

and archaeological resources. The inclusion of subsistence use as a cultural resource is inconsistent with this approach because it is a human activity rather than a physical or tangible asset. Subsistence use of the marine environment is a very important aspect to consider. However, NOAA and DOI believe it will receive the most effective treatment under Section 4(a)(6) of the Executive Order where conflicts between user groups are addressed. This offers the best option to address opportunities for subsistence use in the competition among recreational, commercial, industrial and traditional uses for access to the same resources or areas.

#### *D. Final MMA Inventory Criteria and Data Fields*

**Area:** Must have legally defined geographical boundaries, and may be of any size, except that the site must be a subset of the U.S. federal, State, commonwealth, territorial, local or tribal marine environment in which it is located. Application of this criterion would exclude, for example, generic broad-based resource management authorities without specific locations and areas whose boundaries change over time based on species presence.

**Marine:** Must be: (a) ocean or coastal waters (note: Coastal waters may include intertidal areas, bays or estuaries); (b) an area of the Great Lakes or their connecting waters; (c) an area of lands under ocean or coastal waters or the Great Lakes or their connecting waters; or (d) a combination of the above. The term "intertidal" is understood to mean the shore zone between the mean low water and mean high water marks. An MMA may be a marine component part of a larger site that includes uplands. However, the terrestrial portion is not considered an MMA. For mapping purposes, an MMA may show an associated terrestrial protected area.

NOAA and DOI intend to use the following definition for the term "estuary": "Part of a river or stream or other body of water having unimpaired connection with the open sea, where the sea water is measurably diluted with fresh water derived from land drainage, and extending upstream to where ocean-derived salts measure less than 0.5 parts per thousand during the period of average annual low flow." Application of this criterion would exclude, for example, strictly freshwater sites outside the Great Lakes region that contain marine species at certain seasons or life history stages unless that site is a component of a larger, multi-unit MMA. However, upon request the

agencies will work with individual states, commonwealths and territories to examine unique conditions which may affect applicability of the term "estuary". Estuarine-like sites on tributaries of the Great Lakes will be considered for inclusion if they are located within the eight-digit U.S. Geological Survey cataloging unit adjacent to a Great Lake or its connecting waters.

**Reserved:** Must be established by and currently subject to federal, state, commonwealth, territorial, local or tribal law or regulation. Application of this criterion would exclude, for example, privately created or maintained marine sites.

**Lasting:** Must provide the same protection, for any duration within a year, at the same location on the same dates each year, for at least two consecutive years.

Must be established with an expectation of, history of, or at least the potential for permanence.

Application of this criterion would exclude, for example: Areas subject only to temporary protections, such as areas protected only by emergency fishery regulations under the Magnuson-Stevens Act, which expire after 180 days.

**Protection:** To be included in the MMA Inventory, the site:

Must have existing laws or regulations that are designed and applied to afford the site with increased protection for part or all of the natural and submerged cultural resources therein for the purpose of maintaining or enhancing the long-term conservation of these resources, beyond any general protections that apply outside the site.

Application of this criterion would exclude restricted areas that are established for purposes other than conservation. For example, the term would not include areas closed for navigational safety, areas closed to safeguard modern man-made structures (e.g., submarine cable no-anchor zones), polluted shellfish-bed closure areas, areas closed to avoid fishing gear conflicts, and areas subject to area-based regulations that are established solely to limit fisheries by quota management or to facilitate enforcement.

**Cultural:** In addition, the Executive Order uses the term cultural resources. NOAA and DOI interpret this to mean any submerged historical or submerged cultural feature, including archaeological sites, historic structures, shipwrecks, and artifacts in the marine environment.

Taken together, these six definitions and criteria provide the basis for

selecting sites to be included in the MMA Inventory.

#### **MMA Inventory Data Fields**

The MMA Inventory database consists of 35 main fields divided into 5 main topic sections. These inventory fields are used to gather site-specific information including (but not limited to) site description, legal authorities, management tools, habitat information, species information, location, and size. Please refer to MPA.gov "inventory database description" web page at [http://www.mpa.gov/inventory/database\\_description.html](http://www.mpa.gov/inventory/database_description.html) for full list and explanation of the data fields.

Dated: December 29, 2004.

**Conrad C. Lautenbacher, Jr.,**

*Under Secretary of Commerce for Oceans and Atmosphere.*

[FR Doc. 05-1262 Filed 1-24-05; 8:45 am]

**BILLING CODE 3510-08-P**

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## **COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS**

### **Request for Public Comments on a Commercial Availability Request under the Caribbean Basin Trade Partnership Act (CBTPA)**

January 19, 2005.

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

**ACTION:** Request for public comments concerning a request for a determination that certain yarns, for use in chief-weight cotton sweaters, cannot be supplied by the domestic industry in commercial quantities in a timely manner under the CBTPA

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**SUMMARY:** On January 14, 2005 the Chairman of CITA received a petition from Sandler, Travis & Rosenberg, P.A., on behalf of Outlast Technology, Inc. of Boulder, CO and Bernette Textile Co, LLC of New York, NY, alleging that certain colored open end spun yarns ranging in size from 6/1 to 18/1 English count (10.16/1 to 30.47/1 metric) of a blend of reclaimed and reprocessed cotton and not less than 35 percent nor more than 49 percent by weight of Outlast licensed phase change acrylic staple fibers produced under license from Outlast, for use in chief weight cotton sweaters, cannot be supplied by the domestic industry in commercial quantities in a timely manner. It requests that such apparel made from such yarn be eligible for preferential treatment under the CBTPA. This is a refiling of a previous petition regarding the subject yarn. CITA hereby solicits

public comments on this request, in particular with regard to whether such yarn can be supplied by the domestic industry in commercial quantities in a timely manner. Comments must be submitted by February 9, 2005 to the Chairman, Committee for the Implementation of Textile Agreements, Room 3001, United States Department of Commerce, 14th and Constitution Avenue, N.W. Washington, D.C. 20230.

**FOR FURTHER INFORMATION CONTACT:**

Shikha Bhatnagar, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-3821.

**SUPPLEMENTARY INFORMATION:**

**Authority:** Section 213(b)(2)(A)(v)(II) of the Caribbean Basin Economic Recovery Act, as added by Section 211(a) of the CBTPA; Section 6 of Executive Order No. 13191 of January 17, 2001.

**BACKGROUND:**

The CBTPA provides for quota- and duty-free treatment for qualifying textile and apparel products. Such treatment is generally limited to products manufactured from yarns and fabrics formed in the United States or a beneficiary country. The CBTPA also provides for quota- and duty-free treatment for apparel articles that are both cut (or knit-to-shape) and sewn or otherwise assembled in one or more CBTPA beneficiary countries from fabric or yarn that is not formed in the United States or a beneficiary country, if it has been determined that such fabric or yarn cannot be supplied by the domestic industry in commercial quantities in a timely manner. In Executive Order No. 13191, the President delegated to CITA the authority to determine whether yarns or fabrics cannot be supplied by the domestic industry in commercial quantities in a timely manner under the CBTPA and directed CITA to establish procedures to ensure appropriate public participation in any such determination. On March 6, 2001, CITA published procedures that it will follow in considering requests. (66 FR 13502).

On January 14, 2004, the Chairman of CITA received a petition from Sandler, Travis & Rosenberg, P.A., on behalf of Outlast Technology, Inc. of Boulder, CO and Bernette Textile Co, LLC of New York, NY, alleging that certain colored open end spun yarns ranging in size from 6/1 to 18/1 English count (10.16/1 to 30.47/1 metric) of a blend of reclaimed and reprocessed cotton and not less than 35 percent nor more than 49 percent by weight of Outlast licensed phase change acrylic staple fiber produced under license from Outlast, for use in chief weight cotton sweaters,

cannot be supplied by the domestic industry in commercial quantities in a timely manner requesting quota- and duty-free treatment under the CBTPA for apparel articles that are cut and sewn in one or more CBTPA beneficiary countries from such yarns. The petition contained the following yarn specifications.

**Yarn Specifications:**

HTS Sub-headings:	5206.11.00.00, 5206.12.00.00
Description:	Open end spun yarn
Size:	10 to 31 metric count
Fiber Content:	In chief weight of cotton reclaimed from fabric scraps mixed with not less than 35% nor more than 49% producer-dyed acrylic staple produced under license from Outlast Technologies, Inc.

CITA is soliciting public comments regarding this request, particularly with respect to whether this yarn can be supplied by the domestic industry in commercial quantities in a timely manner. Also relevant is whether other yarns that are supplied by the domestic industry in commercial quantities in a timely manner are substitutable for these yarns for purposes of the intended use. Comments must be received no later than February 9, 2005. Interested persons are invited to submit six copies of such comments or information to the Chairman, Committee for the Implementation of Textile Agreements, room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, DC 20230.

If a comment alleges that this yarn can be supplied by the domestic industry in commercial quantities in a timely manner, CITA will closely review any supporting documentation, such as a signed statement by a manufacturer of the yarns stating that it produces the yarns that are the subject of the request, including the quantities that can be supplied and the time necessary to fill an order, as well as any relevant information regarding past production.

CITA will protect any business confidential information that is marked business confidential from disclosure to the full extent permitted by law. CITA will make available to the public non-confidential versions of the request and non-confidential versions of any public comments received with respect to a request in room 3100 in the Herbert Hoover Building, 14th and Constitution Avenue, N.W., Washington, DC 20230. Persons submitting comments on a

request are encouraged to include a non-confidential version and a non-confidential summary.

**James C. Leonard III,**

*Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc.05-1437 Filed 1-21-05; 2:24 pm]

**BILLING CODE 3510-DS**

**DEPARTMENT OF DEFENSE**

**Department of the Navy**

**Nominations for Membership on Ocean Research Advisory Panel (ORAP)**

**AGENCY:** Department of the Navy, DOD.

**ACTION:** Notice.

**SUMMARY:** The Ocean Research Advisory Panel (ORAP) is soliciting nominations for new members.

**DATES:** Nominations should be submitted no later than Friday, February 25, 2005.

**ADDRESSES:** Nominations should be submitted via e-mail to LT Cory Huyssoon, U.S. Navy, at [huyssoc@onr.navy.mil](mailto:huyssoc@onr.navy.mil). Contact telephone number, 703-696-4395.

**FOR FURTHER INFORMATION CONTACT:** Dr. Melbourne G. Briscoe, Office of Naval Research, 800 North Quincy Street, Arlington, VA 22217-5660, telephone 703-696-4120.

**SUPPLEMENTARY INFORMATION:** ORAP is a statutorily mandated federal advisory committee that provides senior scientific advice to the National Oceanographic Research Leadership Council (NORLC), the governing body of the National Oceanographic Partnership Program (NOPP). ORAP advises the NORLC on policies, procedures, selection of projects and the allocation of funds, as well as other responsibilities that NORLC considers appropriate.

**Panel Member Duties and Responsibilities:** Members of the panel represent the National Academy of Sciences, the National Academy of Engineering, the Institute of Medicine, ocean industries, state governments, academia, and others including individuals who are eminent in the fields of marine science, marine policy, or related fields. Members are appointed for not more than four years, and are not normally compensated except for travel expenses and per diem while away from their homes in performance of services for the panel.

The panel meets for at least one two-day public meeting per year, but possibly meets three times per year, on dates agreeable by the panel members;