

entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

This notice is not required by statute but is published as a service to the international trading community.

Dated: January 29, 2003.

**Holly A. Kuga,**

*Senior Office Director, Group II, Office 4,  
Import Administration.*

[FR Doc. 03-2446 Filed 1-31-03; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### **Howard Hughes Medical Institute; Notice of Decision on Application for Duty-Free Entry of Scientific Instrument**

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 A.M. and 5 P.M. in Suite 4100W, U.S. Department of Commerce, Franklin Court Building, 1099 14th Street, NW., Washington, DC.

*Docket Number:* 02-049. *Applicant:* Howard Hughes Medical Institute at New York University, New York, NY 10003. *Instrument:* Multisync Clinton Monoray monitor and FE-1 Goggles. *Manufacturer:* Cambridge Research Systems Ltd., United Kingdom. *Intended Use:* See notice at 67 FR 77749, December 19, 2002.

*Comments:* None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States. *Reasons:* The foreign instrument provides special goggles with rapid response time and a matched CRT display with very fast phosphors to obtain right eye/left eye image extinction values below 0.1% for study of stereopsis. The National Institutes of Health advises in its memorandum of December 10, 2002 that (1) this capability is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value

to the foreign instrument which is being manufactured in the United States.

**Gerald A. Zerdy,**

*Program Manager, Statutory Import Programs Staff.*

[FR Doc. 03-2447 Filed 1-31-03; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### **National Institutes of Health— Bethesda, MD; Notice of Decision on Application for Duty-Free Entry of Electron Microscope**

This is a decision pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 A.M. and 5 P.M. in Suite 4100W, U.S. Department of Commerce, Franklin Court Building, 1099 14th Street, NW., Washington, DC.

*Docket Number:* 02-047. *Applicant:* National Institutes of Health, Bethesda, MD 20892-8025. *Instrument:* Electron Microscope, Model Tecnai 12 TWIN. *Manufacturer:* FEI Company, The Netherlands. *Intended Use:* See notice at 67 FR 77749, December 19, 2002. *Order Date:* September 16, 2002.

*Comments:* None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as the instrument is intended to be used, was being manufactured in the United States at the time the instrument was ordered. *Reasons:* The foreign instrument is a conventional transmission electron microscope (CTEM) and is intended for research or scientific educational uses requiring a CTEM. We know of no CTEM, or any other instrument suited to these purposes, which was being manufactured in the United States at the time of order of the instrument.

**Gerald A. Zerdy,**

*Program Manager, Statutory Import Programs Staff.*

[FR Doc. 03-2448 Filed 1-31-03; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### **North American Free-Trade Agreement, Article 1904; NAFTA Panel Reviews; Request for Panel Review**

**AGENCY:** NAFTA Secretariat, United States Section, International Trade

Administration, Department of Commerce.

**ACTION:** Notice of first request for panel review.

**SUMMARY:** On January 27, 2003, CEMEX, S.A. de C.V. ("CEMEX") filed a first request for panel review 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 11th administrative review made by the International Trade Administration, respecting Gray Portland Cement and Clinker from Mexico. This determination was published in the **Federal Register** (68 FR 1816) on January 14, 2003. The NAFTA Secretariat has assigned Case Number USA-MEX-2003-1904-01 to this request.

**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).

A first request for panel review was filed with the United States Section of the NAFTA Secretariat, pursuant to Article 1904 of the Agreement, on January 27, 2003, requesting panel review of the determination described above.

The rules provide that:

(a) A party or interested person may challenge the final determination in whole or in part by filing a complaint in accordance with rule 39 within 30 days after the filing of the first request for panel review (the deadline for filing a complaint is February 26, 2003);

(b) A party, investigating authority or interested person that does not file a complaint but that intends to appear in support of any reviewable portion of the final determination may participate in the panel review by filing a notice of appearance in accordance with rule 40 within 45 days after the filing of the first request for panel review (the deadline for filing a notice of appearance is March 13, 2003); and

(c) The panel review shall be limited to the allegations of error of fact or law, including the jurisdiction of the investigating authority, that are set out in the complaints filed in the panel review and the procedural and substantive defenses raised in the panel review.

Dated: January 28, 2003.

**Caratina L. Alston,**

*United States Secretary, NAFTA Secretariat.*

[FR Doc. 03-2361 Filed 1-31-03; 8:45 am]

**BILLING CODE 3510-GT-U**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 010603D]

#### Endangered and Threatened Species; Take of Anadromous Fish

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

**ACTION:** Issuance of permit 1413 to Charlotte Ambrose.

**SUMMARY:** Notice is given that NMFS has issued permit 1413 to Charlotte Ambrose, of the NMFS Protected Resources Division in Santa Rosa, California, that authorizes takes of Endangered Species Act-listed anadromous fish species for research purposes, subject to certain conditions set forth therein.

**ADDRESSES:** The applications and related documents are available for review in the following offices, by appointment:

For permit 1413: Protected Resources Division, NMFS, 777 Sonoma Avenue, Room 325, Santa Rosa, CA 95404-6528.

**FOR FURTHER INFORMATION CONTACT:** For permit 1413: Daniel Logan, Protected Resources Division, NMFS, Santa Rosa, CA, (707) 575-6053, or e-mail: [dan.logan@noaa.gov](mailto:dan.logan@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Species Covered in This Notice:

The following species and evolutionarily significant units (ESU's)

are covered in this notice: Chinook salmon (*Oncorhynchus tshawytscha*), coho salmon (*O. kisutch*), and steelhead (*O. mykiss*).

Issuance of this permit, as required by the ESA, was based on a finding that such modification was: (1) applied for in good faith; (2) would not operate to the disadvantage of the listed species which are the subject of the permit; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA. This permit was issued in accordance with and is subject to part 222 of title 50 CFR, the NMFS regulations governing listed species permits.

The applicant's proposed activities are in support of a potential ESA violation enforcement action. The applicant proposes field investigations to document the potential harm or injury to ESA-listed salmonids within the California Coastal (CC) Chinook salmon Evolutionarily Significant Unit (ESU), the Southern Oregon/Northern California Coasts (SONCC) coho salmon ESU, and the Northern California (NC) steelhead ESU.

The NMFS SWR believes that because the health and life of the animals are in danger, the issuance of permit 1413 is an urgent action and sufficient to qualify as an emergency situation consistent with CFR 222.303(g).

#### Permit Issued

Permit 1413 was issued on December 11, 2002.

Charlotte Ambrose is authorized to capture and handle ESA-listed salmonids within the CC Chinook salmon ESU, the SONCC coho salmon ESU, and the NC steelhead ESU.

The expiration date of Permit 1413 is June 30, 2003.

Dated: January 8, 2003.

**Phil Williams,**

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

[FR Doc. 03-2412 Filed 1-31-03; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 010803B]

#### Permit 1233 Modification

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

**ACTION:** Issuance of Modification 1 to Permit 1233.

**SUMMARY:** NMFS has issued a permit 1233 to the State of Idaho Department of Fish and Game (IDFG).

**ADDRESSES:** Copies of the permit may be obtained from the Hatcheries and Inland Fisheries Branch, Sustainable Fisheries Division, NMFS, 525 N.E. Oregon Street, Suite 510, Portland, OR 97232.

#### FOR FURTHER INFORMATION CONTACT:

Herbert Pollard, Boise, Idaho, at phone number: (208) 378-5614, e-mail:

[Herbert.Pollard@noaa.gov](mailto:Herbert.Pollard@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The following species and evolutionarily significant units (ESUs) are covered in this notice:

Spring/summer chinook salmon (*Oncorhynchus tshawytscha*): threatened Snake River;

Fall chinook salmon (*Oncorhynchus tshawytscha*): threatened Snake River;

Sockeye salmon (*Oncorhynchus nerka*): endangered Snake River; and Steelhead (*Oncorhynchus mykiss*): threatened Snake River.

#### Permits

Permit 1233 was issued to IDFG on May 26, 2000, and Modification 1 to permit 1233 was issued to IDFG on December 6, 2002. Permit 1233 authorizes IDFG annual incidental take of naturally produced and artificially propagated ESA-listed anadromous fish associated with the operation of recreational fisheries that target non-listed, hatchery-origin anadromous fish and resident game fish species. Permit 1233 expires December 31, 2004.

Permit 1233 authorizes IDFG's recreational fishing programs including the following activities: (1) Resident sport-fishing in waters which also support ESA-listed chinook and sockeye salmon under the IDFG General Fishing Regulations, including kokanee and trout fisheries in Redfish, Alturas, and Pettit Lakes; (2) chinook salmon sport-fishing in the Clearwater River, Snake River, lower Salmon River, Little Salmon River, and South Fork Salmon River under the IDFG Anadromous Salmon Fishing Regulations; and (3) summer steelhead fishing during the fall and spring seasons under the IDFG Steelhead Fishing Regulations. The permit constitutes authorization for implementation of the IDFG General Fishing Regulations, the IDFG Anadromous Salmon Fishing Regulations, and the IDFG Steelhead Fishing Regulations. Modification 1 to permit 1233 includes additional authorized locations for conducting the state's recreational chinook salmon