

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

[I.D. 100404E]

**South Atlantic Fishery Management Council; Public Meetings**

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

**ACTION:** Notice of a joint public meeting.

**SUMMARY:** The South Atlantic Fishery Management Council (Council) will hold a joint meeting of its Habitat Advisory Panel (AP) and Coral AP to further the Council's integrated process to update Essential Fish Habitat (EFH) information and consider ecosystem-based management through the development of a Fishery Ecosystem Plan for the South Atlantic Region.

**DATES:** The joint meeting will take place October 25–29, 2004. On October 25, 2004, sessions will begin at 1 p.m. and conclude at 5 p.m. Sessions will be held from 8:30 a.m. until 5 p.m. on October 26–28, 2004, and from 8:30 a.m. until 1 p.m. on October 29, 2004.

**ADDRESSES:** The meeting will be held at the Francis Marion Hotel, 387 King Street, Charleston, SC, 29401; telephone: (877) 756–2121 or (843) 722–0600.

**FOR FURTHER INFORMATION CONTACT:** Kim Iverson, Public Information Officer, South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407; telephone: (843) 571–4366 or (866) SAFMC–10; fax: (843) 769–4520.

**SUPPLEMENTARY INFORMATION:** Items for discussion at the joint meeting include: (1) review and approval of the Draft Research and Monitoring Plan for the Oculina Closed Area; (2) discussion of preliminary Draft Research and Monitoring Plan for Deepwater Coral Ecosystems in the South Atlantic; (3) discussion of potential deepwater coral sites for Coral-Habitat Areas of Particular Concern C-HAPC designation; (4) review and update of policies protecting EFH from the impacts of non-fishing activities in the South Atlantic region, and (5) discussion of Council's Action Plan to adopt an ecosystem-based approach to management including timeframe of development for the Council's Fishery Ecosystem Plan.

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 identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management 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 the Council office (see **ADDRESSES**) by October 22, 2004.

Dated: October 5, 2004.

**Alan D. Risenhoover,**

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

[FR Doc. E4–2561 Filed 10–7–04; 8:45 am]

**BILLING CODE 3510–22–S**

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

[I.D. 092004E]

**Endangered Species; File No. 1501 and File No. 1506**

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

**ACTION:** Receipt of applications for permits.

**SUMMARY:** Notice is hereby given that the following individuals have applied in due form for permits to conduct scientific research on endangered and threatened sea turtles: Dr. Allen M. Foley, Florida Fish and Wildlife Conservation Commission, Fish and Wildlife Research Institute, Jacksonville Field Laboratory, 6134 Authority Avenue, Building 200, Jacksonville, Florida 32221 (File No. 1501); and Dr. Blair E. Witherington, Florida Fish and Wildlife Conservation Commission, Fish and Wildlife Research Institute, Melbourne Beach Field Laboratory, 9700 South A1A, Melbourne Beach, Florida 32951 (File No. 1506).

**DATES:** Written or telefaxed comments must be received on or before November 8, 2004.

**ADDRESSES:** The applications 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.

Written comments or requests for a public hearing on these applications should be mailed to the Chief, Permits, Conservation and Education Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on the particular request would be appropriate.

Comments may also be submitted by facsimile at (301) 713–0376, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period.

Comments may also be submitted by e-mail. The mailbox address for providing email comments is *NMFS.Pr1Comments@noaa.gov*. Include in the subject line of the e-mail comment the following document identifier: either File No. 1501 or File No. 1506.

**FOR FURTHER INFORMATION CONTACT:**

Jennifer Jefferies Patrick Opay, (301) 713–2289.

**SUPPLEMENTARY INFORMATION:** The subject permits are requested 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 222–226).

File No. 1501: Dr. Foley seeks authorization to capture and track loggerhead (*Caretta caretta*), green (*Chelonia mydas*), Kemp's ridley (*Lepidochelys kempii*), and hawksbill (*Eretmochelys imbricata*) sea turtles for two separate projects in Florida Bay. The first project would continue an on-going long-term study of all four species in which, annually, up to 175 adult and juvenile loggerheads, 20 adult and juvenile greens, 20 adult and juvenile Kemp's ridley, and 10 adult and juvenile hawksbill sea turtles would be captured by hand, measured, weighed, examined for tumors, photographed, Passive Integrated Transponder (PIT) and flipper tagged, blood sampled, marked on the carapace with a white laminating gel and subsequently released. The loggerhead sea turtles would also have a skin sample taken. This work would be conducted for five years from permit issuance during the

months of June and July. A second study would be conducted on loggerhead sea turtles in Florida Bay and in a nearby laboratory: annually, up to 50 adult loggerhead sea turtles would be captured by hand, measured, weighed, examined for tumors, photographed, PIT and flipper tagged, skin and blood sampled, and marked on the carapace with a white laminating gel in the field. The turtles would then be transported by boat to the Keys Marine Lab and held for a maximum of 24 hours. During this time, the researchers would perform ultrasounds, testicular biopsies, and laparoscopy. The turtles would then be transported back to the capture site and released. A subset of 15 sea turtles would also be tagged with a combination of a satellite, sonic and temperature-depth recorder. This research would be conducted for five years from issuance of the permit during the months of February and March.

File No. 1506: Dr. Witherington seeks authorization to study neonate and juvenile sea turtles in the waters of the Gulf of Mexico and the Atlantic Ocean off the coast of Florida. Annually, up to 250 neonate and juvenile loggerheads, 10 neonate and juvenile greens, five neonate and juvenile hawksbill, two neonate and juvenile Kemp's ridley, and two neonate and juvenile leatherback (*Dermochelys coriacea*) sea turtles would be captured via long-handled dip nets, handled, measured, and released. A subset of up to 50 neonate and juvenile loggerhead sea turtles would be transported less than five hours to a nearby port, held for 12 hours, and then transported less than four hours to an imaging center where they would be held for no more than four days and examined for plastic and tar loads with either a veterinary high-resolution magnetic resonance interferometry instrument or a computerized tomography. The turtles would then be returned to the point of capture and released. Feces samples would also be collected during the holding period. These activities would be authorized for five years from permit issuance.

Dated: October 1, 2004.

**Carrie W. Hubard,**

*Acting Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.*  
[FR Doc. 04-22730 Filed 10-7-04; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

[Docket No. 2004-P-047]

#### Grant of Interim Extension of the Term of U.S. Patent No. 4,567,264; Ranolazine

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

**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 second one-year interim extension of the term of U.S. Patent No. 4,567,264.

**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 March 29, 2004, patent owner Roche Palo Alto LLC, timely filed an application under 35 U.S.C. 156(d)(5) for a second interim extension of the term of U.S. Patent No. 4,567,264. The patent claims the active ingredient ranolazine (Ranexa™). The application indicates, and the Food and Drug Administration (FDA) has confirmed, that a New Drug Application for the human drug product ranolazine has been filed and is currently undergoing regulatory review before the FDA for permission to market or use the product commercially.

Review of the application indicates that, except for 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. Since it is apparent that the regulatory review period will continue beyond the extended expiration date of the patent (May 18, 2004), the term of the patent will be extended under 35 U.S.C. 156(d)(5) for an additional year.

An interim extension under 35 U.S.C. 156(d)(5) of the term of U.S. Patent No.

4,567,264 is granted for an additional period of one year from the extended expiration date of the patent, *i.e.*, until May 18, 2005.

Dated: September 17, 2004.

**Jon W. Dudas,**

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

[FR Doc. 04-22705 Filed 10-7-04; 8:45 am]

**BILLING CODE 3510-16-P**

## CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 05-C0001]

### Johnson Health Tech Co., Ltd. and Horizon Fitness, Inc., a Corporation, Provisional Acceptance of a Settlement Agreement and Order

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice.

**SUMMARY:** It is the policy of the Commission to publish settlements which it provisionally accepts under the Consumer Product Safety Act in the **Federal Register** in accordance with the terms of 16 CFR 1118.20. Published below is a provisionally-accepted Settlement Agreement with Johnson Health Tech Co., Ltd. and Horizon Fitness, Inc., containing a civil penalty of \$500,00.

**DATES:** Any interested person may ask the Commission not to accept this agreement or otherwise comment on its contents by filing a written request with the Office of the Secretary by October 25, 2004.

**ADDRESSES:** Persons wishing to comment on this Settlement Agreement should send written comments to the Comment 05-C0001, Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207.

**FOR FURTHER INFORMATION CONTACT:** Michelle F. Gillice, Trial Attorney, Office of Compliance, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504-7667.

**SUPPLEMENTARY INFORMATION:** The text of the Agreement and Order appears below.

Dated: October 4, 2004.

**Todd A. Stevenson,**  
*Secretary.*

### In the Matter of Johnson Health Tech Co., Ltd. and Horizon Fitness, Inc.; Settlement Agreement and Order

[CPSC Docket No. 05-C0001]

1. Johnson Health Tech Co., Ltd. and Horizon Fitness, Inc. and (hereinafter,