

whether they occur inside or outside the EEZ; (6) negative reports must be submitted for months when no HMS are collected; (7) applicants for EFP and SRP renewals must include with the application the previous year's year-end report and any delinquent reports for permits issued in prior years to obtain the new permit; and (8) prohibitions concerning the submission of false information and violations of the terms and conditions of EFPs and SRPs. Although unrelated to these provisions, the rule also addresses EFPs for the pelagic longline directed swordfish fishery, in that EFPs would no longer be required for vessels to delay offloading of swordfish when an approved vessel monitoring system (VMS) is operating on board the vessel.

In December 2003, NMFS published the Final Rule (68 FR 74747) implementing the Final Amendment 1 to the Fishery Management Plan for Atlantic Tunas, Swordfish and Sharks. While the rule focuses primarily on shark management measures, the issuance of EFPs and SRPs is also addressed where a separate display permitting system for HMS is to be developed apart from EFPs and SRPs issued for other purposes. This is an administrative change only, and current quotas as well as application and reporting requirements remain as established under the existing system.

Comments are also requested for the issuance of Chartering Permits to vessels fishing for HMS while operating under chartering arrangements within the EEZ of other nations. In November 2004, NMFS published the Final Rule requiring prior notification and approval from NMFS, via issuance of a Chartering Permit, before a vessel begins to fish under a chartering arrangement. These Chartering Permits would allow a U.S. fishing vessel to fish in a manner consistent with another country's regulations without violating U.S. regulations, and would ensure that such vessels report to the proper authorities, consistent with ICCAT recommendations. To date, NMFS has only received applications from and issued one of these Chartering Permits, which includes one pelagic longline vessel in a fleet of many thousands.

Final decisions on the issuance of any EFPs/SRPs/Display/Chartering Permits will depend on the submission of all required information about the proposed activities, NMFS' review of public comments received on this notice, consistency with conclusions in the Final Environmental Impact Statement (EIS) contained in the Final HMS FMP (64 FR 13575; March 19, 1999), Environmental Assessments

(EAs) or EISs, and any consultations with appropriate Regional Fishery Management Councils, states, or Federal agencies. NMFS does not anticipate any environmental impacts from the issuance of these EFPs other than impacts already assessed in the Final HMS FMP.

All requests for EFPs/SRPs/Display/Chartering Permits of a type or nature not addressed in this **Federal Register** Notice will have a separate Notice filed and separate public comment period.

**Authority:** 16 U.S.C. 971 *et seq.* and 16 U.S.C. 1801 *et seq.*

Dated: November 5, 2004.

**Bruce C. Morehead,**

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

[FR Doc. 04-25211 Filed 11-10-04; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 110404E]

#### Endangered Species; File No. 1260

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

**ACTION:** Issuance of permit modification.

**SUMMARY:** Notice is hereby given that the NMFS Southeast Fisheries Science Center (SEFSC) has been issued a modification to scientific research Permit No. 1260.

**ADDRESSES:** The modification and related documents are available for review upon written request or by appointment in the following office(s): Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713-2289; fax (301)713-0376; and Southeast Region, NMFS, 9721 Executive Center Drive North, St. Petersburg, FL 33702-2432; phone (727)570-5301; fax (727)570-5320.

**FOR FURTHER INFORMATION CONTACT:**

Patrick Opay or Ruth Johnson, (301)713-2289.

**SUPPLEMENTARY INFORMATION:** Notices were published in the Federal Register on July 15, 2004 (69 FR 42426) and July 19, 2004 (69 FR 42970) that modifications of Permit No. 1260, issued June 29, 2001 (66 FR 34621), had been requested by the above-named organization. The requested modification has been granted under the authority of the Endangered Species Act

of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222-226).

The modification to Permit No. 1260 authorizes the SEFSC to attach conventional or pop-up archival tag (PAT) satellite transmitters to the pygal region of up to 15 leatherback sea turtles (*Dermochelys coriacea*) that may be boated during the Pelagic Longline Fishery Observers project. Additionally, the SEFSC is authorized to handle, flipper and passive integrated transponder (PIT) tag, tissue sample and blood sample all turtles on all projects under Permit No. 1260 and now has the option of deploying either PAT or conventional satellite tags via a tether attachment to the 20 loggerhead sea turtles (*Caretta caretta*) for which satellite tagging was already authorized under the existing Pelagic Longline Fishery Observers project.

The modification also authorizes the annual hoop netting or dip netting, measuring, weighing, flipper and PIT tagging, tissue biopsying, blood sampling and release of an additional 100 leatherback, 120 loggerhead, 100 green (*Chelonia mydas*), 50 hawksbill (*Eretmochelys imbricata*), 50 Kemp's ridley (*Lepidochelys kempii*) and 20 olive ridley (*Lepidochelys olivacea*) sea turtles. A subset of 20 of the leatherbacks, 20 of the loggerheads, 20 of the greens, 20 of the hawksbills, 20 of the Kemp's ridleys and 5 of the olive ridleys captured annually will have satellite transmitters attached to them. None of the activities authorized under this modification are expected to result in mortality. The research will be conducted in waters of the Atlantic Ocean (including the Caribbean) and Gulf of Mexico during the remainder of the permit which expires June 30, 2006. The purpose of the research is to gather the necessary information to implement NMFS management activities as required by the ESA and implementing regulations.

Issuance of this modification, as required by the ESA was based on a finding that such permit (1) was applied for in good faith, (2) will not operate to the disadvantage of the endangered and threatened species which are the subject of this permit, and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: November 5, 2004.

**Stephen L. Leathery,**

*Chief, Permits, Conservation and Education  
Division, Office of Protected Resources,  
National Marine Fisheries Service.*

[FR Doc. 04-25210 Filed 11-10-04; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

[Docket No. 2004-P-049]

#### Grant of Interim Extension of the Term of U.S. Patent No. 4,603,123; Piroxicam Betadex

**AGENCY:** United States Patent and Trademark Office, DOC.

**ACTION:** Notice of interim patent term extension.

**SUMMARY:** The United States Patent and Trademark Office has issued a certificate under 35 U.S.C. 156(d)(5) for a one-year interim extension of the term of U.S. Patent No. 4,603,123.

**FOR FURTHER INFORMATION CONTACT:**

Karin Ferriter by telephone at (571) 272-7744; by mail marked to her attention and addressed to Mail Stop Patent Ext., Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450; by fax marked to her attention at (571) 273-7744, or by e-mail to [Karin.Ferriter@uspto.gov](mailto:Karin.Ferriter@uspto.gov).

**SUPPLEMENTARY INFORMATION:** Section 156 of Title 35, United States Code, generally provides that the term of a patent may be extended for a period of up to five years if the patent claims a product, or a method of making or using a product, that has been subject to certain defined regulatory review, and that the patent may be extended for interim periods of up to a year if the regulatory review is anticipated to extend beyond the expiration date of the patent.

On October 25, 2004, patent owner Chiesi Farmaceutici S.p.A. timely filed an application under 35 U.S.C. 156(d)(5) for an interim extension of the term of U.S. Patent No. 4,603,123. The patent claims the active ingredient piroxicam betadex in the human drug product Brexidol®. The application indicates that a New Drug Application for Brexidol® (piroxicam betadex) has been filed and is currently undergoing regulatory review before the Food and Drug Administration for permission to market or use the product commercially.

Review of the application indicates that except for the permission to market or use the product commercially, the subject patent would be eligible for an

extension of the patent term under 35 U.S.C. 156, and that the patent should be extended for one year as required by 35 U.S.C. 156(d)(5)(B). Since the regulatory review period is anticipated to continue beyond the expiration date of the patent November 13, 2004, interim extension of the patent term under 35 U.S.C. 156(d)(5) is appropriate.

An interim extension under 35 U.S.C. 156(d)(5) of the term of U.S. Patent No. 4,603,123 is granted for a period of one year from the expiration date of the patent, i.e., until November 13, 2005.

Dated: November 4, 2004.

**Jon W. Dudas,**

*Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.*

[FR Doc. 04-25204 Filed 11-10-04; 8:45 am]

**BILLING CODE 3510-16-P**

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Indonesia

November 8, 2004.

**AGENCY:** Committee for the Implementation of Textile Agreements (CITA).

**ACTION:** Issuing a directive to the Commissioner, Bureau of Customs and Border Protection adjusting limits.

**EFFECTIVE DATE:** November 12, 2004.

**FOR FURTHER INFORMATION CONTACT:** Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212. For information on the quota status of these limits, refer to the Bureau of Customs and Border Protection website (<http://www.cbp.gov>), or call (202) 344-2650. For information on embargoes and quota re-openings, refer to the Office of Textiles and Apparel Web site at <http://otexa.ita.doc.gov>.

**SUPPLEMENTARY INFORMATION:**

**Authority:** Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limit for Categories 647/648 is being increased for the cancellation of special shift, reducing the limit for Categories 347/348 to account for the special shift being returned to Category 647/648.

A description of the textile and apparel categories in terms of HTS numbers is available in the **CORRELATION:** Textile and Apparel

Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 69 FR 4926, published on February 2, 2004). Also see 68 FR 65254, published on November 19, 2003.

**D. Michael Hutchinson,**

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

### Committee for the Implementation of Textile Agreements

November 8, 2004.

Commissioner,  
*Bureau of Customs and Border Protection,  
Washington, DC 20229.*

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 13, 2003, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Indonesia and exported during the twelve-month period which began on January 1, 2004 and extends through December 31, 2004.

Effective on November 12, 2004, you are directed to adjust the limits for the categories listed below, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Twelve-month restraint limit <sup>1</sup>
Levels in Group I	
347/348 .....	3,246,042 dozen.
647/648 .....	5,986,332 dozen.

<sup>1</sup> The limits have not been adjusted to account for any imports exported after December 31, 2003.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,  
D. Michael Hutchinson,  
*Acting Chairman, Committee for the Implementation of Textile Agreements.*  
[FR Doc. E4-3153 Filed 11-10-04; 8:45 am]

**BILLING CODE 3510-DS-S**

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Adjustment of Import Limits for Certain Cotton, Wool and Man-Made Fiber Textiles and Textile Products Produced or Manufactured in Taiwan

November 8, 2004.

**AGENCY:** Committee for the Implementation of Textile Agreements (CITA).