

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****[I.D. 071204C]****RIN 0648-AT11****Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Amendment 11**

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

ACTION: Notice; withdrawal of Notice of Intent.

SUMMARY: This notice retracts the Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) to analyze a range of alternatives for the annual allocation of the Pacific sardine harvest guideline proposed action published on July 19, 2004. Further scoping subsequent to the publication of the NOI revealed additional information indicating that it was unlikely the proposed action would result in significant environmental impacts. An Environmental Assessment (EA) was completed and a subsequent Finding of No Significant Impact (FONSI) was signed.

ADDRESSES: Copies of the Final Environmental Assessment /Regulatory Impact Review may be obtained from Rodney R. McInnis, Regional Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213.

FOR FURTHER INFORMATION CONTACT: Joshua B. Lindsay, Southwest Region, NMFS, joshua.lindsay@noaa.gov, (562) 980-4034.

SUPPLEMENTARY INFORMATION: The original Notice of Intent to prepare an Environmental Impact Statement (EIS) was published July 19, 2004 (69 FR 42968). The determination that the proposed action would not likely result in significant environmental impacts was based on an evaluation of the criteria listed in NOAA Administrative Order 216-6, Environmental Review Procedures for Implementing the National Environmental Policy Act, Section 6.01 (Determining the Significance of NOAA's Actions) and 6.02 (Specific Guidance on Significance of Fishery Management Actions). To aid in this determination, the Pacific Fisheries Management Council and NMFS prepared an environmental assessment (EA) instead of an EIS to evaluate whether significant impacts would likely result from the proposed

action. A final version of this EA was made available to the public on November 16, 2005 (70 FR 69502). Based on this evaluation, the Assistant Administrator for Fisheries made a Finding of No Significant Impact on June 13, 2006. In concurrence with this finding, the NOAA National Environmental Policy Act Coordinator determined there was no further need to prepare an EIS.

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

Dated: August 15, 2006.

James P. Burgess,

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

[FR Doc. E6-13783 Filed 8-18-06; 8:45 am]

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****[I.D. 072606A]****Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Navy Operations of Surveillance Towed Array Sensor System Low Frequency Active Sonar**

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

ACTION: Notice; issuance of two Letters of Authorization.

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA), as amended, and implementing regulations, notification is hereby given that NMFS has issued two 1-year Letters of Authorization (LOAs) to take marine mammals by harassment incidental to the U.S. Navy's operation of Surveillance Towed Array Sensor System Low Frequency Active (SURTASS LFA) sonar operations to the Chief of Naval Operations, Department of the Navy, 2000 Navy Pentagon, Washington, D.C., and persons operating under his authority.

DATES: Effective from August 16, 2006, through August 15, 2007.

ADDRESSES: Copies of the Navy's March 31, 2006, application, the LOAs, and the Navy's annual report are available by writing to Michael Payne, Chief, Permits, Conservation, and Education Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910-3225, by telephoning the contact listed here (see **FOR FURTHER INFORMATION CONTACT**), or online at: <http://www.nmfs.noaa.gov/pr/permits/>

[incidental.htm#applications](#).

Documents cited in this notice may be viewed, by appointment, during regular business hours, at the aforementioned address.

FOR FURTHER INFORMATION CONTACT:

Kenneth Hollingshead, Office of Protected Resources, NMFS, (301) 713-2289 (ext 128).

SUPPLEMENTARY INFORMATION:**Background**

Section 101(a)(5)(A) of the MMPA (16 U.S.C. 1361 *et seq.*) directs the Secretary of Commerce to allow, upon request, the incidental, but not intentional taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and regulations are issued.

Authorization may be granted for periods of 5 years or less if NMFS finds that the taking will have no more than a negligible impact on the species or stock(s), and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses. In addition, NMFS must prescribe regulations that include permissible methods of taking and other means effecting the least practicable adverse impact on the species and its habitat, and on the availability of the species for subsistence uses, paying particular attention to rookeries, mating grounds, and areas of similar significance. The regulations must include requirements pertaining to the monitoring and reporting of such taking.

Regulations governing the taking of marine mammals incidental to the U.S. Navy's operation of SURTASS LFA sonar were published on July 16, 2002 (67 FR 46712), and remain in effect until August 15, 2007. For detailed information on this action, please refer to that document. These regulations include mitigation, monitoring, and reporting requirements for the incidental taking of marine mammals by the SURTASS LFA sonar system.

Summary of LOA Request

NMFS received an application from the U.S. Navy for two LOAs, one covering the *R/V Cory Chouest* and one the USNS IMPECCABLE, under the regulations issued on July 16, 2002 (67 FR 46712). The Navy requested that the LOAs become effective on August 16, 2006. The application requested authorization, for a period not to exceed 1 year, to take, by harassment, marine mammals incidental to employment of the SURTASS LFA sonar system for training, testing and routine military

operations on the aforementioned ships. The application's take estimates are based on 16 nominal 9-day active sonar missions (or equivalent shorter missions) between both vessels, regardless of which vessel is performing a specific mission, not to exceed a total of 432 hours of LFA sonar transmission time combined for both vessels.

The specified geographic regions identified in the application are the following oceanographic provinces described in Longhurst (1998) and identified in 50 CFR 216.180(a): the Archipelagic Deep Basins Province, the Western Pacific Warm Pool Province, and the North Pacific Tropical Gyre West Province, all within the Pacific Trade Wind Biome; the Kuroshio Current Province and the Northern Pacific Transition Zone Province within the Pacific Westerly Winds Biome; the North Pacific Epicontinental Sea Province within the Pacific Polar Biome; and the China Sea Coastal Province within the North Pacific Coastal Biome. The operational areas are portions of the provinces but do not encompass the entire area of the provinces. Due to critical naval warfare requirements, the U.S. Navy has identified the necessity for both SURTASS LFA sonar vessels to be stationed in the North Pacific Ocean during fiscal year 2006.

Monitoring and Reporting

In compliance with the two LOAs issued in 2005, on June 9, 2006, the Navy submitted an annual report on SURTASS LFA sonar operations and the mitigation and monitoring activities conducted under those LOAs. A copy of that report (Navy, 2006) can be downloaded at: <http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications>.

Authorization

NMFS has issued two LOAs to the U.S. Navy, authorizing the incidental harassment of marine mammals incidental to operating the two SURTASS LFA sonar systems for training, testing and routine military operations. Issuance of these two LOAs is based on findings, described in the preamble to the final rule (67 FR 46712, July 16, 2002) and supported by information contained in the Navy's required annual report on SURTASS LFA sonar, that the activities described under these two LOAs will have no more than a negligible impact on marine mammal stocks and will not have an unmitigable adverse impact on the availability of the affected marine mammal stocks for subsistence uses.

These LOAs remain valid through August 15, 2007, provided the Navy

remains in conformance with the conditions of the regulations and the LOAs, and the mitigation, monitoring, and reporting requirements described in 50 CFR 216.184-216.186 (67 FR 46712, July 16, 2002) and in the LOAs are undertaken.

Dated: August 15, 2006.

James H. Lecky,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 081406B]

Endangered Species; Permit No. 1574

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

ACTION: Notice; Issuance of permit.

SUMMARY: Notice is hereby given that a scientific research permit to take shortnose sturgeon (*Acipenser brevirostrum*) has been issued to Dr. Frank A. Chapman, Department of Fisheries & Aquatic Sciences, University of Florida, 7922 NW 71st Street, Gainesville, Florida 32653.

ADDRESSES: The permit 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 Southeast Region, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701; phone (727)824-5312; fax (727)824-5309.

FOR FURTHER INFORMATION CONTACT: Jennifer Skidmore or Kate Swails at (301)713-2289.

SUPPLEMENTARY INFORMATION: The requested permit has been issued 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 parts 222-226).

On May 10, 2006, notice was published in the **Federal Register** (71 FR 27230) that a request for a scientific research permit to take shortnose sturgeon had been submitted by Dr. Frank A. Chapman. Dr. Chapman will use 187 captive shortnose sturgeon

presently held at the University of Florida to meet the following objectives: (1) identify physical, chemical, and biological parameters required to maintain optimal survival and growth of larvae and juvenile shortnose sturgeon; (2) describe embryonic development and metamorphosis; (3) monitor gonadal development of domestically raised shortnose sturgeon; (4) develop chemical assays to identify the sex and monitor the sexual development of shortnose sturgeon; and (5) understand the physiology of the sperm and egg to develop short and long-term storage of sperm as well as optimum fertilization techniques. The permit has been issued for five years.

Issuance of this permit, as required by the ESA, was based on a finding that such permits (1) were applied for in good faith, (2) will not operate to the disadvantage of such endangered or threatened species, and (3) are consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: August 16, 2006.

P. Michael Payne,

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

[FR Doc. E6-13784 Filed 8-18-06; 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)

August 16, 2006.

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

ACTION: Request for Public Comments concerning a request for modification of the NAFTA rules of origin for filament yarn of cellulose acetate.

SUMMARY: On July 21, 2006 the Government of the United States received a request from the Government of Mexico alleging that filament yarn of cellulose acetate, classified in heading 5403 of the Harmonized Tariff Schedule of the United States (HTSUS), cannot be supplied by the Mexican industry in commercial quantities in a timely manner and requesting that the governments of Canada and the United States consult to consider whether the North American Free Trade Agreement (NAFTA) rule of origin for woven fabrics classified under HTSUS heading