

2008, in Silver Spring, Maryland, and will present the draft amendment to the HMS AP.

Copies of Draft Amendment 1 to the Consolidated HMS FMP are available for review (see **ADDRESSES**). NMFS anticipates completing this integrated document and any related documents by the spring of 2009.

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

Dated: September 10, 2008.

**James P. Burgess**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. E8-21846 Filed 9-18-08; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XD16**

#### Marine Mammals; File No. 782-1702

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

**ACTION:** Notice; issuance of permit amendment.

**SUMMARY:** Notice is hereby given that NMFS National Marine Mammal Laboratory, 7600 Sand Point Way, NE, Seattle, WA 98115-0070 has been issued an amendment to scientific research Permit No. 782-1702.

**ADDRESSES:** The amendment 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;

Northwest Region, NMFS, 7600 Sand Point Way NE, BIN C15700, Bldg. 1, Seattle, WA 98115-0700; phone (206)526-6150; fax (206)526-6426; and

Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213; phone (562)980-4001; fax (562)980-4018.

**FOR FURTHER INFORMATION CONTACT:** Tammy Adams or Kate Swails, (301)713-2289.

**SUPPLEMENTARY INFORMATION:** An amendment to Permit No. 782-1702-04 has been granted under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

The amended permit extends the duration of the permit through September 30, 2009 to allow continuation of research on harbor seals (*Phoca vitulina*), California sea lions (*Zalophus californianus*), and northern elephant seals (*Mirounga angustirostris*) in California, Washington, and Oregon. This minor amendment also revokes authority to take Steller sea lions (*Eumetopias jubatus*). This is the fifth amendment of the subject permit, which was issued originally issued on September 16, 2003 (68 FR 58663).

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

Dated: September 16, 2008.

**P. Michael Payne,**

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

[FR Doc. E8-21988 Filed 9-18-08; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XK36**

#### New England Fishery Management Council; Public Meeting; Cancellation

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

**ACTION:** Notice of cancellation of a public meeting.

**SUMMARY:** The New England Fishery Management Council has cancelled the public meeting of its Groundfish Committee that was scheduled for Monday, September 29, 2008 beginning at 9 a.m., in Peabody, MA.

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

**SUPPLEMENTARY INFORMATION:** The initial notice was published on September 11, 2008, (73 FR 52831), and the meeting will be rescheduled at a later date and announced in the **Federal Register**.

Dated: September 16, 2008.

**Tracey L. Thompson,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. E8-21900 Filed 9-18-08; 8:45 am]

**BILLING CODE 3510-22-S**

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Determination under the Textile and Apparel Commercial Availability Provision of the Dominican Republic-Central America-United States Free Trade Agreement (CAFTA-DR Agreement)

September 15, 2008.

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

**ACTION:** Determination to add a product in unrestricted quantities to Annex 3.25 of the CAFTA-DR Agreement.

**EFFECTIVE DATE:** September 19, 2008.

**SUMMARY:** The Committee for the Implementation of Textile Agreements (CITA) has determined that certain three-yarn circular stretch knit fleece fabrics, as specified below, are not available in commercial quantities in a timely manner in the CAFTA-DR countries. The product will be added to the list in Annex 3.25 of the CAFTA-DR Agreement in unrestricted quantities.

**FOR FURTHER INFORMATION CONTACT:** Maria Dybczak, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482 3651.

**FOR FURTHER INFORMATION ONLINE:** <http://web.ita.doc.gov/tacgi/CaftaReqTrack.nsf>. Reference number: 82.2008.08.05.Fabric.ST&RforBadger Sportswear

#### SUPPLEMENTARY INFORMATION:

**Authority:** Section 203(o)(4) of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (CAFTA-DR Act); the Statement of Administrative Action (SAA), accompanying the CAFTA-DR Act; Presidential Proclamations 7987 (February 28, 2006) and 7996 (March 31, 2006).

#### BACKGROUND:

The CAFTA-DR Agreement provides a list in Annex 3.25 for fabrics, yarns, and fibers that the Parties to the CAFTA-DR Agreement have determined are not available in commercial quantities in a timely manner in the territory of any Party. The CAFTA-DR Agreement provides that this list may be modified pursuant to Article 3.25(4)-(5), when the President of the United States determines that a fabric, yarn, or fiber is not available in commercial quantities in a timely manner in the territory of any Party. See Annex 3.25, Note; see also section 203(o)(4)(C) of the CAFTA-DR Act.

The CAFTA-DR Act requires the President to establish procedures governing the submission of a request and providing opportunity for interested

entities to submit comments and supporting evidence before a commercial availability determination is made. In Presidential Proclamations 7987 and 7996, the President delegated to CITA the authority under section 203(o)(4) of CAFTA-DR Act for modifying the Annex 3.25 list. On March 21, 2007, CITA published Final Procedures it would follow in considering requests to modify the Annex 3.25 list (72 FR 13256) ("procedures").

On August 5, 2008, the Chairman of CITA received a Request for a commercial availability determination ("Request") under the CAFTA-DR from Sandler, Travis & Rosenberg, P.A., on behalf of Badger Sportswear Inc., for certain three-yarn circular stretch knit fleece fabrics. On August 7, 2008, in accordance with CITA's procedures, CITA notified interested parties of the Request and posted the Request on the dedicated website for CAFTA-DR Commercial Availability. In its notification, CITA advised that any Response with an Offer to Supply ("Response") must be submitted by August 19, 2008, and any Rebuttal be submitted by August 25, 2008. On August 19, 2008, CITA advised interested parties that it would extend its deadlines, such that Responses would be due by August 20, 2008, and that Rebuttals would be due by August 26, 2008.

CITA received a Response from Elasticos Centroamericanos y Textiles ("Elcatex") objecting to the Request and offering to supply a substitute for the subject product. Badger submitted a Rebuttal to Elcatex's Response, arguing that Elcatex had failed to demonstrate that its proposed fabric was an acceptable substitute for the subject product. Because there was insufficient information on the record of the proceeding to make a determination whether the fabric proposed by Elcatex was an acceptable substitute, on August 28, 2008, the Chairman of CITA issued supplemental questions to both Elcatex and Badger regarding the proposed fabric. Submissions from Elcatex and Badger were received on September 2, 2008.

Section 203(o)(4)(C)(ii) of the CAFTA-DR Act provides that after receiving a Request, a determination will be made as to whether the subject product is available in commercial quantities in a timely manner in the CAFTA-DR countries. In the instant case, the information on the record clearly indicates that Badger made significant efforts to source the fabric in the CAFTA-DR countries, including from Elcatex, and that Elcatex has not

demonstrated that it can supply either the specified fabric or an acceptable substitute. Therefore, in accordance with section 203(o) of the CAFTA-DR Act, and CITA's procedures, as CITA has determined that the subject product is not available in commercial quantities in a timely manner, CITA has determined to add the specified fabrics to the list in Annex 3.25 of the CAFTA-DR Agreement.

CITA notes that in accordance with section 203(o)(4) of the CAFTA-DR Act, Article 3.25 of the CAFTA-DR Agreement, and section 9 of its procedures, six months after CITA's determination that a product is not commercially available in the CAFTA-DR countries, a CAFTA-DR supplier may submit a Request to Remove or Restrict a specific fabric that had been added to the Commercial Availability List in Annex 3.25. The supplier may request that the product be removed, but must provide the same substantive information as required of Responses, as provided in section 6 of CITA's procedures. Should CITA determine that the product is available in commercial quantities in a timely manner in the CAFTA-DR countries, e.g. that a CAFTA-DR supplier has demonstrated that it is capable to supply the subject product, that product will be removed from the Commercial Availability List in Annex 3.25.

The subject fabric has been added to the list in Annex 3.25 of the CAFTA-DR Agreement in unrestricted quantities. A revised list has been posted on the dedicated website for CAFTA-DR Commercial Availability.

#### Specifications:

Three-Yarn Circular Stretch Knit Fleece

HTS: 6001.21.00

Description: Three yarn circular knit stretch fleece fabric, 20 gauge

Face Yarn:

Fiber Content:

60% ring spun cotton/40% polyester

Average Yarn Number:

Metric - 51/1  
English - 30/1

Tie Yarn:

Fiber Content:

60% ring spun cotton/40% polyester

Average Yarn Number:

Metric - 51/1  
English - 30/1

Nap (Fleece) Yarn:

Fiber Content:

52% ring spun cotton/48% polyester

Average Yarn Number:

Metric - 17/1  
English - 10/1

NOTE: Yarn sizes relate to size prior to texturizing.

Weight:

Metric - 305-330 grams per sq. m.

English - 9.0-9.8 oz. per sq. yd.

Width: Slit open and finished to:

Metric - 156-163 cm

English - 62-64 inches

Finish: Bleached and/or piece dyed. Napped on technical back.

NOTE: All physical parameters may vary by plus/minus 5%. Fiber content may vary by plus/minus 3%.

Performance Characteristics:

Shrinkage: 6% maximum shrinkage (length and width); 1% positive shrinkage (AATCC No. 135).

Torque/Spirality: Maximum 5 degrees left or right (protractor method).

Stretch: Minimum 20% stretch in length, 30% in width.

Pilling: Grade 4 or better on technical face (ASTM D3512 Random Tumble Method)

Color Fastness to laundering: Grade 4 or better on polyester and cotton portions of multifiber strip (AATCC 61 Test No. 2A)

Color Fastness to wear: Grade 4 or better (AATCC 107)

Color Fastness to heat: Grade 4 or better on white polyester fabric (AATCC 117 Test Temperature II)

Color Fastness to crocking: Grade 4 or better dry; Grade 3 or better wet technical face side (AATCC 8)

Flammability: Class 1

Appearance: No obvious wale pattern (must be smooth); soft finish

**R. Matthew Priest,**

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

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Docket ID: DoD-2008-OS-0112]

### Manual for Courts-Martial; Proposed Amendments

**AGENCY:** Joint Service Committee on Military Justice (JSC), DoD.

**ACTION:** Notice of Proposed Amendments to the Manual for Courts-Martial, United States (2008 ed.) and Notice of Public Meeting.

**SUMMARY:** The Department of Defense is considering recommending changes to the *Manual for Courts-Martial, United States* (2008 ed.) (MCM). The proposed changes constitute the 2008 annual review required by the MCM and DoD Directive 5500.17, "Role and Responsibilities of the Joint Service Committee (JSC) on Military Justice," May 3, 2003. The proposed changes concern the rules of procedure and evidence and the punitive articles applicable in trials by courts-martial. These proposed changes have not been coordinated within the Department of Defense under DoD Directive 5500.1, "Preparation, Processing and