

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 In addition, this notice will serve to suspend liquidation of entries of subject merchandise entered, or withdrawn from warehouse, for consumption on or after November 4, 2004, i.e., 10 days from the issuance of the Notice of Final Action, at the current cash deposit rate.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]

BILLING CODE 3510-22-S

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