

take juvenile LCR Chinook salmon, LCR coho salmon, and LCR steelhead in selected tributaries of the Cowlitz River in Washington. The research is designed to provide information on fish presence, abundance, distribution, and movement within the upper Cowlitz River. The research would benefit listed salmonids by providing baseline information about fish populations in areas affected by the Packwood Lake Hydroelectric Project, and that information, in turn, would be used during the Federal Energy Regulatory Commission's relicensing negotiations. The EESC proposes to observe fish and use backpack electrofishing equipment to capture them. The captured fish would be anesthetized, sampled for tissues and biological information, and released. The EESC does not intend to kill any fish being captured but some may die as an unintentional result of the research activities.

#### Permit 1562

The Oregon Department of Environmental Quality (ODEQ) is asking for a 5-year research permit to take juvenile LCR Chinook salmon, UWR Chinook salmon, LCR coho salmon, CR chum salmon, LCR steelhead, and UWR steelhead in the Willamette Basin, Oregon. The purpose of the research is to evaluate the overall ecological health of the region's streams by evaluating vertebrate and macroinvertebrate assemblages and comparing them to such assemblages in relatively unimpaired reference streams. The research would benefit listed species by allowing the ODEQ to more effectively assess the condition of habitat streams in the Willamette Basin. The information from the study would be used to guide listed species recovery planning and limiting factor analyses. The ODEQ proposes to capture fish using backpack, boat-, or raft-mounted electrofishing equipment or seines (beach or boat) measure them, check them for external pathology, and release them. The ODEQ does not intend to kill any fish being captured but some may die as an unintentional result of the research activities.

This notice is provided pursuant to section 10(c) of the ESA. NMFS will evaluate the application, associated documents, and comments submitted to determine whether the application meets the requirements of section 10(a) of the ESA and Federal regulations. The final permit decisions will not be made until after the end of the 30-day comment period. NMFS will publish notice of its final action in the **Federal Register**.

Dated: March 30, 2006.

**Angela Somma,**

*Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. E6-4843 Filed 4-3-06; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 032906D]

#### Environmental Impact Statement Regarding the Application for a Permit for Incidental Take of Protected Resources in Inshore Fisheries Managed by the State of Hawaii

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

**ACTION:** Notice of cancellation of intent to prepare an Environmental Impact Statement (EIS).

**SUMMARY:** The National Marine Fisheries Service (NMFS) announces the cancellation of its intent to prepare an EIS to assess the potential impacts on the human environment of sea turtle and monk seal interactions with fishing activities in Hawaii State waters associated with an application for an individual Incidental Take Permit (ITP) submitted March 21, 2002, and subsequently revised and resubmitted in May 2005 by the State of Hawaii Department of Land and Natural Resources.

**FOR FURTHER INFORMATION CONTACT:** Jayne LeFors, NMFS, Pacific Islands Region; telephone: (808) 944-2277; fax: (808) 944-2142; e-mail: [jayne.lefors@noaa.gov](mailto:jayne.lefors@noaa.gov).

**SUPPLEMENTARY INFORMATION:** NMFS provided public notice through an earlier **Federal Register** notice of availability (67 FR 16367, April 5, 2002) of a State of Hawaii application for an individual ITP for listed sea turtles in inshore marine fisheries in the Hawaiian Islands managed by the State of Hawaii. NMFS is responsible for analyzing these permit applications and authorizing those which meet legal requirements under the Endangered Species Act (ESA). On May 9, 2002, NMFS published a notice of intent to prepare an EIS in accordance with the National Environmental Policy Act (NEPA) in connection with agency action on the ITP application. On September 22, 2003 (68 FR 55023), NMFS published a notice of intent to

hold public scoping meetings on the EIS. However, September 19, 2005, the State of Hawaii informed NMFS that they wished to withdraw and revise their application for an ITP. At that time the state expressed concerns that management measures identified in the ITP for monk seals needed further community input and agency consultation prior to issuance of a final ITP. NMFS will continue to work with the state as they revise their application. The timeline for completion of the revised application is uncertain and elements of the conservation plan may change. NMFS will publish an updated notice on the appropriate NEPA analysis once a revised application is received.

As federal action (i.e., issuance of an ITP) is no longer proposed for the application received March 21, 2002, and amended in May 2005, an EIS is not needed and the notice of intent to prepare an EIS is cancelled.

Dated: March 29, 2006.

**Jim Lecky,**

*Director, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. E6-4842 Filed 4-3-06; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 032906G]

#### North Pacific Fishery Management Council; Public Meeting

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

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

**SUMMARY:** The North Pacific Fishery Management Council (Council) Charter Halibut Stakeholder Committee will meet in Anchorage, AK.

**DATES:** The meeting will be held on April 18-20, 2006, 8:30 a.m. to 5 p.m.

**ADDRESSES:** The meeting will be held at the Anchorage Hilton Hotel, 500 West 3rd Avenue, Aspen/Spruce Room, Anchorage, AK 99501.

*Council address:* North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501-2252.

**FOR FURTHER INFORMATION CONTACT:** Jane DiCosimo, Council staff, telephone: (907) 271-2809.

**SUPPLEMENTARY INFORMATION:** The Charter Halibut Stakeholder Committee will convene for its third meeting to continue development of two

alternatives to allocate halibut between the charter and commercial sectors. One alternative would be a percentage allocation to the charter sector.

Elements to be considered include, but are not limited to: (1) A percentage based allocation that would float up and down with halibut abundance; (2) Subdivision of Area 2C and 3A into smaller geographic sub-districts; (3) Management measures that will be used to enforce the allocation, including: (a) the current suite of measures to reduce harvests under the Guideline Harvest Level (GHL) (i.e., one trip per vessel per day, no harvest by skipper and crew, and annual limit of 5 or 6 fish per person (for Area 2C only)); (b) Limits on the number of lines fished to the number of clients; (c) Other annual bag limits; (d) Limits on days fished (either total number of days or by excluding specific days of the week); (e) Reduced daily limits including size limitations for the second fish caught; (f) Subtraction of any allocation overage from the following year's allocation; (g) Federal limited entry program with delayed transferability; (h) Mechanisms which, if the charter harvest continues to grow, would allow for an orderly and compensated allocation shift from the longline sector to the charter sector, including the use of a charter stamp or other funding mechanisms to generate funds to buy commercial quota shares to convert commercial allocation to the charter sector and to pay for management of the charter fishery.

A second alternative would be an Individual Fishing Quota (IFQ) program, including, but not be limited to: (1) Elements of the previously proposed (2001) charter IFQ program; (2) A modified IFQ program, including, but not be limited to, including recent participants who were not included in the 2001 plan. Such approaches might include a "leveling" plan, other effort based mechanisms to update 1998 and 1999 history, new history approaches, an effort based transferable seat program, or other options; (3) Subdivision of Area 2C and 3A into smaller geographic sub-districts; and (4) Other elements to be identified by the committee.

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 Gail Bendixen at (907) 271-2809 at least 7 working days prior to the meeting date.

Dated: March 30, 2006

**Tracey L. Thompson,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. E6-4802 Filed 4-3-06; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

[Docket No. PTO-P-2006-0020]

#### Grant of Interim Extension of the Term of U.S. Patent No. 4,585,770; ZILMAX® (Zilpaterol Hydrochloride)

**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 certificates under 35 U.S.C. 156(d)(5) for three one-year interim extensions of the term of U.S. Patent No. 4,585,770.

#### FOR FURTHER INFORMATION CONTACT:

Mary C. Till by telephone at (571) 272-7755; by mail marked to her attention and addressed to the Commissioner for Patents, Mail Stop Patent Ext., P.O. Box 1450, Alexandria, VA 22313-1450; by fax marked to her attention at (571) 273-7755, or by e-mail to [Mary.Till@uspto.gov](mailto:Mary.Till@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 26, 2003, patent owner, Hoechst Roussel Vet S.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. 4,585,770. On March 31, 2004, patent owner, Hoechst Roussel Vet S.A., timely filed a second application under 35 U.S.C. 156(d)(5)

for a second interim extension of the term of U.S. Patent No. 4,585,770. On March 29, 2005, patent owner, Hoechst Roussel Vet S.A., timely filed a third application under 35 U.S.C. 156(d)(5) for a third interim extension of the term of U.S. Patent No. 4,585,770. The patent claims the active ingredient, zilpaterol hydrochloride, in the animal drug product Zilmax®. The application indicates that an Investigational New Animal Drug Application for the animal drug product, Zilmax® (zilpaterol hydrochloride), 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 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 it is apparent that the regulatory review period has continued beyond the original expiration date of the patent (October 12, 2003), 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. 4,585,770, is granted for a period of one year from the original expiration date of the patent, *i.e.*, until October 12, 2004; a second interim extension under 35 U.S.C. 156(d)(5) of the term of U.S. Patent No. 4,585,770, is granted for an additional period of one year from the extended expiration date of the patent, *i.e.*, until October 12, 2005; and a third interim extension under 35 U.S.C. 156(d)(5) of the term of U.S. Patent No. 4,585,770, is granted for an additional period of one year from the extended expiration date of the patent, *i.e.*, until October 12, 2006.

Dated: March 29, 2006.

**Jon W. Dudas,**

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

[FR Doc. E6-4831 Filed 4-3-06; 8:45 am]

**BILLING CODE 3510-16-P**