

The Committee Members are hereby discharged from their duties effective October 15, 2004.

Dated: October 12, 2004.

**Caratina L. Alston,**

*United States Secretary, NAFTA Secretariat.*

[FR Doc. E4-2658 Filed 10-14-04; 8:45 am]

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## 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 decision of Extraordinary Challenge Committee.

**SUMMARY:** On October 7, 2004 the Extraordinary Challenge Committee (ECC) issued its decision in the matter of Pure Magnesium from Canada, Secretariat File No. ECC-2003-1904-01USA.

**FOR FURTHER INFORMATION CONTACT:** Caratina L. Alston, United States Secretary, NAFTA Secretariat, Suite 2061, 14th and Constitution Avenue, NW., 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.

*Background Information:* On September 24, 2003, the Office of the United States Trade Representative filed

a Request for an Extraordinary Challenge Committee to review decisions of March 27, 2002; October 15, 2002; April 28, 2003 and June 24, 2003, 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 full sunset review of the anti-dumping order made by the International Trade Administration, respecting Pure Alloy Magnesium from Canada. These determinations were published in the **Federal Register**. The NAFTA Secretariat assigned Secretariat File Number ECC-2003-1904-01USA to this request.

*Committee Decision:* The Committee concluded that the panel manifestly exceeded its powers by failing to apply the correct standard of review; such action materially affected the Panel's decision, but; that the Panel's action did not threaten the integrity of the binational panel review process.

Accordingly the challenge is dismissed and by virtue of section 3 of NAFTA Annex 1904.13 the challenged panel decision stands affirmed.

Dated: October 8, 2004.

**Caratina L. Alston,**

*United States Secretary, NAFTA Secretariat.*

[FR Doc. E4-2706 Filed 10-14-04; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Evaluation of State Coastal Management Programs and National Estuarine Research Reserves

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), Office of Ocean and Coastal Resource Management, National Ocean Service, Commerce.

**ACTION:** Notice of intent to evaluate and notice of availability of final findings.

**SUMMARY:** The NOAA Office of Ocean and Coastal Resource Management (OCRM) announces its intent to evaluate the performance of the Mississippi Coastal Management Program; the Sapelo Island National Estuarine Research Reserve, Georgia; and the North Carolina National Estuarine Research Reserve.

The Coastal Zone Management Program evaluation will be conducted pursuant to section 312 of the Coastal Zone Management Act of 1972, as amended, (CZMA) and regulations at 15 CFR part 923, subpart L. The National Estuarine Research Reserve evaluations

will be conducted pursuant to sections 312 and 315 of the CZMA and regulations at 15 CFR part 921, subpart E and part 923, subpart L.

The CZMA requires continuing review of the performance of states with respect to coastal program implementation. Evaluation of Coastal Zone Management Programs and National Estuarine Research Reserves requires findings concerning the extent to which a state has met the national objectives, adhered to its Coastal Management Program document or Reserve final management plan approved by the Secretary of Commerce, and adhered to the terms of financial assistance awards funded under the CZMA.

The evaluations will include a site visit, consideration of public comments, and consultations with interested Federal, state and local agencies and members of the public. Public meetings will be held as part of the site visits.

Notice is hereby given of the dates of the site visits for the listed evaluations, and the dates, local times, and locations of the public meetings during the site visits.

The Mississippi Coastal Management Program evaluation site visit will be held December 6-10, 2004. One public meeting will be held during the week. The public meeting will be on Monday, December 6, 2004, at 5 p.m., at the Mississippi Department of Marine Resources Auditorium, 1141 Bay View Avenue, Biloxi, Mississippi.

The Sapelo Island National Estuarine Research Reserve, Georgia, evaluation site visit will be held December 14-16, 2004. One public meeting will be held during the week. The public meeting will be held on Wednesday, December 15, 2004, at 7 p.m., at the Sapelo Island Visitor Center, Landing Road/Route 1, Meridian, Georgia.

The North Carolina National Estuarine Research Reserve evaluation site visit will be held December 6-10, 2004. Three public meetings will be held during the week. The first public meeting will be held on Tuesday, December 7, 2004, at 7 p.m. at the Currituck County Library—Corolla Branch, 1123 Ocean Trail, Corolla, North Carolina. The second public meeting will be held on Wednesday, December 8, 2004, at 7 p.m. at the C-MAST Building, third floor Library Conference Room, 303 College Circle, Morehead City, North Carolina. The third public meeting will be held on Thursday, December 9, 2004, at 7 p.m. at the North Carolina Department of Environment and Natural Resources Regional Office, Room 200, 127 Cardinal Drive Ext., Wilmington, North Carolina.

Copies of states' most recent performance reports, as well as OCRM's notifications and supplemental request letters to the state, are available upon request from OCRM. Written comments from interested parties regarding these Programs are encouraged and will be accepted until 15 days after the last public meeting held for that Program. Please direct written comments to Ralph Cantral, Chief, National Policy and Evaluation Division, Office of Ocean and Coastal Resource Management, NOS/NOAA, 1305 East-West Highway, 10th Floor, Silver Spring, Maryland 20910. When the evaluations are completed, OCRM will place a notice in the **Federal Register** announcing the availability of the Final Evaluation Findings.

Notice is hereby given of the availability of the final evaluation findings for the Virginia and New York Coastal Management Programs (CMPs); and the Old Woman Creek (Ohio) and Jacques Cousteau (New Jersey) National Estuarine Research Reserves (NERRs). Sections 312 and 315 of the Coastal Zone Management Act of 1972 (CZMA), as amended, require a continuing review of the performance of coastal states with respect to approval of CMPs and the operation and management of NERRs.

The states of Virginia and New York were found to be implementing and enforcing their federally approved coastal management programs, addressing the national coastal management objectives identified in CZMA Section 303(2)(A)-(K), and adhering to the programmatic terms of their financial assistance awards. Old Woman Creek (Ohio) and Jacques Cousteau (New Jersey) NERRs were found to be adhering to programmatic requirements of the NERR System.

Copies of these final evaluation findings may be obtained upon written request from: Ralph Cantral, Chief, National Policy and Evaluation Division, Office of Ocean and Coastal Resource Management, NOS/NOAA, 1305 East-West Highway, 10th Floor, Silver Spring, Maryland 20910, or [Ralph.Cantral@noaa.gov](mailto:Ralph.Cantral@noaa.gov), (301) 713-3155, extension 118.

**FOR FURTHER INFORMATION CONTACT:** Ralph Cantral, Chief, National Policy and Evaluation Division, Office of Ocean and Coastal Resource Management, NOS/NOAA, 1305 East-West Highway, 10th Floor, Silver Spring, Maryland 20910, (301) 713-3155, extension 118.

Dated: September 27, 2004.

**Eldon Hout,**

*Director, Office of Ocean and Coastal Resource Management.*

[FR Doc. 04-23164 Filed 10-14-04; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Notice of Availability of the Final Reserve Operations Plan for the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve

**AGENCY:** National Marine Sanctuary Program (NMSP), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

**ACTION:** Notice.

**SUMMARY:** The National Oceanic and Atmospheric Administration (NOAA) announces the availability of the Final Reserve Operations Plan for the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve (Reserve). The Reserve Operations Plan (ROP) is a requirement of Executive Order 13178, as finalized by Executive Order 13196 (hereinafter Executive Order or EO). The ROP was presented to the public on two separate occasions in 2002 and 2004, and over 30,000 public comments resulted from both open public comment periods.

The most recent public comment period for the ROP opened on March 19, 2004 (69 FR 13022) and ended on May 15, 2004. Approximately 29,400 public comments were received during this period, with about 27,000 arriving by e-mail and the remainder by letter and fax. In addition, the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve Advisory Council provided both general and specific comments on the draft final ROP as did the Marine Mammal Commission, Western Pacific Regional Fisheries Management Council and a group of 13 local and national conservation organizations, claiming to represent over 3.4 million members. A similar letter was also received from a group of 10 conservation organizations (many of the same as above), collectively representing more than 2.7 million members.

**FOR FURTHER INFORMATION CONTACT:** Robert P. Smith, (808) 933-8181, [nwhi@noaa.gov](mailto:nwhi@noaa.gov).

*To Obtain a Hard Copy of the Final Reserve Operations Plan:* Requests can be mailed to NWHI Coral Reef Ecosystem Reserve, 6700 Kalaniana'ole

Highway, #215, Honolulu, Hawaii 96825; faxed to (808) 397-2662; e-mailed to [nwhi@noaa.gov](mailto:nwhi@noaa.gov) or downloaded at <http://www.hawaiiireef.noaa.gov>.

**SUPPLEMENTARY INFORMATION:** The Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve (Reserve) was established by Executive Orders 13178 and 13196. Pursuant to the EO, NOAA prepared a draft Reserve Operations Plan that was issued for public review in February 2002 (67 FR 11998), which provided a guide for management of the Reserve during a process that will consider the marine environment of the Northwestern Hawaiian Islands for designation as a National Marine Sanctuary. Significant public comment was received on the first draft, and the NMSP considered the public comment and worked with the Reserve Advisory Council to produce a second draft Reserve Operations Plan. A second public review period was conducted from March 19 through May 15, 2004 and over 29,000 comments were received.

#### Comments and Responses

From all of the public comments received, a number of comments were accepted by NOAA which corrected technical inaccuracies and/or added additional clarifying information as improvements to the ROP, and were incorporated into the final document, either verbatim as suggested, or addressed by explanation. An example of a comment received and accepted which addressed a technical inaccuracy was "The correct Latin name for killer whale is '*Orcinus*' and should replace '*Orsinus*'". Significant comments to the ROP are generally described below, with NOAA's responses.

1. *Comment:* NOAA should, through the Department of Commerce, carry out formal regulations for the Executive Orders that would be enforceable within the Reserve.

*Response:* The NMSP will not pursue the issuance of any additional regulations for the Reserve. The NMSP's priority is to finalize the ROP and focus on the sanctuary designation process, which will include the development of regulations for the preferred alternative, rather than undertake a resource-intensive, concurrent process to issue regulations for the Reserve.

2. *Comment:* The ROP should include a penalty schedule for violation of all Reserve prohibitions.

*Response:* Executive Orders 13178 and 13196, which established the Reserve, provide specific conservation measures that apply to the Reserve.