

Spring, MD 20910-3226 (301-713-1401); and

Environmental and Technical Services Division, F/NWO3, NMFS, 525 NE Oregon Street, Portland, OR 97232-4169 (503-230-5400).

SUPPLEMENTARY INFORMATION:

Modification 5 to permit 747 and modification 3 to permit 823 were issued under the authority of section 10 of the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531-1543) and the NMFS regulations governing listed fish and wildlife permits (50 CFR parts 217-222).

Notice was published on April 27, 1995 (60 FR 20673) that an application had been filed by USFWS, located in Red Bluff, CA, for modification 5 to permit 747. Permit 747 authorizes a take of adult and juvenile, endangered, Sacramento River winter-run chinook salmon (*Oncorhynchus tshawytscha*) associated with a number of scientific research and enhancement projects. For modification 5, USFWS is authorized an increase in the annual take of listed juvenile salmon associated with the research activities of Study 1, a census of juvenile salmon downstream migration. USFWS needs the increased take to expand the understanding of juvenile salmonid rearing and outmigration and to assist with the evaluation of juvenile salmonid abundance and outmigration timing in the vicinity of the Red Bluff Research Pumping Facility. An increased number of listed fish will be captured and handled, resulting in a corresponding increase in the potential number of indirect mortalities. USFWS is also authorized to collect non-lethal fin-clips from a number of the listed fish authorized to be handled for Study 1 and to analyze the collected tissue samples for genetic attributes. Modification 5 to Permit 747 was issued to USFWS on September 14, 1995. The modification will be in effect for the duration of the permit. Permit 747 expires on December 31, 1995.

Modification 3 to Permit 823 was issued to IDFG on September 22, 1995. Permit 823 authorizes a take of adult and juvenile, listed, naturally-produced and artificially-propagated, Snake River spring/summer chinook salmon (*Oncorhynchus tshawytscha*), adult and juvenile, listed, Snake River fall chinook salmon (*Oncorhynchus tshawytscha*), and adult and juvenile, endangered, Snake River sockeye salmon (*Oncorhynchus nerka*) associated with a wide range of scientific research activities in Idaho. For Modification 3, IDFG is authorized an increase in the annual lethal take of listed juvenile

sockeye salmon associated with a new task, the monitoring research of Pettit Lake. In July 1995, IDFG released 8,400 listed juvenile sockeye salmon from their captive broodstock program into Pettit Lake, as authorized by Modification 6 to Permit 795 (60 FR 37052). The Pettit Lake *O. nerka* population structure must be monitored to build trend data over time, essential for the development of future release plans. The research will contribute to the understanding of population make-up (genetic origin), growth, diet, and population age structure in the lake. Modification 3 is valid for the duration of the permit. Permit 823 expires on November 30, 1997.

Issuance of these permit modifications, as required by the ESA, was based on a finding that such actions: (1) Were applied for in good faith, (2) will not operate to the disadvantage of the listed species that are the subject of the permits, and (3) are consistent with the purposes and policies set forth in section 2 of the ESA and the NMFS regulations governing listed species permits.

Dated: September 27, 1995.

Russell J. Bellmer,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 95-24607 Filed 10-3-95; 8:45 am]

BILLING CODE 3510-22-F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits and Guaranteed Access Levels for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in the Dominican Republic

September 28, 1995.

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

ACTION: Issuing a directive to the Commissioner of Customs adjusting import limits and guaranteed access levels.

EFFECTIVE DATE: October 4, 1995.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, 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 or call (202) 927-5850. For information on

embargoes and quota re-openings, call (202) 482-3715.

SUPPLEMENTARY INFORMATION:

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

On the request of the Government of the Dominican Republic, the U.S. Government agreed to increase the 1995 Guaranteed Access Levels for Categories 338/638, 339/639, 444 and 633. Also, the current limit for Categories 351/651 is increased for swing, reducing the limit for Categories 342/642 to account for the increase.

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 59 FR 65531, published on December 20, 1994). Also see 60 FR 17321, published on April 5, 1995.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing, but are designed to assist only in the implementation of certain of their provisions.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

September 28, 1995.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on March 30, 1995, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products, produced or manufactured in the Dominican Republic and exported during the twelve-month period which began on January 1, 1995 and extends through December 31, 1995.

Effective on October 4, 1995, you are directed to adjust the limits for the following categories, as provided for under the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit ¹
342/642	287,231 dozen.
351/651	937,201 dozen.

¹ The limits have not been adjusted to account for any imports exported after December 31, 1994.

The 1995 Guaranteed Access Levels (GALs) for Categories 342/642 and 351/651 remain unchanged. The GALs for textile products in the following categories shall be increased:

Category	Guaranteed Access Level
338/638	1,450,000 dozen.
339/639	1,550,000 dozen.
444	180,000 numbers.
633	100,000 dozen.

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,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 95-24645 Filed 10-3-95; 8:45 am]

BILLING CODE 3510-DR-F

DEPARTMENT OF DEFENSE

Office of the Secretary

Manual for Courts-Martial

AGENCY: Joint Service Committee on Military Justice.

ACTION: Notice of proposed amendment.

SUMMARY: The Joint Service Committee on Military Justice has completed its review of Federal Rules of Evidence 413 and 414, as implemented by the Violent Crime Control and Law Enforcement Act of 1994. Per Military Rule of Evidence 1102, these rules will apply to the military effective 6 January 1996, unless contrary action is taken by the President. The Department of Defense is considering the addition of Military Rules of Evidence 413 and 414, in place of the automatically incorporated Federal Rules, in order to adapt and tailor the rules to military practice. The proposed rules are contained in this notice.

The proposed changes have not been coordinated within the Department of Defense under DoD Directive 5500.1, "Preparation and Processing of Legislation, Executive Orders, Proclamations, and Reports and Comments Thereon," May 21, 1964, and do not constitute the official position of the Department of Defense, the Military Departments, or any other government agency.

This notice is provided in accordance with DoD Directive 5500.17, "Review of the Manual for Courts-Martial", January 23, 1985. This notice is intended only to improve the internal management of the Federal government. It is not intended to create any right or benefit,

substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

The proposed Rules follow in their entirety:

Rule 413. Evidence of Similar Crimes in Sexual Assault Cases

(a) In a court-martial in which the accused is charged with an offense of sexual assault, evidence of the accused's commission of another offense or offenses of sexual assault is admissible, and may be considered for its bearing on any matter to which it is relevant.

(b) In a court-martial in which the Government intends to offer evidence under this rule, the Government shall disclose the evidence to the accused, including statements of witnesses or a summary of the substance of any testimony that is expected to be offered, at least five days before the scheduled date of trial or at such later time as the military judge may allow for good cause.

(c) This rule shall not be construed to limit the admission or consideration of evidence under any other rule.

(d) For purposes of this rule, *offense of sexual assault* means an offense punishable under the Uniform Code of Military Justice, or a crime under Federal law or the law of a State that involved—

(1) Any sexual act or sexual contact, without consent, proscribed by the Uniform Code of Military Justice, Federal law, or the law of a State;

(2) Contact, without consent, between any part of the accused's body or an object and the genitals or anus of another person;

(3) Contact, without consent, between the genitals or anus of the accused and any part of another person's body;

(4) Deriving sexual pleasure or gratification from the infliction of death, bodily injury, or physical pain on another person; or

(5) An attempt or conspiracy to engage in conduct described in paragraphs (1)–(4).

(e) For purposes of this rule, the term *sexual act* means:

(1) Contact between the penis and the vulva or the penis and the anus, and for purposes of this rule contact involving the penis occurs upon penetration, however slight;

(2) Contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;

(3) The penetration, however slight, of the anal or genital opening of another by hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; or

(4) The intentional touching, not through the clothing, of the genitalia of

another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

(f) For purposes of this rule, the term *sexual contact* means the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

(g) For purposes of this rule, the term "State" includes a State of the United States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, and any other territory or possession of the United States.

Rule 414. Evidence of Similar Crimes in Child Molestation Cases

(a) In a court-martial in which the accused is charged with an offense of child molestation, evidence of the accused's commission of another offense or offenses of child molestation is admissible, and may be considered for its bearing on any matter to which it is relevant.

(b) In a court-martial in which the Government intends to offer evidence under this rule, the Government shall disclose the evidence to the accused, including statements of witnesses or a summary of the substance of any testimony that is expected to be offered, at least five days before the scheduled date of trial or at such later time as the military judge may allow for good cause.

(c) This rule shall not be construed to limit the admission or consideration of evidence under any other rule.

(d) For purposes of this rule, *child* means a person below the age of sixteen, and *offense of child molestation* means an offense punishable under the Uniform Code of Military Justice, or a crime under Federal law or the law of a State that involved—

(1) Any sexual act or sexual contact with a child, proscribed by the Uniform Code of Military Justice, Federal law, or the law of a State;

(2) Any sexually explicit conduct with children, proscribed by the Uniform Code of Military Justice, Federal law, or the law of a State;

(3) Contact between any part of the accused's body or an object and the genitals or anus of a child;

(4) Contact between the genitals or anus of the accused and any part of the body of a child;

(5) Deriving sexual pleasure or gratification from the infliction of death, bodily injury, or physical pain on a child; or