

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.*

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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.