

Dated: October 29, 2003.

**Jeffrey C. Anspacher,**

*Director, Office of Export Trading Company Affairs.*

[FR Doc. 03-27722 Filed 11-4-03; 8:45 am]

**BILLING CODE 3510-DR-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### North American Free Trade Agreement (NAFTA), Article 1904 Binational Panel Reviews: Notice of Termination of Panel Review

**AGENCY:** NAFTA Secretariat, United States Section, International Trade Administration, Department of Commerce.

**ACTION:** Notice of Termination of Request for Panel Review of the less than fair value determination made by the International Trade Administration, respecting Certain Durum Wheat and Hard Red Spring Wheat from Canada (Secretariat File No. USA-CDA-2003-1904-04).

**SUMMARY:** Pursuant to the Notice of Termination of the Request for Panel Review by the complainants, the panel review is terminated as of October 31, 2003. A panel has not been appointed to this panel review. Pursuant to Rule 71(2) of the *Rules of Procedure for Article 1904 Binational Panel Review*, this panel review is terminated.

**FOR FURTHER INFORMATION CONTACT:** Caratina L. Alston, United States Secretary, NAFTA Secretariat, Suite 2061, 14th and Constitution Avenue, Washington, DC 20230, (202) 482-5438.

**SUPPLEMENTARY INFORMATION:** Chapter 19 of the North American Free-Trade Agreement ("Agreement") establishes a mechanism to replace domestic judicial review of final determinations in antidumping and countervailing duty cases involving imports from a NAFTA country with review by independent binational panels. When a Request for Panel Review is filed, a panel is established to act in place of national courts to review expeditiously the final determination to determine whether it conforms with the antidumping or countervailing duty law of the country that made the determination.

Under Article 1904 of the Agreement, which came into force on January 1, 1994, the Government of the United States, the Government of Canada and the Government of Mexico established *Rules of Procedure for Article 1904 Binational Panel Reviews* ("Rules"). These Rules were published in the **Federal Register** on February 23, 1994

(59 FR 8686). The panel review in this matter was requested and terminated pursuant to these Rules.

Dated: October 31, 2003.

**Caratina L. Alston,**

*United States Secretary, NAFTA Secretariat.*

[FR Doc. 03-27863 Filed 11-4-03; 8:45 am]

**BILLING CODE 3510-GT-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### North American Free-Trade Agreement (NAFTA), Article 1904 NAFTA Panel Reviews; Decision of the Committee

**AGENCY:** NAFTA Secretariat, United States Section, International Trade Administration, Department of Commerce

**ACTION:** Notice of completion of extraordinary challenge.

**SUMMARY:** On October 30, 2003 the Extraordinary Challenge Committee (ECC) issued its decision in the matter of Gray Portland Cement and Clinker from Mexico, Secretariat File No. ECC-2000-1904-01USA.

**FOR FURTHER INFORMATION CONTACT:** Caratina L. Alston, United States Secretary, NAFTA Secretariat, Suite 2061, 14th and Constitution Avenue, Washington, DC 20230, (202) 482-5438.

**SUPPLEMENTARY INFORMATION:** Chapter 19 of the North American Free-Trade Agreement ("Agreement") establishes a mechanism to replace domestic judicial review of final determinations in antidumping and countervailing duty cases involving imports from a NAFTA country with review by independent binational panels. When a Request for Panel Review is filed, a panel is established to act in place of national courts to review expeditiously the final determination to determine whether it conforms with the antidumping or countervailing duty law of the country that made the determination.

Under Article 1904 of the Agreement, which came into force on January 1, 1994, the Government of the United States, the Government of Canada and the Government of Mexico established *Rules of Procedure for Article 1904 Binational Panel Reviews* ("Rules"). These Rules were published in the **Federal Register** on February 23, 1994 (59 FR 8686). The panel review in this matter was conducted in accordance with these Rules.

**SUPPLEMENTARY INFORMATION:** On March 23, 2000, the Office of the United States Trade Representative filed a Request for an Extraordinary Challenge Committee

to review decisions dated July 18, 1999 and November 10, 1999, with the United States Section of the NAFTA Secretariat pursuant to Article 1904 of the North American Free Trade Agreement. Panel review was requested of the final antidumping duty administrative review determination made by the International Trade Administration, respecting Gray Portland Cement and Clinker from Mexico. This determination was published in the **Federal Register** (65 FR 9243) on February 24, 2000. The NAFTA Secretariat assigned Secretariat File Number ECC-2000-1904-01USA to this request.

**Committee Decision:** The Committee concluded that the petitioners here, the United States and the STCC, have failed to demonstrate either that the Binational Panel "manifestly exceeded its powers, authority or jurisdictions" or that the Panel's determination on the single issue raised in the petition "threatens the integrity of the Binational Panel review process." Inasmuch as these criteria have not been met, the petition is denied and the June 18, 1999 decision of the Binational Panel will not be disturbed.

The Committee Members are hereby discharged from their duties effective October 30, 2003.

Dated: October 30, 2003.

**Caratina L. Alston,**

*U.S. Secretary, NAFTA Secretariat.*

[FR Doc. 03-27862 Filed 11-4-03; 8:45 am]

**BILLING CODE 3510-GT-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 103003C]

#### Marine Mammals; File No. 1048-1717

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

**ACTION:** Receipt of application and notice of availability of draft environmental assessment.

**SUMMARY:** Notice is hereby given that Dr. Peter J. Stein, Scientific Solutions, Inc., Nashua, New Hampshire, has applied in due form for a permit to take the marine mammal species listed below for purposes of scientific research.

**DATES:** Written or telefaxed comments must be received on or before December 5, 2003.

**ADDRESSES:** The application 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; www.nmfs.noaa.gov/prot\_res; and Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213; phone (562)980-4001; fax (562)980-4018.

**FOR FURTHER INFORMATION CONTACT:** Dr. Tammy Adams or Carrie Hubbard, (301)713-2289.

**SUPPLEMENTARY INFORMATION:** The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), 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).

The applicant requests a permit to expose gray whales (*Eschrichtius robustus*) migrating offshore of central California to low-powered high-frequency active sonar, henceforth referred to as "whale-finder sonar systems," while simultaneously recording any reactions of the animals to the sound. In addition to the target species, which is not listed under the ESA, the applicant also requests authorization for unintentional "takes" of the following non-target marine mammals that may be within the range of the whale-finder sonar systems: endangered blue whales (*Balaenoptera musculus*), endangered fin whales (*B. physalus*), endangered humpback whales (*Megaptera novaeangliae*), minke whales (*B. acutorostrata*), endangered sei whales (*B. borealis*), endangered sperm whales (*Physeter macrocephalus*), harbor porpoise (*Phocoena phocoena*), Dall's porpoise (*Phocoenoides dalli*), Pacific white-sided dolphins (*Lagenorhynchus obliquidens*), bottlenose dolphins (*Tursiops truncatus*), Risso's dolphins (*Grampus griseus*), short-beaked common dolphins (*Delphinus delphis*), northern right whale dolphins (*Lissodelphis borealis*), killer whales (*Orcinus orca*), short-finned pilot whales (*Globicephala macrorhynchus*), Baird's beaked whales (*Berardius bairdii*), mesoplodont beaked whales (*Mesoplodon spp.*), Cuvier's beaked whales (*Ziphius cavirostris*), California sea lions (*Zalophus californianus*), harbor seals (*Phoca vitulina*), threatened Guadalupe fur seals (*Arctocephalus*

*townsendi*), northern elephant seals (*Mirounga angustirostris*), northern fur seals (*Callorhinus ursinus*), and threatened Steller sea lions (*Eumetopias jubatus*). The objectives of the proposed research are to gather data on the reflectivity of whales, determine the probability of detection out to one mile, and determine what, if any, reaction the animals may have to high frequency active sonars designed to detect marine mammals. The purpose of the proposed research is to validate and improve the ability of whale-finder sonar systems to detect marine mammals without adversely affecting them.

A draft EA has been prepared to examine whether significant environmental impacts could result from issuance of the proposed scientific research permit. The draft EA is available for review and comment simultaneous with the scientific research permit application.

Written comments or requests for a public hearing on this application 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 this 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. Please note that comments will not be accepted by e-mail or by other electronic media.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: October 31.

**Stephen L. Leathery,**

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

[FR Doc. 03-27846 Filed 11-4-03; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### United States Patent and Trademark Office

#### Legal Processes

**ACTION:** Proposed collection; comment request.

**SUMMARY:** The United States Patent and Trademark Office (USPTO), as part of its

continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on the continuing information collection, as required by the Paperwork Reduction Act of 1995, Pub. L. 104-13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before January 5, 2004.

**ADDRESSES:** Direct all written comments to Susan K. Brown, Records Officer, Office of the Chief Information Officer, Office of Data Architecture and Services, Data Administration Division, 703-308-7400, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313, Attn: CPK 3 Suite 310; by e-mail at [susan.brown@uspto.gov](mailto:susan.brown@uspto.gov); or by facsimile at 703-308-7407.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information should be directed to the Office of General Counsel, USPTO, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at 703-308-2000.

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

The purpose of this collection is to cover information requirements related to civil actions and claims involving both current and former employees of the United States Patent and Trademark Office (USPTO). The rules for these legal processes may be found under 37 CFR part 104, which outlines procedures for service of process, employee testimony and production of documents in legal proceedings, employee indemnification, and filing claims against the USPTO under the Federal Tort Claims Act (28 U.S.C. 2672) and the corresponding Department of Justice regulations (28 CFR art 14). The public may also petition the Office of General Counsel under 37 CFR 104.3 to waive or suspend these rules in extraordinary cases.

The procedures under 37 CFR part 104 ensure that service of process intended for current and former employees of the USPTO is handled properly. The public uses this collection to submit information required by USPTO regulations covering legal processes, including service of process, employee testimony and production of documents in legal proceedings, employee indemnification, and claims under the Federal Tort Claims Act. There are no forms provided by the USPTO for this collection. For filing tort claims, the public may use Standard Form 95 "Claim for Damage, Injury, or Death," which is provided by the Department of Justice and approved by