

the following document identifier: File No. 881-1758.

**FOR FURTHER INFORMATION CONTACT:**

Amy Sloan or Ruth Johnson, (301)713-2289.

**SUPPLEMENTARY INFORMATION:** The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (U.S.C. 1361 *et seq.*), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

The applicant proposes to study growth, development, and health of harbor seals throughout their residency in the ASLC Rehabilitation Program. Researchers would compare growth and health parameters of rehabilitated seals to permanently captive seals undergoing long-term dietary studies at the ASLC and to seals captured and sampled in the wild during other permitted studies.

In addition to conducting standard rehabilitation practices, researchers would collect blood, fecal, and urine samples; collect body composition measurements using bioelectrical impedance and deuterium oxide, sodium bromide, Evan's blue dye, and nitrogen administration followed by post-administration blood samples; conduct assimilation efficiency experiments to study metabolic development; and collect blubber biopsies to study fatty acid composition and contaminant loads. The applicant has requested a 5-year permit.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: December 23, 2004.

**Jennifer Skidmore,**

*Acting Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.*  
[FR Doc. 04-28540 Filed 12-28-04; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 121504H]

#### Endangered Species; File No. 1486

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

**ACTION:** Issuance of permit.

**SUMMARY:** Notice is hereby given that Harold M. Brundage, Environmental Research and Consulting, Inc., 112 Commons Court, Chadds Ford, Pennsylvania, 19317 has been issued a permit to take shortnose sturgeon (*Acipenser brevirostrum*) for purposes of scientific research.

**ADDRESSES:** The permit 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)427-2521; and,

Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930-2298; phone (978)281-9200; fax (978)281-9371.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Jefferies or Amy Sloan, (301)713-2289.

**SUPPLEMENTARY INFORMATION:** On May 27, 2004, notice was published in the **Federal Register** (69 FR 30287) that a request for a scientific research permit to take shortnose sturgeon had been submitted by the above-named individual. The requested permit has been issued 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 parts 222-226).

Mr. Brundage is authorized to sample and track shortnose sturgeon in the Delaware River. Annually, up to 1750 adult and juvenile fish will be taken via gill nets, trammel nets and trawls; measured; weighed; PIT and Floy T-bar tagged; and the fish will be subsequently released. A subset of 100 fish annually will also be tissue sampled. Finally, a subset of 30 adult and 30 juvenile fish annually will also be tagged with internal ultrasonic tags and tracked. This permit is authorized for five years.

In compliance with the National Environmental Policy Act of 1969 (42

U.S.C. 4321 *et seq.*), an environmental assessment was prepared analyzing the effects of the permitted activities. After a Finding of No Significant Impact, the determination was made that it was not necessary to prepare an environmental impact statement.

Issuance of this permit, as required by the ESA, was based on a finding that such permit (1) was applied for in good faith, (2) will not operate to the disadvantage of the endangered species which is the subject of this permit, and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: December 22, 2004.

**Jennifer Skidmore,**

*Acting, Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.*  
[FR Doc. 04-28539 Filed 12-28-04; 8:45 am]

**BILLING CODE 3510-22-S**

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Solicitation of Public Comments on Request for Textile and Apparel Safeguard Action on Imports from China

December 21, 2004.

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

**ACTION:** Solicitation of public comments concerning a request for safeguard action on imports from China of brassieres and other body supporting garments (Category 349/649).

**SUMMARY:** The Committee has received a request from the National Council of Textile Organizations, the National Textile Association, the American Manufacturing Trade Action Coalition, SEAMS, and UNITE HERE! (Requestors) asking the Committee to reapply the limit on imports from China of brassieres and other body supporting garments in accordance with the textile and apparel safeguard provision of the Working Party on the Accession of China to the World Trade Organization (the Accession Agreement). On December 24, 2003 the Committee established an Accession Agreement limit on imports from China of brassieres and other body supporting garments, which will expire on December 23, 2004. The Committee hereby solicits public comments on this request.

**FOR FURTHER INFORMATION CONTACT:** Jay Dowling, Office of Textiles and Apparel,

U.S. Department of Commerce, (202) 482-4058.

#### SUPPLEMENTARY INFORMATION:

**Authority:** Section 204 of the Agriculture Act of 1956, as amended; Executive Order 11651, as amended.

#### BACKGROUND:

The textile and apparel safeguard provision of the Accession Agreement provides for the United States and other members of the World Trade Organization that believe imports of Chinese origin textile and apparel products are, due to market disruption, threatening to impede the orderly development of trade in these products to request consultations with China with a view to easing or avoiding the disruption. Pursuant to this provision, if the United States requests consultations with China, it must, at the time of the request, provide China with a detailed factual statement showing “(1) the existence or threat of market disruption; and (2) the role of products of Chinese origin in that disruption.” Beginning on the date that it receives such a request, China must restrict its shipments to the United States to a level no greater than 7.5 percent (6 percent for wool product categories) above the amount entered during the first 12 months of the most recent 14 months preceding the request. If exports from China exceed that amount, the United States may enforce the restriction.

The Committee has published procedures (the Procedures) it follows in considering requests for Accession Agreement textile and apparel safeguard actions (68 FR 27787, May 21, 2003; 68 FR 49440, August 18, 2003), including the information that must be included in such requests in order for the Committee to consider them.

On December 1, 2004, the Requestors asked the Committee to reapply an Accession Agreement textile and apparel safeguard action on imports from China of brassieres and other body supporting garments (Category 349/649) on the ground that an anticipated increase in imports of brassieres and other body supporting garments after December 23, 2004, threatens to disrupt the U.S. market for brassieres and other body supporting garments. The request is available at [http://otexa.ita.doc.gov/Safeguard\\_intro.htm](http://otexa.ita.doc.gov/Safeguard_intro.htm). In light of the considerations set forth in the Procedures, the Committee has determined that the Requestors have provided the information necessary for the Committee to consider the request.

The Committee is soliciting public comments on the request, in particular with regard to whether there is a threat

of disruption to the U.S. market for brassieres and other body supporting garments and, if so, the role of Chinese-origin brassieres and other body supporting garments in that disruption. To this end, the Committee seeks relevant information addressing factors such as the following, which may be relevant in the particular circumstances of this case, involving a product under a quota that will expire on December 23, 2004: (1) Whether imports of brassieres and other body supporting garments from China are entering, or are expected to enter, the United States at prices that are substantially below prices of the like or directly competitive U.S. product, and whether those imports are likely to have a significant depressing or suppressing effect on domestic prices of the like or directly competitive U.S. product or are likely to increase demand for further imports from China; (2) Whether exports of Chinese-origin brassieres and other body supporting garments to the United States are likely to increase substantially and imminently (due to existing unused production capacity, to capacity that can easily be shifted from the production of other products to the production of brassieres and other body supporting garments, or to an imminent and substantial increase in production capacity or investment in production capacity), taking into account the availability of other markets to absorb any additional exports; (3) Whether Chinese-origin brassieres and other body supporting garments that are presently sold in the Chinese market or in third-country markets will be diverted to the U.S. market in the imminent future (for example, due to more favorable pricing in the U.S. market or to existing or imminent import restraints into third country markets); (4) The level and the extent of any recent change in inventories of brassieres and other body supporting garments in China or in U.S. bonded warehouses; (5) Whether conditions of the domestic industry of the like or directly competitive product demonstrate that market disruption is likely (as may be evident from any anticipated factory closures or decline in investment in the production of brassieres and other body supporting garments, and whether actual or anticipated imports of Chinese-origin brassieres and other body supporting garments are likely to affect the development and production efforts of the U.S. brassieres and other body supporting garments industry; and (6) Whether U.S. managers, retailers, purchasers, importers, or other market

participants have recognized Chinese producers of brassieres and other body supporting garments as potential suppliers (for example, through pre-qualification procedures or framework agreements).

Comments may be submitted by any interested person. Comments must be received no later than **January 28, 2005**. Interested persons are invited to submit ten copies of such comments to the Chairman, Committee for the Implementation of Textile Agreements, Room 3001A, U.S. Department of Commerce, 14th and Constitution Avenue N.W., Washington, DC 20230.

The Committee will protect any business confidential information that is marked “business confidential” from disclosure to the full extent permitted by law. To the extent that business confidential information is provided, two copies of a non-confidential version must also be provided in which business confidential information is summarized or, if necessary, deleted. Comments received, with the exception of information marked “business confidential”, will be available for inspection between Monday - Friday, 8:30 a.m and 5:30 p.m in the Trade Reference and Assistance Center Help Desk, Suite 800M, USA Trade Information Center, Ronald Reagan Building, 1300 Pennsylvania Avenue, NW, Washington, DC, (202) 482-3433.

The Committee will make a determination within 60 calendar days of the close of the comment period as to whether the United States will request consultations with China. If the Committee is unable to make a determination within 60 calendar days, it will cause to be published a notice in the **Federal Register**, including the date by which it will make a determination. If the Committee makes a negative determination, it will cause this determination and the reasons therefore to be published in the **Federal Register**. If the Committee makes an affirmative determination that imports of Chinese-origin brassieres and other body supporting garments threaten to disrupt the U.S. market, the United States will request consultations with China with a view to easing or avoiding the disruption.

**D. Michael Hutchinson,**

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

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