

Bridge Harbor Seal survey team. NMFS will also require one or more control sites (harbor seal haul-out sites and the waters surrounding such sites not impacted by the East Span Project's pile driving activities, i.e. Mowry Slough) be designated and monitored for comparison. All observations will be recorded and will include items such as species, numbers, behavior, details of any observed disturbances, time of observation, location, and weather.

#### *Acoustical Observations*

Both airborne and underwater environmental noise levels will be measured as part of the East Span Project.

The purpose of the underwater sound monitoring is to establish the safety zone of 190 dB re 1 micro-Pa RMS (impulse) for pinnipeds and the safety zone of 180 dB re 1 micro-Pa RMS (impulse) for gray whales. Monitoring will be conducted during the driving of the last half (deepest pile segment) for any given pile. One pile in every other pair of pier groups will be monitored. One reference location will be established at a depth of 100 m (328 ft). Sound levels will be measured during the entire driving session at the reference location. Additional spot measurements will be conducted at appropriate depths (near mid water column) 500 m (1,640 ft) distance at two locations west and north. Measurements will be made at other locations either nearer or farther as necessary to establish the approximate distance for the safety zones. Each measuring system shall consist of a hydrophone with an appropriate signal conditioning connected to a sound level meter and an instrument grade digital audiotape recorder (DAT). Overall SPLs shall be measured and reported in the field in dB re 1 micro-Pa RMS (impulse). An infrared range finder will be used to determine distance from the monitoring location to the pile. The recorded data will be analyzed to determine the amplitude, time history and frequency content of the impulse.

Airborne sound levels will be measured at times and locations that are coincidental to the underwater measurement sights. Each system will consist of a type 1 integrating sound level meter connected to a DAT. In addition, airborne sound will also be measured at the YBI haul-out site. Real time amplitude measurement of airborne sound levels will be reported. Linear Peak and RMS impulse SPLs will be reported. Microphones will be fitted with windscreens and calibration will be verified before and after each measurement session. The recorded data

will be analyzed to determine the amplitude, time history and frequency content of the impulse.

#### **Reporting**

NMFS' Southwest Regional Administrator will be notified prior to the initiation of the East Span Project, and coordination with NMFS will occur on a weekly basis, or more often as necessary. NMFS will be informed of the initial SPL measurements taken at the 500-m (1,640-ft) contour and the final safety-zone radius established. Monitoring reports will be faxed to NMFS on a monthly basis during pile driving activity. The monthly report will include a summary of the previous month's monitoring activities and an estimate of the number of seals and sea lions that may have been disturbed as a result of pile driving activities.

Because the East Span Project is expected to continue beyond the date of expiration of this IHA (under a new IHA or under regulations pursuant to section 101(a)(5)(A) of the MMPA), CALTRANS will provide NMFS' Southwest Regional Administrator with a draft final report before 90 days after expiration of this IHA. This report should detail the monitoring protocol, summarize the data recorded during monitoring, and estimate the number of marine mammals that may have been harassed due to pile driving. If comments are received from the Regional Administrator on the draft final report, a final report must be submitted to NMFS within 30 days. If no comments are received from NMFS, the draft final report will be considered to be the final report.

#### **Preliminary Conclusions**

NMFS has determined that the short-term impact of pile driving and other activities associated with the East Span Project, as described in this document, should result, at worst, in the temporary modification in behavior of California sea lions and Pacific harbor seals, and potentially gray whales. While behavioral modifications, including temporarily vacating haul-out sites and other areas, may be made by these species to avoid the resultant visual and acoustic disturbance, the availability of alternate haul-out sites (including pupping sites) and feeding areas within the Bay has led NMFS to the preliminary conclusion that this action will have a negligible impact on California sea lion, Pacific harbor seal, and gray whale populations along the California coast.

In addition, no take by injury or death is anticipated and harassment takes should be at the lowest level practicable

due to incorporation of the mitigation measures mentioned previously in this document.

#### **Proposed Authorization**

NMFS proposes to issue an IHA to CALTRANS for the potential harassment of small numbers of California sea lions, Pacific harbor seals, and gray whales incidental to construction of a replacement bridge for the East Span of the SF-OBBS provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated.

#### **Information Solicited**

NMFS requests interested persons to submit comments, information, and suggestions concerning this proposed authorization to Donna Wieting, Chief, Marine Mammal Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910-3225.

Dated: November 19, 2001.

#### **David Cottingham,**

*Deputy Director, Office of Protected Resources, National Marine Fisheries Service.*  
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## **COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS**

### **Request for Public Comments on Short Supply Request Under the African Growth and Opportunity Act (AGOA) and the United States-Caribbean Basin Trade Partnership Act (CBTPA)**

November 21, 2001.

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

**ACTION:** Request for public comments concerning a request for a determination that cuprammonium rayon filament yarn cannot be supplied by the domestic industry in commercial quantities in a timely manner under the AGOA and CBTPA.

**FOR FURTHER INFORMATION CONTACT:** For Further Information Contact: Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-3400.

#### **SUPPLEMENTARY INFORMATION:**

**Authority:** Section 112(b)(5)(B) of the AGOA; Section 213(b)(2)(A)(v)(II) of the CBTPA, as added by Section 211(a) of the CBTPA; Section 1 and 6 of Executive Order No. 13191 of January 17, 2001.

**SUMMARY:**

On November 20, 2001 the Chairman of CITA received a petition from Itochu International, Inc. on behalf of Symphony Fabrics and Unifi Inc., alleging that cuprammonium rayon filament yarn, classified in subheading 5403.39 of the Harmonized Tariff Schedule of the United States (HTSUS), cannot be supplied by the domestic industry in commercial quantities in a timely manner. It requests that apparel articles of U.S. formed fabric of such yarn be eligible for preferential treatment under the AGOA and CBTPA. CITA hereby solicits public comments on this request, in particular with regard to whether cuprammonium rayon filament yarn can be supplied by the domestic industry in commercial quantities in a timely manner. Comments must be submitted by December 11, 2001 to the Chairman, Committee for the Implementation of Textile Agreements, Room 3001, United States Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

**BACKGROUND:** The AGOA and the CBTPA provide for quota- and duty-free treatment for qualifying textile and apparel products. Such treatment is generally limited to products manufactured from yarns or fabrics formed in the United States or a beneficiary country. The AGOA and the CBTPA also provide for quota- and duty-free treatment for apparel articles that are both cut (or knit-to-shape) and sewn or otherwise assembled in one or more AGOA or CBTPA beneficiary countries from fabric or yarn that is not formed in the United States or a beneficiary country, if it has been determined that such fabric or yarns cannot be supplied by the domestic industry in commercial quantities in a timely manner and the President has proclaimed such treatment. In Executive Order No. 13191, the President delegated to CITA the authority to determine whether yarns or fabrics cannot be supplied by the domestic industry in commercial quantities in a timely manner under the AGOA and the CBTPA and directed CITA to establish procedures to ensure appropriate public participation in any such determination. On March 6, 2001, CITA published procedures that it will follow in considering requests. (66 FR 13502).

On November 20, 2001 the Chairman of CITA received a petition from Itochu International, Inc. on behalf of Symphony Fabrics and Unifi Inc., alleging that cuprammonium rayon filament yarn, classified in HTSUS subheading 5403.39 cannot be supplied

by the domestic industry in commercial quantities in a timely manner and requesting quota- and duty-free treatment under the AGOA and CBTPA for apparel articles that are both cut (or knit-to-shape) and sewn or otherwise assembled in one or more AGOA or CBTPA beneficiary countries from U.S. formed fabric of such yarn.

CITA is soliciting public comments regarding this request, particularly with respect to whether this yarn can be supplied by the domestic industry in commercial quantities in a timely manner. Also relevant is whether other yarns that are supplied by the domestic industry in commercial quantities in a timely manner are substitutable for the yarn for purposes of the intended use. Comments must be received no later than December 11, 2001. Interested persons are invited to submit six copies of such comments or information to the Chairman, Committee for the Implementation of Textile Agreements, room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, DC 20230.

If a comment alleges that cuprammonium rayon filament yarn can be supplied by the domestic industry in commercial quantities in a timely manner, CITA will closely review any supporting documentation, such as a signed statement by a manufacturer of the yarn stating that it produces the yarn that is in the subject of the request, including the quantities that can be supplied and the time necessary to fill an order, as well as any relevant information regarding past production.

CITA will protect any business confidential information that is marked business confidential from disclosure to the full extent permitted by law. CITA will make available to the public non-confidential versions of the request and non-confidential versions of any public comments received with respect to a request in room 3100 in the Herbert Hoover Building, 14th and Constitution Avenue, N.W., Washington, DC 20230. Persons submitting comments on a request are encouraged to include a non-confidential version and a non-confidential summary.

**D. Michael Hutchinson,**

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

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**DEPARTMENT OF ENERGY**

[Docket No. EA-98-H]

**Application for Electricity Export Authorization; Western Systems Power Pool**

**AGENCY:** Office of Fossil Energy, DOE.

**ACTION:** Notice of application.

**SUMMARY:** The Western Systems Power Pool (WSPP) has filed an application on behalf of certain of its members to renew the electricity export authorization issued September 5, 1996, in Order EA-98-C.

**DATES:** Comments, protests or requests to intervene must be submitted on or before December 11, 2001.

**ADDRESSES:** Comments, protests or requests to intervene should be addressed as follows: Office of Coal & Power Import/Export; (FE-27), Office of Coal & Power, Office of Fossil Energy, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585. (FAX 202-287-5736).

**FOR FURTHER INFORMATION CONTACT:** Steven Mintz (Program Office) 202-586-9506 or Michael Skinker (Program Attorney) 202-586-6667.

**SUPPLEMENTARY INFORMATION:** Exports of electricity from the United States to a foreign country are regulated and require authorization under section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)).

On September 5, 1996, in Docket EA-98-C, the Office of Fossil Energy (FE) of the Department of Energy (DOE) authorized 42 members of the WSPP to export electric energy to Canada. In several later proceedings in the EA-98 docket, the list of authorized member-exporters was modified to add, delete, or reflect corporate name changes. The most recent order in the docket, EA-98-G, authorized 49 member companies to transmit electric energy to Canada. The international transmission facilities utilized for these exports are the owned and operated by the Bonneville Power Administration, also a WSPP member. The facilities consist of two 500-kV transmission lines at Blaine, Washington, and one 230-kV transmission line at Nelway, British Columbia, that interconnect with facilities of BC Hydro, and one 230-kV line, also at Nelway, connecting to West Kootenay Power, Limited. The construction and operation of these international transmission facilities was previously authorized by Presidential Permits PP-10, PP-46, and PP-36, respectively. The WSPP authorization to