

the proposed NWHI Sanctuary. The National Marine Sanctuaries Amendment Act of 2000 (NMSA) and Executive Orders 13178 and 13196 direct the Secretary of Commerce to initiate the process to designate the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve as a National Marine Sanctuary. Pursuant to Section 304(a)(5) of the NMSA, the Council is provided with the opportunity to prepare draft fishing regulations for the proposed sanctuary as the Council may deem necessary to implement the proposed designation. Draft fishing regulations prepared by the Council shall be accepted by the Secretary of Commerce and issued as proposed regulations if they fulfill the purpose and policies of the NMSA and the goals and objectives of the proposed designation.

On September 20, 2004, the National Marine Sanctuaries Program (NMSP) formally provided the Council the opportunity to prepare draft fishing regulations pursuant to Section 304(a)(5) of the NMSA and also provided the Council with the goals and objectives for the proposed designation.

Although not required by the NMSA, the Council held a series of public hearings on Oahu, Kauai, Maui and the Island of Hawaii to gather public input and comments on a range of fishing alternatives the Council is considering in preparing draft fishing regulations for the proposed designation. The alternatives currently being considered by the Council are: (1A) Existing FMP regulations Status Quo; (1B) Coral Reef Ecosystem Reserve Status Quo; (2) Council Recommendations to Date; (3) Precautionary Modification 1; (4) Precautionary Modification 2; (5) Sanctuary Recommendation; and (6) Prohibit All Bottomfishing in Federal waters around Hawaii A full description of the alternatives is available at [www.wpcouncil.org](http://www.wpcouncil.org).

The Council will review these alternatives and their potential impacts. Following the public hearing, the Council may take action to recommend a preferred alternative and associated regulations to the NMSP.

Although non-emergency issues not contained in this agenda may come before the Council for discussion, those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this document and any issue arising after publication of this document that requires 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 Kitty M. Simonds, (808)522-8220 (voice) or (808)522-8226 (fax), at least 5 days prior to the meeting date.

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

Dated: February 24, 2005.

**Peter H. Fricke,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 022305A]

#### Marine Mammals; Permits No. 782-1719-00 and 774-1714-00

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

**ACTION:** Receipt of application for permit amendment.

**SUMMARY:** Notice is hereby given that the following organizations have applied in due form for a permit amendment to take marine mammals for purposes of scientific research:

Permit No. 782-1719-00 – National Marine Fisheries Service (NMFS), National Marine Mammal Laboratory (NMML), 7600 Sand Point Way, N.E. Seattle, WA 98115; and

Permit No. 774-1714-00 – National Marine Fisheries Service (NMFS), Southwest Fisheries Science Center, 8604 La Jolla Shores Dr., La Jolla, CA 92037.

**DATES:** Written or telefaxed comments on the new applications and amendment request must be received on or before March 31, 2005.

**ADDRESSES:** The amendment request and related documents are available for review upon written request or by appointment in the following office(s): See **SUPPLEMENTARY INFORMATION.**

#### FOR FURTHER INFORMATION CONTACT:

Ruth Johnson or Carrie Hubard, 301/713-2289, or email: [Ruth.Johnson@noaa.gov](mailto:Ruth.Johnson@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The subject amendment 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 222-227).

Permit No. 782-1719 authorizes NMML to take marine mammals during MMPA mandated stock assessment activities. NMML may conduct Level B harassment during overflights, vessel-based observations, and approaches for photography, and by Level A harassment when conducting biopsy sampling or tagging. The Permit Holder has requested an amendment to the permit to increase the number of bowhead and beluga whales to be taken and to increase the number of small cetaceans to be taken over a 5-year period.

Permit No. 774-1714 authorizes the SWFSC to take marine mammals during MMPA mandated stock assessment activities. The SWFSC may conduct Level B harassment of pinniped and cetacean species during overflights, vessel based observations, and approaches for photography, biopsy sampling and tagging. The Permit Holder has requested an amendment to the permit to increase the number of humpback whales taken over the 5-year period. The research is part of the SPLASH program and takes place in the Gulf of Alaska, Bering Sea and along the Aleutian Island chain. The Center also requests authorization to tag and track 30 each of false killer whales and short-finned pilot whales around the Hawaiian Islands.

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

Documents are available in the following offices:

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;

Assistant Regional Administrator for Protected Resources, Northwest Region, NMFS, 7600 Sand Point Way NE, BIN C15700, Bldg. 1, Seattle, WA 98115-0700; phone (206)526-6150; fax (206)526-6426;

Assistant Regional Administrator for Protected Resources, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK

99802-1668; phone (907)586-7235; fax (907)586-7012; and

Assistant Regional Administrator for Protected Resources, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213; phone (562)980-4020; fax (562)980-4027.

Dated: February 23, 2005.

**Patrick Opay,**

*Acting Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.*  
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**COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS**

**Limitations of Duty- and Quota-Free Imports of Apparel Articles Assembled in Mauritius From Third-Country Fabric**

February 25, 2005.

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

**ACTION:** Publishing the New 12-Month sub-Cap on Duty- and Quota-Free Benefits for Mauritius.

**EFFECTIVE DATE:** October 1, 2004.

**FOR FURTHER INFORMATION CONTACT:** Anna Flaaten, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-3400.

**SUPPLEMENTARY INFORMATION:**

**Authority:** Title I, Section 112(b)(3) of the Trade and Development Act of 2000, as amended by Section 3108 of the Trade Act of 2002 and Section 7(b)(2) of the AGOA Acceleration Act of 2004; Presidential Proclamation 7350 of October 4, 2000 (65 FR 59321); Presidential Proclamation 7626 of November 13, 2002 (67 FR 69459); Section 2004(k) of the Miscellaneous Trade and Technical Act of 2004.

Section 2004(k) of the Miscellaneous Trade and Technical Act of 2004 provides that, for the one-year period beginning on October 1, 2004, the term "lesser developed beneficiary sub-Saharan African country" includes Mauritius. Further, it establishes a separate limitation for Mauritius within the quantitative limitation applicable to apparel of third-country fabric.

Title I of the Trade and Development Act of 2000 (TDA 2000) provides for duty- and quota-free treatment for certain textile and apparel articles imported from designated beneficiary sub-Saharan African countries. Section 112(b)(3) of TDA 2000 provides duty- and quota-free treatment for apparel articles wholly assembled in one or

more beneficiary sub-Saharan African countries from fabric wholly formed in one or more beneficiary countries from yarn originating in the U.S. or one or more beneficiary countries. This preferential treatment is also available for apparel articles assembled in one or more lesser-developed beneficiary sub-Saharan African countries, regardless of the country of origin of the fabric used to make such articles. This special rule for lesser-developed countries applies through September 30, 2004. TDA 2000 imposed a quantitative limitation on imports eligible for preferential treatment under these two provisions.

The Trade Act of 2002 amended TDA 2000 to extend preferential treatment to apparel assembled in a beneficiary sub-Saharan African country from components knit-to-shape in a beneficiary country from U.S. or beneficiary country yarns and to apparel formed on seamless knitting machines in a beneficiary country from U.S. or beneficiary country yarns, subject to the quantitative limitation. The Trade Act of 2002 also increased the quantitative limitation but provided that this increase would not apply to apparel imported under the special rule for lesser-developed countries. Section 7(b)(2)(B) of the AGOA Acceleration Act extended the expiration of the quantitative limitations. It also further amended the percentages to be used in calculating the quantitative limitations for each twelve-month period, beginning on October 1, 2003. Section 2004(k) of the Miscellaneous Trade and Technical Act of 2004 provides that, for the one-year period beginning on October 1, 2004, the term "lesser developed beneficiary sub-Saharan African country" includes Mauritius. Further, it establishes a separate limitation for Mauritius within the quantitative limitation applicable to apparel imported under the special rule for lesser-developed countries.

The AGOA Acceleration Act of 2004 provides that the quantitative limitation for the twelve-month period beginning October 1, 2004 will be an amount not to exceed 5.31025 percent of the aggregate square meter equivalents of all apparel articles imported into the United States in the preceding 12-month period for which data are available. See Section 112(b)(3)(A)(ii)(I) of TDA 2000, as amended by Section 7(b)(2)(B) of the AGOA Acceleration Act. Of this overall amount, apparel imported under the special rule for lesser-developed countries is limited to an amount not to exceed 2.6428 percent of apparel imported into the United States in the preceding 12-month period. See Section 112(b)(3)(B)(ii)(II) of TDA 2000, as

amended by Section 7(b)(2)(B) of the AGOA Acceleration Act. The Miscellaneous Trade and Technical Act of 2004 provides that, of the amount established for apparel imported under the special rule for lesser-developed countries, the amount applicable to Mauritius is five percent. See Section 2004(k) of the Miscellaneous Trade and Technical Act of 2004. The United States Trade Representative has implemented the applicable conforming modification to the Harmonized Tariff Schedule. **See Notice of Change to U.S. Note 2(d) to Subchapter XIX of Chapter 98 of the Harmonized Tariff Schedule of the United States**, 70 Fed. Reg. 9125 (Feb. 24, 2005). For the purpose of this notice, the most recent 12-month period for which data are available is the 12-month period ending July 31, 2004.

Presidential Proclamation 7350 directed CITA to publish the aggregate quantity of imports allowed during each 12-month period in the **Federal Register**. See 65 FR 59321 (October 4, 2000). Presidential Proclamation 7626 modified the aggregate quantity of imports allowed during each 12-month period. See 67 FR 69459 (November 18, 2002).

CITA previously published the aggregate quantities of imports allowed for the period October 1, 2004 through September 30, 2005. See 69 FR 56747 (September 22, 2004). For the one-year period, beginning on October 1, 2004, and extending through September 30, 2005, the aggregate quantity of imports eligible for preferential treatment under these provisions is 1,076,876,652 square meters equivalent. Of this amount, 535,938,914 square meters equivalent is available to apparel imported under the special rule for lesser-developed countries. Of the amount available to apparel imported under the special rule for lesser-developed countries, 26,796,946 square meters equivalent is available to such apparel imported from Mauritius. Apparel articles entered in excess of these quantities will be subject to otherwise applicable tariffs.

These quantities are calculated using the aggregate square meter equivalents of all apparel articles imported into the United States, derived from the set of Harmonized System lines listed in the Annex to the World Trade Organization Agreement on Textiles and Clothing (ATC), and the conversion factors for units of measure into square meter