

for formal consideration and action, if appropriate.

**DATES:** The meeting will be held on Thursday, August 25, 2005, at 9 a.m.

**ADDRESSES:** The meeting will be held at the Sheraton 4 Points Hotel, 407 Squire Road, Revere, MA 02151; telephone: (781) 284-7800; fax: (781) 284-1886.

*Council address:* New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

**FOR FURTHER INFORMATION CONTACT:** Paul J. Howard, Executive Director, New England Fishery Management Council; telephone: (978) 465-0492.

**SUPPLEMENTARY INFORMATION:** The Capacity Committee will meet to consider the Terms of Reference (TOR) approved by the Council, including the direction to develop capacity reduction alternatives for scallop and groundfish fisheries. The Committee will detail a strategy for addressing the TOR, including identifying information requirements and a schedule of meetings with specific milestone goals in order to complete final recommendations to the Council by March 2006.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

#### Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard, Executive Director, at 978-465-0492, at least 5 days prior to the meeting date.

Dated: August 3, 2005.

**Emily Menashes,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. E5-4246 Filed 8-5-05; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 072205D]

#### Endangered Species; File No. 1547

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

**ACTION:** Notice; application for permit

**SUMMARY:** Notice is hereby given that New York State Department of Environmental Conservation (Kathryn Hattala, Principal Investigator; Gregg Kenney, Primary Contact/Co-Investigator), 21 South Putt Corners Road, New Paltz, NY 12561, has applied in due form for a permit to take shortnose sturgeon (*Acipenser brevirostrum*) for purposes of scientific research.

**DATES:** Written, telefaxed, or e-mail comments must be received on or before September 7, 2005.

**ADDRESSES:** The application and related documents are available for review upon written request or by appointment in the following offices:

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.

Written comments or requests for a public hearing on this application should be mailed to the Chief, Permits, Conservation and Education Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate.

Comments may also be submitted by facsimile at (301)427-2521, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period.

Comments may also be submitted by e-mail. The mailbox address for providing email comments is [NMFS.Pr1Comments@noaa.gov](mailto:NMFS.Pr1Comments@noaa.gov). Include in the subject line of the e-mail comment the following document identifier: File No. 1547.

#### FOR FURTHER INFORMATION CONTACT:

Shane Guan or Carrie Hubard, (301)713-2289.

**SUPPLEMENTARY INFORMATION:** The subject permit is requested 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 New York State Department of Environmental Conservation proposes to conduct scientific research to evaluate seasonal movement of shortnose sturgeon in Haverstraw and Newburgh Bays of the Hudson River. A maximum of 500 adult and juvenile shortnose sturgeon would be captured with gill nets, measured, weighed, scanned for tags, PIT and Carlin tagged if untagged, and released annually. The permit is requested for a duration of 5 years.

Dated: August 1, 2005.

**Stephen L. Leathery,**

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

[FR Doc. 05-15645 Filed 8-5-05; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 080205B]

#### Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits

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

**ACTION:** Notification of a proposal for EFPs to conduct experimental fishing; request for comments.

**SUMMARY:** The Assistant Regional Administrator for Sustainable Fisheries, Northeast Region, NMFS (Assistant Regional Administrator) has made a preliminary determination that the subject Exempted Fishing Permit (EFP) application contains all the required information and warrants further consideration. The Assistant Regional Administrator has also made a preliminary determination that the activities authorized under the EFP would be consistent with the goals and objectives of the Northeast (NE) Multispecies Fishery Management Plan (FMP). However, further review and consultation may be necessary before a final determination is made to issue the EFP. Therefore, NMFS announces that the Assistant Regional Administrator

proposes to recommend that an EFP be issued that would allow one commercial fishing vessel to conduct fishing operations that are otherwise restricted by the regulations governing the fisheries of the Northeastern United States. The EFP would allow for exemptions from the FMP as follows: The Gulf of Maine (GOM) Rolling Closure Areas and the minimum mesh size for trawl gear.

Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed EFPs.

**DATES:** Comments must be received on or before August 23, 2005.

**ADDRESSES:** Written comments should be sent to Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope "Comments on the GOM Rope Separator Trawl Study." Comments may also be sent via fax to (978) 281-9135 or submitted via e-mail to: [DA5-219@noaa.gov](mailto:DA5-219@noaa.gov).

**FOR FURTHER INFORMATION CONTACT:** Mike Ruccio, Fishery Management Specialist, phone (978) 281-9104.

**SUPPLEMENTARY INFORMATION:**

An application for an EFP was submitted on July 20, 2005, by Dr. Pingguo He of the University of New Hampshire for the continuation of a Cooperative Research Partnership Initiative contract project. The primary goal of the research is to design and test a rope separator trawl that targets haddock and pollock while releasing cod and flounder in inshore western GOM waters. The intent of the researchers is that the experimental net, if successful, could be suitable for fishing using Category B Days at Sea in the future.

This EFP would be used to conduct the second phase of at-sea trials for the experimental trawl net. The first phase was conducted under a separate EFP. One vessel would conduct 12 days of at-sea trials consisting of three to four 1-hour tows per day. Additionally, researchers would use remote underwater video observation and acoustic gear geometry monitoring to assess the success of the net during at-sea trials. The design of the net would consist of a rope separator in place of the more common netting separator in order to simplify design and rigging; a large bottom escape area for cod, flatfishes, and benthos; and a raised fishing line running through long drop chains to further allow benthic species to escape. Researchers have requested a

small mesh exemption to allow for the use of a second codend or a small-mesh cover to collect fish released from the trawl to assess the effectiveness of the separator trawl.

All specimens caught would be sampled and measured. All undersized fish would be returned to the sea as quickly as practical after measurement and examination. All legal-sized fish, within the possession limit, would be sold, with the proceeds returned to the project for the purposes of enhancing future research.

The study would take place from September 1, 2005, to July 30, 2006. The trials would occur between 43°20' and 42°30' N. lat. and west of 70°15' W. long., excluding the Western GOM Closure Area.

The principal investigator has requested a small-mesh exemption to allow for the use of a second codend or a small mesh cover to collect fish released from the experimental trawl to assess the effectiveness of the separator trawl. An optimum mixture of haddock and cod is necessary for testing the experimental gear. The majority of field work is tentatively scheduled for fall 2005. Dr. He has requested exemptions from the GOM Rolling Closure Areas to allow for spring 2006 fishing, should weather, vessel availability, or haddock and cod abundance in the study area hinder completion of the fall 2005 survey schedule.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: August 3, 2005.

**Alan D. Risenhoover**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. E5-4242 Filed 8-5-05; 8:45 am]

**BILLING CODE 3510-22-S**

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

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

August 2, 2005.

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

**ACTION:** Notice.

**SUMMARY:** The Committee is extending through August 31, 2005, the period for making a determination on whether to request consultations with China regarding imports of cotton and man-made fiber dressing gowns and robes (Category 350/650).

**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 24, 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 cotton and man-made fiber dressing gowns and robes (Category 350/650) due to the threat of market disruption ("threat case").

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 Comments on Request for Textile and Apparel Safeguard Action on Imports from China**, 69 FR 77232 (Dec. 27, 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 28 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 June 6, 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).

On April 6, 2005, the Committee received a request from the American