

research permit No. 1254 submitted by Dynegy Northeast Generation, Inc. (Martin W. Daley, Principal Investigator), Regulatory & Administrative Services, 992-994 River Road, Newburgh, New York, 12550, has been granted.

**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) 427-2521; and Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930-2298; phone (978)281-9328; fax (978)281-9394.

**FOR FURTHER INFORMATION CONTACT:** Shane Guan and Patrick Opay (301)713-2289.

**SUPPLEMENTARY INFORMATION:** 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 provisions of § 222.306 of the regulations governing the taking, importing, and exporting of endangered and threatened fish and wildlife (50 CFR 222-226).

Dynegy Northeast Generation, Inc. is authorized to capture, handle, measure, externally tag, and release 95 juvenile and adult shortnose sturgeon (*Acipenser brevirostrum*) and to collect 40 shortnose sturgeon larvae annually in the Hudson River between the estuary and River mile 152. The objectives of the study are to describe the patterns and variability of environmental parameters that may affect fish distribution and abundance of 16 selected species of fish, including shortnose sturgeon, in the Hudson River Estuary and provide information on length frequency where applicable. This modification will extend the permit through August 31, 2006.

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 any endangered or threatened species; and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: July 21, 2005.

**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

### Extension of Period of Determination on Request for Textile and Apparel Safeguard Action on Imports from China

July 25, 2005.

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

**ACTION:** Notice

**SUMMARY:** The Committee is extending through July 31, 2005, the period for making a determination on whether to request consultations with China regarding imports of men's and boys' wool trousers (Category 447).

**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:

On November 12, 2004, the Committee received a request from the American Manufacturing Trade Action Coalition, the National Council of Textile Organizations, the National Textile Association, SEAMS and UNITE HERE requesting that the Committee limit imports from China of men's and boys' wool trousers (Category 447) due to the threat of market disruption.

The Committee determined this request provided the information necessary for the Committee to consider the request and solicited public comments for a period of 30 days. See **Solicitation of Public Comment on Request for Textile and Apparel Action on Imports from China**, 69 FR 71781 (Dec. 10, 2004).

On December 30, 2004, the Court of International Trade preliminarily enjoined the Committee from considering or taking any further action on this request and any other requests "that are based on the threat of market disruption". **U.S. Association of Importers of Textiles and Apparel v. United States**, 350 F. Supp. 2d 1342 (CIT 2004). On April 27, 2005 the Court of Appeals for the Federal Circuit granted the U.S. government's motion for a stay and reversed that injunction. **U.S. Association of Importers of Textiles and Apparel v. United States**, Ct. No. 05-1209, 2005 U.S. App. LEXIS 12751 (Fed. Cir. June 28, 2005). Thus, CITA resumed consideration of this case.

The public comment period for this request had not yet closed when the injunction took effect on December 30, 2004. The number of calendar days remaining in the public comment period beginning with and including December 30, 2004 was 12 days. On May 9, 2005, therefore, the Committee published a notice in the **Federal Register** re-opening the comment period and inviting public comments to be received not later than May 23, 2005. See **Rescheduling of Consideration of Request for Textile and Apparel Safeguard Action on Imports from China and Solicitations of Public Comments**, 70 FR 24397 (May 9, 2005).

The Committee's Procedures, 68 FR 27787 (May 21, 2003) state that the Committee will make a determination within 60 calendar days of the close of the public 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.

The 60 day determination period for the threat case expired on July 22, 2005. However, the Committee is unable to make a determination at this time; it is continuing to evaluate conditions in the U.S. market for men's and boys' wool trousers and information obtained from public comments on the case. The Committee is therefore extending the determination period to July 31, 2005. The Committee may, at its discretion, make such determination prior to July 31, 2005.

**James C. Leonard III,**  
Chairman, Committee for the Implementation  
of Textile Agreements.

[FR Doc.05-14953 Filed 7-25-05; 1:37 pm]

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## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Determination Under the African Growth and Opportunity Act

July 21, 2005.

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

**ACTION:** Directive to the Commissioner of Customs and Border Protection.

**SUMMARY:** The Committee for the Implementation of Textile Agreements (CITA) has determined that certain textile and apparel goods from Nigeria shall be treated as "handloomed, handmade, folklore articles, or ethnic