

**FOR FURTHER INFORMATION CONTACT:**

James R. Holbein, United States Secretary, NAFTA Secretariat, Suite 2061, 14th and Constitution Avenue, Washington, D.C. 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 October 26, 1995, Rancho El Aguaje, Rancho El Toro and Rancho Guacatay filed a First Request for Panel Review with the U.S. Section of the NAFTA Secretariat pursuant to Article 1904 of the North American Free Trade Agreement. Panel review was requested of the Final Results of Antidumping Duty Administrative Review made by the International Trade Administration respecting Fresh Cut Flowers from Mexico. This determination was published in the **Federal Register** on September 26, 1995 (60 FR 49569). The request was assigned File No. USA-95-1904-05.

On December 16, 1996 the Binational Panel issued its decision in the matter of Fresh Cut Flowers from Mexico, Secretariat File No. USA-95-1904-05. The Panel decided that the Department properly determined that the Complainants provided misleading and evasive statements concerning their respective tax statutes and that the Department properly invoked Best Information Available given the substantial evidence on the record in this action. However, the first-tier Best Information Available rate imposed by the Department was not justified by substantial evidence on the record and was not otherwise in accordance with

law. Based upon the substantial evidence on the record, the Panel remanded the action with instructions to assign a second-tier rate of 18.20 percent, which is taken from the Department's original investigation and takes into account the substantial cooperation provided by the Ranches.

The Panel ordered the Department to issue a determination on remand consistent with the instructions and findings set forth in the Panel's decision within forty five (45) days of the date of the Order (not later than January 30, 1997).

The determination on remand was filed on January 29, 1997, No challenges were filed by the participants within the time provided in the *NAFTA Article 1904 Panel Rules*. On March 3, 1997, the Panel issued an order under Rule 73(5) affirming the Determination on Remand and instructed the Secretariat to issue a Notice of Final Panel Action Under Rule 77. The Notice of Final Panel Action was issued on March 14, 1997. No Request for an Extraordinary Challenge was filed within 30 days of the issuance of the Notice of Final Panel Action. Therefore, on the basis of the Panel decision and Rule 80 of the *NAFTA Article 1904 Panel Rules*, the Panel Review was completed and the panelists were discharged from their duties effective April 14, 1997.

Dated: April 17, 1997.

**James. R. Holbein,**

*U.S. Secretary, NAFTA Secretariat.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 041697A]

#### Incidental Take of Marine Mammals; Bottlenose Dolphins and Spotted Dolphins

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

**ACTION:** Notice of issuance of letters of authorization.

**SUMMARY:** In accordance with the Marine Mammal Protection Act (MMPA) as amended, and implementing regulations, notification is hereby given that 1-year letters of authorization to take bottlenose and spotted dolphins incidental to oil and gas structure removal activities were issued on January 14, 1997, to Seneca Resources

Corporation, Houston, TX; February 10, 1997, to Chevron U.S.A., New Orleans, LA; March 7, 1997, to Phillips Petroleum Company, Lafayette, LA, and, on April 16, 1997 to CNG Producing Company, New Orleans, LA.

**ADDRESSES:** The applications and letters are available for review in the following offices: Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910 and the Southeast Region, NMFS, 9721 Executive Center Drive N, St. Petersburg, FL 33702.

**FOR FURTHER INFORMATION CONTACT:** Kenneth R. Hollingshead, Office of Protected Resources, NMFS, (301) 713-2055 or Charles Oravetz, Southeast Region (813) 570-5312.

**SUPPLEMENTARY INFORMATION:** Section 101(a)(5)(A) of the MMPA (16 U.S.C. 1361 *et seq.*) directs NMFS to allow, on request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region, if certain findings are made and regulations are issued. Under the MMPA, the term "taking" means to harass, hunt, capture, or kill or to attempt to harass, hunt, capture or kill marine mammals.

Permission may be granted for periods up to 5 years if NMFS finds, after notification and opportunity for public comment, that the taking will have a negligible impact on the species or stock(s) of marine mammals and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses. In addition, NMFS must prescribe regulations that include permissible methods of taking and other means effecting the least practicable adverse impact on the species and its habitat, and on the availability of the species for subsistence uses, paying particular attention to rookeries, mating grounds, and areas of similar significance. The regulations must include requirements pertaining to the monitoring and reporting of such taking. Regulations governing the taking of bottlenose and spotted dolphins incidental to oil and gas structure removal activities in the Gulf of Mexico were published on October 12, 1995 (60 FR 53139), and remain in effect until November 13, 2000.

#### Summary of Request

NMFS received requests for letters of authorization on January 8, 1997, from Seneca Resources Corporation; February 5, 1997, from Chevron, U.S.A.; March 6, 1997, from Phillips Petroleum Company; and March 26, 1997, from

CNG Producing Company. These letters requested a take by harassment of a small number of bottlenose and spotted dolphins incidental to the described activity. Issuance of these letters of authorization are based on a finding that the total takings will have a negligible impact on the bottlenose and spotted dolphin stocks of the Gulf of Mexico.

Dated: April 17, 1997.

**Hilda Diaz-Soltero,**

*Acting Director, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 97-10538 Filed 4-22-97; 8:45 am]

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**COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS**

**Increases in Guaranteed Access Levels for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in the Dominican Republic**

April 16, 1997.

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

**ACTION:** Issuing a directive to the Commissioner of Customs increasing guaranteed access levels.

**EFFECTIVE DATE:** April 23, 1997.

**FOR FURTHER INFORMATION CONTACT:** Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212. For information on the quota status of these levels, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927-5850. For information on embargoes and quota re-openings, call (202) 482-3715.

**SUPPLEMENTARY INFORMATION:**

**Authority:** Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Uruguay Round Agreements Act.

Upon the request of the Government of the Dominican Republic, the U.S. Government has agreed to increase the current Guaranteed Access Levels (GALS) for certain categories.

A description of the textile and apparel categories in terms of HTS numbers is available in the **CORRELATION:** Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 62 FR 66263, published on December 17, 1996). Also see 61 FR 65375, published on December 12, 1996.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing, but are designed to assist only in the implementation of certain of their provisions.

**Troy H. Cribb,**

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

**Committee for the Implementation of Textile Agreements**

April 16, 1997.

Commissioner of Customs,  
*Department of the Treasury, Washington, DC 20229.*

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on December 6, 1996, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products, produced or manufactured in the Dominican Republic and exported during the twelve-month period which began on January 1, 1997 and extends through December 31, 1997.

Effective on April 23, 1997, you are directed to increase the Guaranteed Access Levels (GALS) for the following categories, as provided for under the Uruguay Agreements Act and the Uruguay Round Agreement on Textiles and Clothing:

Category	Guaranteed Access Level
338/638 .....	2,150,000 dozen.
339/639 .....	2,150,000 dozen.
433 .....	61,000 dozen.
443 .....	110,000 numbers.
633 .....	120,000 dozen

The limits for the foregoing categories remain unchanged.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

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

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**COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS**

**Import Charges for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in Korea**

April 16, 1997.

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

**ACTION:** Issuing a directive to the Commissioner of Customs charging imports to Group II.

**EFFECTIVE DATE:** April 23, 1997.

**FOR FURTHER INFORMATION CONTACT:** Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212.

**SUPPLEMENTARY INFORMATION:**

**Authority:** Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Uruguay Round Agreements Act.

A Memorandum of Understanding (MOU) between the Governments of the United States and the Republic of Korea was signed on March 21, 1997. As part of that MOU, the two governments agreed that charges in the amount of 58,558,418 square meters equivalent would be made to the Group II limit for textile products, produced or manufactured in Korea and exported during the period January 1, 1997 through December 31, 1997.

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to charge the aforementioned amount to the 1997 Group II limit.

A description of the textile and apparel categories in terms of HTS numbers is available in the **CORRELATION:** Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 61 FR 66263, published on December 17, 1996). Also see 610 FR 59087, published on November 20, 1996.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the Uruguay Round Agreements Act, the Uruguay Round Agreement on Textiles and Clothing and the March 21, 1997 MOU, but are designed to assist only in the