

haulout will also be provided. A draft interim report must be submitted to NMFS by April 30, 2004.

Because seismic retrofit activities may continue beyond the date of expiration of this IHA (presumably under a new IHA), a draft final report must be submitted to the Regional Administrator within 90 days after the expiration of this IHA. A final report must be submitted to the Regional Administrator within 30 days after receiving comments from the Regional Administrator on the draft final report. If no comments are received from NMFS, the draft final report will be considered to be the final report.

CALTRANS will provide NMFS with a follow-up report on the post-construction monitoring activities within 18 months of project completion in order to evaluate whether haulout patterns are similar to the pre-retrofit haul-out patterns at Castro Rocks.

### National Environmental Policy Act

NMFS prepared an EA in 1997 that concluded that the impacts of CALTRANS' seismic retrofit construction of the Richmond-San Rafael Bridge will not have a significant impact on the human environment. A copy of that EA, which includes the Finding of No Significant Impact (FONSI) is available upon request (see ADDRESSES). This action has not changed significantly from the action analyzed in the 1997 EA. Therefore, this proposed action is not expected to change the analysis or conclusion of the 1997 EA.

### Endangered Species Act (ESA)

Under section 7 of the ESA, NMFS has begun consultation on the proposed issuance of an IHA under section 101(a)(5)(D) of the MMPA for this activity. Consultation will be concluded upon completion of the comment period for this proposed action and consideration of those comments prior to a determination on issuance of an IHA.

### Preliminary Conclusions

NMFS has preliminarily determined that the short-term impact of the seismic retrofit construction of the Bridge, as described in this document, should result, at worst, in the temporary modification in behavior by small numbers of harbor seals and, possibly, by small numbers of California sea lions. While behavioral modifications, including temporarily vacating the haulout, may be made by these species to avoid the resultant visual and acoustic disturbance, this action is expected to have a negligible impact on

the animals. In addition, no take by injury and/or death is anticipated, and harassment takes will be at the lowest level practicable due to incorporation of the mitigation measures mentioned previously in this document.

### Proposed Authorization

NMFS proposes to renew an IHA to CALTRANS for the potential harassment of small numbers of harbor seals and California sea lions incidental to seismic retrofit construction of the Bridge, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated. NMFS has preliminarily determined that the proposed activity would result in the harassment of only small numbers of harbor seals and possibly California sea lions and will have no more than a negligible impact on these marine mammal stocks.

### Information Solicited

NMFS requests interested persons to submit comments, information, and suggestions concerning this request (see ADDRESSES). Prior to submitting comments, NMFS recommends reviewers of this document read the responses to comments made previously (see 62 FR 67045, December 23, 1997; 65 FR 2375, January 14, 2000; 66 FR 49165, September 26, 2001; and 67 FR 61323, September 30, 2002) for this action, as NMFS does not intend to address these issues further without the submission of additional scientific information.

Dated: September 29, 2003.

**Laurie K. Allen,**

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

[FR Doc. 03-25150 Filed 10-02-03; 8:45 am]

BILLING CODE 3510-22-S

### COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

#### Announcement of Import Restraint Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in the Federative Republic of Brazil

September 29, 2003.

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

**ACTION:** Issuing a directive to the Commissioner, Bureau of Customs and Border Protection establishing limits.

**EFFECTIVE DATE:** January 1, 2004.

**FOR FURTHER INFORMATION CONTACT:** Roy Unger, International Trade Specialist,

Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927-5850, or refer to the Bureau of Customs and Border Protection website at <http://www.customs.gov>. For information on embargoes and quota reopenings, refer to the Office of Textiles and Apparel website at <http://otexa.ita.doc.gov>.

### SUPPLEMENTARY INFORMATION:

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

The import restraint limits for textile products, produced or manufactured in Brazil and exported during the period January 1, 2004 through December 31, 2004 are based on limits notified to the Textiles Monitoring Body pursuant to the Uruguay Round Agreement on Textiles and Clothing (ATC).

In the letter published below, the Chairman of CITA directs the Commissioner, Bureau of Customs and Border Protection to establish the 2004 limits.

These limits are subject to adjustment pursuant to the provisions of the ATC and administrative arrangements notified to the Textiles Monitoring Body. However, as the ATC and all restrictions thereunder will terminate on January 1, 2005, no adjustment for carryforward (borrowing from next year's limits for use in the current year) will be available.

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 68 FR 1599, published on January 13, 2003. Information regarding the 2004 CORRELATION will be published in the **Federal Register** at a later date.

**James C. Leonard III,**

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

### Committee for the Implementation of Textile Agreements

September 29, 2003.

Commissioner,  
Bureau of Customs and Border Protection,  
Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended; and the Uruguay Round Agreement on Textiles and Clothing (ATC), you are directed to prohibit, effective on January 1, 2004, entry into the

United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in the following categories, produced or manufactured in Brazil and exported during the twelve-month period beginning on January 1, 2004 and extending through December 31, 2004, in excess of the following levels of restraint:

| Category                                                                                                                                                                                                                                                                                                                                             | Twelve-month restraint limit                                                                            |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|
| Aggregate Limit                                                                                                                                                                                                                                                                                                                                      |                                                                                                         |
| 200–221, 224–227, 237, 239pt. <sup>1</sup> , 300–326, 331pt. <sup>2</sup> , 332–348, 351, 352, 359pt. <sup>3</sup> , 360–363, 369pt. <sup>4</sup> , 400–430, 433–438, 440–448, 459pt. <sup>5</sup> , 469pt. <sup>6</sup> , 601–605, 608–620, 623–629, 631pt. <sup>7</sup> , 633–648, 651–652, 659pt. <sup>8</sup> , 666pt. <sup>9</sup> , as a group | 821,590,228 square meters equivalent.                                                                   |
| Sublevels within the aggregate                                                                                                                                                                                                                                                                                                                       |                                                                                                         |
| 218 .....                                                                                                                                                                                                                                                                                                                                            | 10,942,191 square meters.                                                                               |
| 219 .....                                                                                                                                                                                                                                                                                                                                            | 39,948,720 square meters.                                                                               |
| 225 .....                                                                                                                                                                                                                                                                                                                                            | 19,148,836 square meters.                                                                               |
| 300/301 .....                                                                                                                                                                                                                                                                                                                                        | 14,840,130 kilograms.                                                                                   |
| 313 .....                                                                                                                                                                                                                                                                                                                                            | 91,894,979 square meters.                                                                               |
| 314 .....                                                                                                                                                                                                                                                                                                                                            | 15,045,517 square meters.                                                                               |
| 315 .....                                                                                                                                                                                                                                                                                                                                            | 45,136,549 square meters.                                                                               |
| 317/326 .....                                                                                                                                                                                                                                                                                                                                        | 41,033,222 square meters.                                                                               |
| 334/335 .....                                                                                                                                                                                                                                                                                                                                        | 294,451 dozen.                                                                                          |
| 336 .....                                                                                                                                                                                                                                                                                                                                            | 163,587 dozen.                                                                                          |
| 338/339/638/639 .....                                                                                                                                                                                                                                                                                                                                | 2,944,521 dozen.                                                                                        |
| 342/642 .....                                                                                                                                                                                                                                                                                                                                        | 866,995 dozen.                                                                                          |
| 347/348 .....                                                                                                                                                                                                                                                                                                                                        | 2,126,598 dozen.                                                                                        |
| 361 .....                                                                                                                                                                                                                                                                                                                                            | 2,224,748 numbers.                                                                                      |
| 363 .....                                                                                                                                                                                                                                                                                                                                            | 47,481,490 numbers.                                                                                     |
| 410/624 .....                                                                                                                                                                                                                                                                                                                                        | 21,884,386 square meters of which not more than 2,973,933 square meters shall be in Category 410.       |
| 433 .....                                                                                                                                                                                                                                                                                                                                            | 20,644 dozen.                                                                                           |
| 445/446 .....                                                                                                                                                                                                                                                                                                                                        | 80,872 dozen.                                                                                           |
| 604 .....                                                                                                                                                                                                                                                                                                                                            | 1,038,809 kilograms of which not more than 793,948 kilograms shall be in Category 604–A <sup>10</sup> . |
| 647/648 .....                                                                                                                                                                                                                                                                                                                                        | 981,509 dozen.                                                                                          |

<sup>1</sup>Category 239pt.: only HTS number 6209.20.5040 (diapers).

<sup>2</sup>Category 331pt.: all HTS numbers except 6116.10.1720, 6116.10.4810, 6116.10.5510, 6116.10.7510, 6116.92.6410, 6116.92.6420, 6116.92.6430, 6116.92.6440, 6116.92.7450, 6116.92.7460, 6116.92.7470, 6116.92.8800, 6116.92.9400 and 6116.99.9510.

<sup>3</sup>Category 359pt.: all HTS numbers except 6115.19.8010, 6117.10.6010, 6117.20.9010, 6203.22.1000, 6204.22.1000, 6212.90.0010, 6214.90.0010, 6406.99.1550, 6505.90.1525, 6505.90.1540, 6505.90.2060 and 6505.90.2545.

<sup>4</sup>Category 369pt.: all HTS numbers except 4202.12.4000, 4202.12.8020, 4202.12.8060, 4202.22.4020, 4202.22.4500, 4202.22.8030, 4202.32.4000, 4202.32.9530, 4202.92.0505, 4202.92.1500, 4202.92.3016, 4202.92.6091, 5601.10.1000, 5601.21.0090, 5701.90.1020, 5701.90.2020, 5702.10.9020, 5702.39.2010, 5702.49.1020, 5702.49.1080, 5702.59.1000, 5702.99.1010, 5702.99.1090, 5705.00.2020, 5805.00.3000, 5807.10.0510, 5807.90.0510, 6301.30.0010, 6301.30.0020, 6302.51.1000, 6302.51.2000, 6302.51.3000, 6302.51.4000, 6302.60.0010, 6302.60.0030, 6302.91.0005, 6302.91.0025, 6302.91.0045, 6302.91.0050, 6302.91.0060, 6303.11.0000, 6303.91.0010, 6303.91.0020, 6304.91.0020, 6304.92.0000, 6305.20.0000, 6306.11.0000, 6307.10.1020, 6307.10.1090, 6307.90.3010, 6307.90.4010, 6307.90.5010, 6307.90.8910, 6307.90.8945, 6307.90.9882, 6406.10.7700, 9404.90.1000, 9404.90.8040 and 9404.90.9505.

<sup>5</sup>Category 459pt.: all HTS numbers except 6115.19.8020, 6117.10.1000, 6117.10.2010, 6117.20.9020, 6212.90.0020, 6214.20.0000, 6405.20.6030, 6405.20.6060, 6405.20.6090, 6406.99.1505, 6406.99.1560.

<sup>6</sup>Category 469pt.: all HTS numbers except 5601.29.0020, 5603.94.1010, 6304.19.3040, 6304.91.0050, 6304.99.1500, 6304.99.6010, 6308.00.0010 and 6406.10.9020.

<sup>7</sup>Category 631pt.: all HTS numbers except 6116.10.1730, 6116.10.4820, 6116.10.5520, 6116.10.7520, 6116.93.8800, 6116.93.9400, 6116.99.4800, 6116.99.5400 and 6116.99.9530.

<sup>8</sup>Category 659pt.: all HTS numbers except 6115.11.0010, 6115.12.2000, 6117.10.2030, 6117.20.9030, 6212.90.0030, 6214.30.0000, 6214.40.0000, 6406.99.1510 and 6406.99.1540.

<sup>9</sup>Category 666pt.: all HTS numbers except 5805.00.4010, 6301.10.0000, 6301.40.0010, 6301.40.0020, 6301.90.0010, 6302.53.0010, 6302.53.0020, 6302.53.0030, 6302.93.1000, 6302.93.2000, 6303.12.0000, 6303.19.0010, 6303.92.1000, 6303.92.2010, 6303.92.2020, 6303.99.0010, 6304.11.2000, 6304.19.1500, 6304.19.2000, 6304.91.0040, 6304.93.0000, 6304.99.6020, 6307.90.9884, 9404.90.8522 and 9404.90.9522.

<sup>10</sup>Category 604–A: only HTS number 5509.32.0000.

The limits set forth above are subject to adjustment pursuant to the provisions of the ATC and administrative arrangements notified to the Textiles Monitoring Body.

Products in the above categories exported during 2003 shall be charged to the applicable category limits for that year (see directive dated September 3, 2002) to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such products shall be charged to the limits set forth in this directive.

The conversion factor for merged Categories 338/339/638/639 is 10 (square meters equivalent/category unit).

In carrying out the above directions, the Commissioner, Bureau of Customs and Border Protection should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

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

[FR Doc. 03–25104 Filed 10–2–03; 8:45 am]

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## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Request for Public Comment on Commercial Availability Request under the North American Free Trade Agreement (NAFTA)

September 29, 2003.

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

**ACTION:** Request for Public Comments concerning a petition for modification of the NAFTA rules of origin for gimped yarn made from certain filament yarn of nylon.

### FOR FURTHER INFORMATION CONTACT:

Martin Walsh, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–2818.

### SUPPLEMENTARY INFORMATION:

**Authority:** Section 204 of the Agricultural Act of 1956, as amended (7 USC 1854); Section 202(q) of the North American Free Trade Agreement Implementation Act (19 USC 3332(q)); Executive Order 11651 of March 3, 1972, as amended.

### SUMMARY:

On September 15, 2003 the Chairman of CITA received a petition from Unifi, Inc. (Unifi), alleging that certain untextured (flat) yarns of nylon classified under subheading 5402.41.90 of the Harmonized Tariff Schedule of the United States (HTSUS), cannot be supplied by the domestic industry in commercial quantities in a timely manner and requesting that the President proclaim a modification of the NAFTA rules of origin. The yarns are described as (1) of nylon, 7 denier/5 filament nylon 66 untextured (flat) semi-dull yarn; multifilament, untwisted or with a twist not exceeding 50 turns/m. (2) of nylon, 10 denier/7 filament nylon 66 untextured (flat) semi-dull yarn; multifilament, untwisted or with a twist not exceeding 50 turns/m. (3) of nylon, 12 denier/5 filament nylon 66 untextured (flat) semi-dull yarn; multifilament, untwisted or with a twist not exceeding 50 turns/m.