

maximum of 1,533 in 2 out of 5 seasons, and a total of 3,585 in 5 years), 5 gray whales and 91 beluga whales. However, since this LOA is effective only through May 25, 2004, no bowhead, gray or beluga whales are expected to be harassed.

Year-round operations at Northstar may result in the harassment of up to approximately 191 ringed seals, 10 bearded seals, and 5 spotted seals being harassed and the incidental mortality of up to 5 ringed seal pups. No take is authorized for an oil spill. NMFS and BP believe that these estimates remain conservative since, for example, monitoring between November, 2001 and October, 2002 indicate that approximately 110 ringed seals, 1 bearded seal and 10–20 beluga whales were present in the area and potentially may have been affected (Moulton et al., 2003). MacLean and Williams (2003) and Moulton et al. (2003) indicate that Northstar production probably had little or no effect on most of the seals and no seals were injured or killed by activities along the ice road or operations at Northstar during the 2002/2003 or 2003/2004 ice-covered seasons.

### Monitoring and Reporting

Monitoring and reporting requirements contained in the Northstar regulations (50 CFR 216.206) and described in the **Federal Register** (65 FR 34014, May 25, 2000). Additional information was provided on December 21, 2001 (66 FR 65923), when NMFS issued an LOA to BP for oil production at Northstar. Monitoring reports are submitted annually as required by the regulations, and the LOA, and plans and reports are peer-reviewed as required regulations. A list of these reports is available upon request (see **ADDRESSES**). Recent peer-review meetings were held in June 2003, in Seattle, WA and in August, 2004 in Anchorage, AK. The August, 2004 meeting confirmed continued efforts begun in 2003 to convene an independent technical peer-review committee under the auspices of the North Slope Borough's Science Advisory Committee. The next open-water peer-review meeting is planned for May, 2005 in Anchorage, AK. In accordance with the original marine mammal monitoring plan, BP plans to continue monitoring in the winter/early spring 2005 for those tasks that have not been completed.

### Determinations

Accordingly, NMFS issued an LOA to BPXA on December 6, 2004, authorizing the taking of marine mammals incidental to oil production operations at the Northstar offshore oil and gas

facility in state and federal waters in the U.S. Beaufort Sea until May 25, 2005. Issuance is based on findings, described in the preamble to the final rule (65 FR 34014, May 25, 2000), that the activities described in the LOA will result in the taking of no more than small numbers of ringed seals, and possibly bearded seals and spotted seals, and that the total taking will have a negligible impact on these marine mammal stocks and would not have an unmitigable adverse impact on the availability of these species or stocks for taking for subsistence uses. NMFS also prescribed the means for effecting the least practicable adverse impact on these stocks. As the results from the monitoring program carried out since 1999 have indicated that the determinations made in 2000 and 2001 were not in error, the estimated levels of incidental harassment have not been exceeded, and as the activity that was reviewed in 2001 (oil production activities) has not changed, these determinations remain valid.

Dated: December 6, 2004.

**Laurie K. Allen,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 102204B]

#### Endangered Species; File No. 1418

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

**ACTION:** Issuance of permit amendment.

**SUMMARY:** Notice is hereby given that Lawrence D. Wood, Marinelife Center of Juno Beach, 14200 U.S. Hwy. 1, Juno Beach, FL, 33408 has been issued a modification to scientific research Permit No. 1418.

**ADDRESSES:** The modification 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)713–0376; and

Southeast Region, NMFS, 9721 Executive Center Drive North, St. Petersburg, FL 33702–2432; phone (727)570–5301; fax (727)570–5320.

**FOR FURTHER INFORMATION CONTACT:** Patrick Opay or Amy Sloan, (301)713–2289.

**SUPPLEMENTARY INFORMATION:** On September 9, 2004, notice was published in the **Federal Register** (69 FR 54649) that a modification of Permit No. 1418, issued January 14, 2004 (69 FR 2118), had been requested by the above-named individual. The requested modification has been granted 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 222–226).

The modification authorizes Mr. Wood to sample blood for sex determinations from the 75 hawksbill (*Eretmochelys imbricata*) sea turtles he is already authorized to annually capture under the existing permit.

Issuance of this modification, 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 6, 2004.

**Stephen L. Leathery,**

*Chief, Permits, Conservation and Education  
Division, Office of Protected Resources,  
National Marine Fisheries Service.*

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## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

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

December 6, 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 men's and boys' wool trousers (Category 447).

**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 limit imports from China of men's and boys' wool trousers 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). 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 November 12, 2004, the Requestors asked the Committee to impose an Accession Agreement textile and apparel safeguard action on imports from China of men’s and boys’ wool trousers (Category 447) on the ground that an anticipated increase in imports of men’s and boys’ wool trousers after January 1, 2005, threatens to disrupt the U.S. market for men’s and boys’ wool trousers. 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 men’s and boys’ wool trousers and, if so, the role of Chinese-origin men’s and boys’ wool trousers 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 be removed on January 1, 2005: (1) Whether imports of men’s and boys’ wool trousers 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 men’s and boys’ wool trousers 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 men’s and boys’ wool trousers, 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 men’s and boys’ wool trousers 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 men’s and boys’ wool trousers 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 men’s and boys’ wool trousers, and whether actual or anticipated imports of Chinese-origin men’s and boys’ wool trousers are likely to affect the development and production efforts of the U.S. men’s and boys’ wool trousers

industry; and (6) Whether U.S. managers, retailers, purchasers, importers, or other market participants have recognized Chinese producers of men’s and boys’ wool trousers 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 10, 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 men’s and boys’ wool trousers threaten to disrupt the U.S. market, the United States will request consultations with China with a view to easing or avoiding the disruption.

**James C. Leonard III,**

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

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