

subsequently directed the NAFTA Secretariat to issue a Notice of Final Panel Action on October 25, 2004.

Timken Notice

In its decision in *Timken*, the Federal Circuit held that, pursuant to 19 U.S.C. § 1516a(c)(1) and 1516a(e), the Department must publish notice of decision of the Court of International Trade ("CIT") which is "not in harmony" with the Department's results. *Timken*, 893 F.2d at 340. This is true for CIT decisions which are "not in harmony" with the results of ITC injury, or threat of injury, determinations as well. Because NAFTA panels step into the shoes of the courts they are replacing, they must apply the law of the national court that would otherwise review the administrative determination. Therefore, we are publishing notice that the NAFTA Panel's October 25, 2004, Notice of Final Panel Action and its October 12, 2004, decision are "not in harmony" with the ITC's *Final Injury Determinations*. Publication of this notice fulfills the obligation imposed upon the Department by the decision in *Timken*. In addition, this notice will serve to suspend liquidation of entries of subject merchandise entered, or withdrawn from warehouse, for consumption on or after November 4, 2004, *i.e.*, 10 days from the issuance of the Notice of Final Action, at the current cash deposit rate.

Dated: November 23, 2004.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. E4-3385 Filed 11-29-04; 8:45 am]

BILLING CODE: 3510-DS-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 112304D]

Endangered Species; File No. 1514

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

ACTION: Receipt of application.

SUMMARY: Notice is hereby given that Pacific Islands Regional Office, National Marine Fisheries Service, 1601 Kapiolani Blvd., Ste. 1110, Honolulu, HI 96814, has applied in due form for a permit to take green (*Chelonia mydas*), hawksbill (*Eretmochelys imbricata*), leatherback (*Dermochelys coriacea*), olive ridley (*Lepidochelys olivacea*), and

loggerhead (*Caretta caretta*) sea turtles for purposes of scientific research.

DATES: Written, telefaxed, or e-mail comments must be received on or before December 30, 2004.

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; 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.

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.

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: File No. 1514.

FOR FURTHER INFORMATION CONTACT:

Patrick Opay or Ruth Johnson, (301)713-2289.

SUPPLEMENTARY INFORMATION: The subject permit is 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).

The proposed research would occur in the Pacific Ocean and provide data on the at sea distribution and movement patterns of green, hawksbill, leatherback, olive ridley, and loggerhead sea turtles. Researchers would also use pop-up satellite tags (PSATs) to investigate post-release mortality of hard-shelled turtles that have been hooked or entangled by longline gear. Data from the PSATs would be used to compare the behavior of longline caught turtles to the known behavior of turtles

that have not been caught in fishing gear (controls) to investigate potential effects of the fishery interactions on turtle behavior patterns after release. Seven green, 34 leatherback, 21 loggerhead, and 42 olive ridley sea turtles that have been captured in the Hawaii longline fishery would be measured, photographed, tissue sampled, flipper tagged, and released, or salvaged (if dead). The hard-shelled species would also have a PSAT attached to their shell.

An additional six (combined total of all species) hawksbill, olive ridley, loggerhead, and green sea turtles captured in the American Samoa longline fishery would be measured, photographed, tissue sampled, flipper tagged, PSAT tagged and released, or salvaged (if dead). One leatherback captured in this fishery would also be measured, photographed, tissue sampled, flipper tagged, and released, or salvaged (if dead). All turtles would have been captured in the longline fishery and coverage for the incidental capture of these turtles would be provided under the incidental take statement of the 2004 Biological Opinion for the Western Pelagics Fishery Management Plan. The applicant requests a five year permit.

Dated: November 24, 2004.

Tammy C. Adams,

Acting Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service. [FR Doc. 04-26406 Filed 11-29-04; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 111204C]

Marine Mammals; File Nos. 1034-1685 and 1065-1749

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

ACTION: Issuance of permit amendment and new permit.

SUMMARY: Notice is hereby given that Dr. Markus Horning, Texas A&M University, Laboratory for Applied Biotelemetry and Biotechnology, Department of Marine Biology, 5007 Avenue U, Galveston, TX 77551 has been issued an amendment to scientific research Permit No. 1034-1685 and Dr. Patrick Butler, University of Birmingham, School of Biosciences, Edgbaston, Birmingham, United

Kingdom has been issued Permit No. 1069-1749.

ADDRESSES: The permit, permit amendment 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 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: Amy Sloan or Tammy Adams, (301)713-2289.

SUPPLEMENTARY INFORMATION: On June 18, 2004, notice was published in the **Federal Register** (69 FR 34138) that the above-named individuals had applied for an amendment of Permit No. 1034-1685, issued on March 17, 2003 (68 FR 20117), and a new permit (File No. 1065-1749), respectively. The requested permit amendment and new permit have been granted under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

The permit amendment, Permit No. 1034-1685-01, authorizes the study of the adrenal response of California sea lions (*Zalophus californianus*). A total of up to six sea lions undergoing rehabilitation at The Marine Mammal Center (TMMC), Sausalito, CA, may be injected intramuscularly with adrenocorticotrophic hormone and have pre-injection and post-injection blood samples taken while under anesthesia for analysis of glucocorticoids. Feces may also be collected for analysis.

Permit No. 1065-1749 authorizes development and monitoring trials of a surgically implantable heart rate logger in California sea lions, northern elephant seals (*Mirounga angustirostris*), and northern fur seals (*Callorhinus ursinus*) undergoing rehabilitation at TMMC. The permit authorizes surgical implantation and removal of the device in up to six animals of each species per year. The permit also authorizes mortality incidental to the study of up to two animals total, of any species, over the five-year course of the permit.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), a final determination has been made that the activities proposed are categorically excluded from the requirement to

prepare an environmental assessment or environmental impact statement.

Dated: November 22, 2004.

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

[FR Doc. 04-26412 Filed 11-29-04; 8:45 am]
BILLING CODE 3510-22-S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Designations Under the Textile and Apparel Commercial Availability Provisions of the United States- Caribbean Basin Trade Partnership Act (CBTPA)

November 23, 2004.

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

ACTION: Designation.

SUMMARY: The Committee for the
Implementation of Textile Agreements
(CITA) has determined that certain
woven, 100 percent cotton, flannel
fabrics, of the specifications detailed
below, classified in the indicated
subheadings of the Harmonized Tariff
Schedule of the United States (HTSUS),
for use in products covered by textile
categories 340, 341, 347, 348, 350, 351,
and 352, cannot be supplied by the
domestic industry in commercial
quantities in a timely manner. CITA
hereby designates such apparel articles,
that are both cut and sewn or otherwise
assembled in an eligible CBTPA
beneficiary country, from these fabrics
as eligible for quota-free and duty-free
treatment under the textile and apparel
commercial availability provisions of
the CBTPA and eligible under HTSUS
subheadings 9820.11.27, to enter free of
quota and duties, provided that all other
fabrics are wholly formed in the United
States from yarns wholly formed in the
United States.

EFFECTIVE DATE: November 30, 2004.

FOR FURTHER INFORMATION CONTACT:
Janet Heinzen, Office of Textiles and
Apparel, U.S. Department of Commerce,
(202) 482-3400.

SUPPLEMENTARY INFORMATION:

Authority: Section 211 of the CBTPA,
amending Section 213(b)(2)(A)(v)(II) of the
Caribbean Basin Economic Recovery Act
(CBERA); Presidential Proclamation 7351 of
October 2, 2000; Executive Order No. 13191
of January 17, 2001.

Background

The commercial availability provision
of the CBTPA provides for duty-free and

quota-free treatment for apparel articles
that are both cut (or knit-to-shape) and
sewn or otherwise assembled in one or
more beneficiary CBTPA country from
fabric or yarn that is not formed in the
United States if it has been determined
that such yarns or fabrics cannot be
supplied by the domestic industry in
commercial quantities in a timely
manner and certain procedural
requirements have been met. In
Presidential Proclamation 7351, the
President proclaimed that this treatment
would apply to apparel articles from
fabrics or yarn designated by the
appropriate U.S. government authority
in the **Federal Register**. In Executive
Order 13191, the President authorized
CITA to determine whether yarns or
fabrics cannot be supplied by the
domestic industry in commercial
quantities in a timely manner.

On July 14, 2004, the Chairman of
CITA received twelve petitions from
Sandler, Travis, and Rosenberg, P.A., on
behalf of Picacho, S.A., alleging that
certain woven, 100 percent cotton,
flannel fabrics, of detailed
specifications, classified in indicated
HTSUS subheadings, for use in shirts,
trousers, nightwear, robes, dressing
gowns, and woven underwear, cannot
be supplied by the domestic industry in
commercial quantities in a timely
manner and requesting quota- and duty-
free treatment under the CBTPA for
such apparel articles that are both cut
and sewn in one or more CBTPA
beneficiary countries from such fabrics.
On July 22, 2004, CITA requested public
comment on the petition. See Request
for Public Comment on Commercial
Availability Petition under the United
States-Caribbean Basin Trade
Partnership Act (CBTPA) (69 FR 43805).
Subsequently, three of the petitions
were withdrawn because the petitioner
informed CITA that they contained
minor but significant errors with regard
to the detailed specifications. See
Withdrawal of Three Commercial
Availability Petitions under the United
States-Caribbean Basin Trade
Partnership Act (CBTPA) (69 FR 46137).
On August 9, 2004, CITA and the U.S.
Trade Representative (USTR) sought the
advice of the Industry Trade Advisory
Committee for Textiles and Clothing
and the Industry Trade Advisory
Committee for Distribution Services. On
August 9, 2004, CITA and USTR offered
to hold consultations with the
Committee on Ways and Means of the
House of Representatives and the
Committee on Finance of the Senate
(collectively, the Congressional
Committees). On August 25, 2004, the