia triflora* and *Melicope munroi* at the time of their listing in 1999.

We also propose designation of critical habitat for 46 (*Adenophorus periens*, *Alectryon macrococcus*, *Bidens wiebkei*, *Brighamia rockii*, *Canavalia molokaiensis*, *Centaurium sebaeoides*,

Clermontia oblongifolia ssp. *brevipes*, *Ctenitis squamigera*, *Cyanea dunbarii*, *Cyanea grimesiana* ssp. *grimesiana*, *Cyanea mannii*, *Cyanea procera*, *Diellia erecta*, *Diplazium molokaiense*, *Eugenia koolauensis*, *Flueggea neowawraea*, *Hedyotis mannii*, *Hesperomannia arborescens*, *Hibiscus arnottianus* ssp. *immaculatus*, *Hibiscus brackenridgei*, *Ischaemum byrone*, *Isodendron pyriformium*, *Labordia triflora*, *Lysimachia maxima*, *Mariscus fauriei*, *Marsilea villosa*, *Melicope mucronulata*, *Melicope reflexa*, *Neraudia sericea*, *Peucedanum sandwicense*, *Phyllostegia mannii*, *Phyllostegia mollis*, *Plantago princeps*, *Platanthera holochila*, *Pteris lidgatei*, *Schiedea lydgatei*, *Schiedea nuttallii*, *Schiedea sarmentosa*, *Sesbania tomentosa*, *Silene alexandri*, *Silene lanceolata*, *Spermolepis hawaiiensis*, *Stenogyne bifida*, *Tetramolopium rockii*, *Vigna o-wahuensis*, and *Zanthoxylum hawaiiense*) plant species. Critical habitat is not proposed for four (*Bonamia menziesii*, *Cyperus trachysanthos*, *Melicope munroi*, and *Solanum incompletum*) of the 51 species which no longer occur on the island of Molokai, and for which we are unable to identify any habitat that is essential to their conservation on the island of Molokai. Critical habitat is not proposed for *Pritchardia munroi* for the reasons given above. Ten critical habitat units, totaling approximately 17,614 hectares (43,532 acres), are proposed for designation on the island of Molokai. For locations of these proposed units, please consult the proposed rule (67 FR 16492) (April 5, 2002).

Section 4(b)(5)(E) of the Act, requires that a public hearing be held if it is requested within 45 days of the publication of a proposed rule. In response to a request from a government agency of the State of Hawaii, we will hold a public hearing on the date and at the address described in the **DATES** and **ADDRESSES** sections above.

Anyone wishing to make an oral statement for the record is encouraged to provide a written copy of their statement and present it to us at the hearing. In the event there is a large attendance, the time allotted for oral statements may be limited. Oral and written statements receive equal consideration. There are no limits to the length of written comments presented at the hearing or mailed to us. Legal notices announcing the date, time, and location of the public hearing will be published in newspapers concurrently with the **Federal Register** notice.

Persons needing reasonable accommodations in order to attend and participate in the public hearing should

contact Patti Carroll at 503/231-2080 as soon as possible. In order to allow sufficient time to process requests, please call no later than one week before the hearing date.

Information regarding this proposal is available in alternate formats upon request.

We will accept public comments on the draft economic analysis until September 11, 2002.

Comments from the public regarding this proposed rule are sought, especially regarding:

(1) The reasons why critical habitat for any of these species is prudent or not prudent as provided by section 4 of the Act and 50 CFR 424.12(a)(1);

(2) The reasons why any particular area should or should not be designated as critical habitat for any of these species, as critical habitat is defined by section 3 of the Act;

(3) Specific information on the amount, distribution, and quality of habitat for the 46 species, and what habitat is essential to the conservation of the species and why;

(4) Land use practices and current or planned activities in the subject areas, and their possible impacts on proposed critical habitat;

(5) Any economic or other impacts resulting from the proposed designations of critical habitat, including any impacts on small entities, energy development, low income households, and local governments;

(6) Economic and other potential values associated with designating critical habitat for the above plant species such as those derived from non-consumptive uses (e.g., hiking, camping, birding, enhanced watershed protection, increased soil retention, "existence values", and reductions in administrative costs); and

(7) Information for use, under section 4(b)(2) of the Act, in determining if the benefits of excluding an area from critical habitat outweigh the benefits of specifying the area as critical habitat.

Reopening of the comment period will enable us to respond to the request for a public hearing on the proposed action. The comment period on this proposal now closes on September 30, 2002. Written comments should be submitted to the Service office listed in the **ADDRESSES** section.

Author

The primary author of this notice is Michelle Mansker (see **ADDRESSES** section).

Authority: The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

Dated: August 14, 2002.

David P. Smith,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 02-21626 Filed 8-22-02; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[I.D. 081302B]

Mid-Atlantic Fishery Management Council and New England Fishery Management Council; Public Hearings

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

ACTION: Notice of supplemental scoping meetings; request for comments.

SUMMARY: The Mid-Atlantic and New England Fishery Management Councils (Councils) are currently developing Amendment 2 to the Monkfish Fishery Management Plan (FMP), pursuant to the Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended. Among management measures, the FMP implemented a limited access system which restricts participation in the monkfish fishery within Federal waters based on historical participation. The Councils are considering revising the monkfish limited access permit system in Amendment 2 to allow vessels that landed monkfish after the original control date in the southern end of the range of the fishery to qualify for permits.

In January 2002, at one of their regularly scheduled meetings, the Councils provided the public with an opportunity to comment on the monkfish limited access permit system in Amendment 2. Once again, the Councils intend to provide the public with an opportunity to comment on this particular issue. The intended effect of this action is to alert interested public of the commencement of this supplemental scoping process and to provide for public participation.

DATES: The Councils will discuss and take scoping comments on options to amend the monkfish limited access program in Amendment 2 at public meetings in September 2002. See **SUPPLEMENTARY INFORMATION** for specific dates and times. Written scoping comments must be received on or before 5 p.m. EST, September 27, 2002.

ADDRESSES: Written comments should be directed to Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115 Federal Building, 300 South New Street, Dover, DE 19904-6790. Comments may also be submitted by facsimile (fax) to (302) 674-5399.

Comments should be marked "Comments on Monkfish Amendment 2." The Council will not accept unsigned faxes or comments by e-mail.

FOR FURTHER INFORMATION CONTACT: Daniel T. Furlong, Executive Director, telephone (302) 674-2331, ext. 19.

SUPPLEMENTARY INFORMATION:

Background

A notice of intent to prepare a Monkfish Supplemental Environmental Impact Statement (SEIS) and notice of public scoping process was published in the **Federal Register** on December 10, 2001 (66 FR 63666). The purpose of this notice was to initiate the public scoping process to determine the scope of the issues to be included in the SEIS for Amendment 2. In particular, this notice sought public comment on the possibility of revising the monkfish limited access program qualification criteria to include Virginia and North Carolina vessels that were excluded from the qualification criteria due to mis-information regarding the extent of the monkfish fishery management unit in a public hearing document for the initial FMP. The public scoping comment period for Amendment 2 ended on February 11, 2002. This notice announces a supplemental scoping process to seek further public comment on options to address the exclusion of Virginia and North Carolina vessels, or other vessels that may meet the revised limited access criteria, from the monkfish limited access fishery.

Scoping Meetings

The public will have an opportunity to provide oral comments on the options that would potentially amend the monkfish limited access program at the September meeting of the New England Fishery Management Council, and three additional public meetings to be held in September, as described below. The dates, times, and locations of the hearings are scheduled as follows:

1. Wednesday, September 11, 2002, 7-9 p.m.—Roanoke Island Festival Park, One Festival Park, Manteo, NC 27954; telephone: 252-475-1500.

2. Wednesday, September 11, 2002, 6-8 p.m.—Providence Biltmore Hotel, Providence, RI 02903; telephone: 401-421-0700.

3. Thursday, September 12, 2002, 7-10 p.m.—Chincoteague Center, 6155