

hearing on arguments to be raised in the case and rebuttal briefs. Unless the Secretary specifies otherwise, the hearing, if requested, will be held two days after the date for submission of rebuttal briefs, that is, 37 days after the date of publication of these preliminary results, pursuant to 19 CFR 351.310(d)(1).

Representatives of parties to the proceeding may request disclosure of proprietary information under administrative protective order no later than 10 days after the representative's client or employer becomes a party to the proceeding, but in no event later than the date the case briefs, under 19 CFR 351.309(c)(ii), are due. See 19 CFR 351.305(b)(3). The Department will publish the final results of this new shipper review, including the results of its analysis of arguments made in any case or rebuttal briefs.

This review is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: February 20, 2007.

**David M. Spooner,**

*Assistant Secretary for Import Administration.*

[FR Doc. E7-3237 Filed 2-23-07; 8:45 am]

Billing Code: 3510-DS-S

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### North American Free-Trade Agreement, Article 1904 NAFTA Panel Reviews; Completion of Panel Review

**AGENCY:** NAFTA Secretariat, United States Section, International Trade Administration, Commerce.

**ACTION:** Notice of completion of panel review of the final affirmative antidumping determination made by the U.S. International Trade Administration, in the matter of Certain Softwood Lumber Products from Canada, Secretariat File No. USA-CDA-2002-1904-02.

**SUMMARY:** Pursuant to the Decision of the Binational Panel dated January 5, 2007, respecting the motions to dismiss the final affirmative antidumping determination filed by the United States Department of Commerce and the Government of Canada, this proceeding was completed on February 16, 2007.

**FOR FURTHER INFORMATION CONTACT:** Caratina L. Alston, United States Secretary, NAFTA Secretariat, Suite 2061, 14th and Constitution Avenue, Washington, DC 20230, (202) 482-5438.

**SUPPLEMENTARY INFORMATION:** On January 5, 2007, the Binational Panel issued an order, which concluded that

this matter has been rendered moot and granted the motions of the Administering Authority (the International Trade Administration) and the Government of Canada to dismiss this proceeding. The Secretariat was instructed to issue a Notice of Completion of Panel Review on the 31st day following the issuance of the Notice of Final Panel Action, if no request for an Extraordinary Challenge was filed. No such request was filed. Therefore, on the basis of the Panel Order and Rule 80 of the *Article 1904 Panel Rules*, the Panel Review was completed and the panelists discharged from their duties effective February 16, 2007.

Dated: February 20, 2007.

**Caratina L. Alston,**

*United States Secretary, NAFTA Secretariat.*

[FR Doc. E7-3156 Filed 2-23-07; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 021607H]

#### Notice of Intent to Prepare an Environmental Assessment for Implementation of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean

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

**ACTION:** Notice; intent to prepare an environmental assessment; request for written comments.

**SUMMARY:** NMFS announces its intent to prepare an Environmental Assessment (EA) in accordance with the National Environmental Policy Act of 1969 (NEPA) on the immediate Federal actions required to implement the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention). Although NEPA does not require publication of a notice-of-intent (NOI) to prepare an EA or a formal scoping process, it encourages public input opportunities. Therefore, NMFS is issuing this NOI to facilitate public involvement. The scoping process for the EA will include a 30-day period for submission of written comments on issues the U.S. should consider when, once a party to the Convention, implementing its relevant provisions.

**DATES:** Comments must be received by 5 p.m., local time, on March 28, 2007.

**ADDRESSES:** You may submit written comments by any of the following methods:

- E-mail:

*initialaction.wcpfc@noaa.gov*. Include in the subject line the following document identifier: "Scoping for Initial Action WCPFC". E-mail comments, with or without attachments, are limited to 5 megabytes.

- Mail or Hand Delivery: William L. Robinson, Regional Administrator, National Marine Fisheries Service, Pacific Islands Region, 1601 Kapiolani Blvd. Suite 1110, Honolulu, HI 96814.

- Fax: (808) 973-2941.

**FOR FURTHER INFORMATION CONTACT:** Tom Graham, NMFS, Pacific Islands Region; telephone: (808) 944-2200; fax: (808) 973-2941; e-mail: *tom.graham@noaa.gov*.

## SUPPLEMENTARY INFORMATION:

### Background on the Convention

The Convention was opened for signature in Honolulu on September 5, 2000, and entered into force in June 2004. The Convention established a management body called the Western and Central Pacific Fisheries Commission (Commission), comprised of those States and entities that are bound to the Convention. The United States played an active role during all of the negotiating sessions and the preparatory conferences prior to entry into force. Domestic procedures allowing for U.S. adherence to the Convention, and thus membership to the Commission, are currently being processed by the Administration. Upon completion of these procedures, and action by the President, the U.S. will deposit its instrument of accession with the Convention's depository in 2007, and become a party to the Convention and a Member of the Commission. The Territories of Guam and American Samoa, and the Commonwealth of the Northern Mariana Islands will also be eligible to participate in the Commission, in accordance with provisions of the Convention and the Commission's Rules of Procedure governing the participation of territories.

The current Parties to the Convention are: Australia, Canada, China, Cook Islands, European Community, Federated States of Micronesia, Fiji, France (extends to French Polynesia, New Caledonia and Wallis and Futuna), Japan, Kiribati, Korea, Marshall Islands, Nauru, New Zealand (extends to Tokelau), Niue, Palau, Papua New Guinea, Philippines, Samoa, Solomon

Islands, Tonga, Tuvalu, and Vanuatu. Chinese Taipei (Taiwan), as a fishing entity, has also agreed to be bound by the Convention.

The Convention Area comprises approximately all waters of the Pacific Ocean to the west of the 150 meridian of west longitude. A map showing the exact boundaries of the Convention Area can be found on the Commission's website at: <http://www.wcpfc.int/pdf/Map.pdf>.

### **Initial Action by NMFS Necessary to Implement the Convention**

The United States will implement the provisions of the Convention within the area of application of the Convention (the Convention Area) under authority of the Western and Central Pacific Fisheries Convention Implementation Act (WCPFCIA), and possibly under authorities of the High Seas Fishing Compliance Act of 1995 (HSFCA), the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the South Pacific Tuna Act of 1988 (SPTA), and other applicable law.

The HSFCA implements the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, adopted by the Conference of the Food and Agriculture Organization of the United Nations on November 24, 1993, and establishes a system of permitting, reporting, and regulation for U.S. vessels fishing on the high seas. The MSA governs the conduct of U.S. fisheries that operate in federal waters (and in certain circumstances in both federal waters and beyond federal waters on the high seas), primarily through fishery management plans developed by the Regional Fishery Management Councils and approved by the Secretary of Commerce. The SPTA implements the Treaty on Fisheries between the Governments of Certain Pacific Island States and the Government of the United States of America, and includes licensing and other requirements and restrictions for U.S. purse seine vessels fishing in the area of application of the Treaty.

The WCPFCIA, which implements the Convention, was enacted in January 2007. Authority to administer and enforce the WCPFCIA, including to promulgate regulations, is given to the Secretary of Commerce (Secretary). The Secretary is directed to consult with the Secretary of State, the agency in which the Coast Guard is operating, and other appropriate departments and agencies of the United States in promulgating regulations.

To implement the Convention for the United States, NMFS will need to take some actions immediately and some actions in the future. Certain Convention provisions require no action on the part of NMFS because the United States is already compliant as a result of existing legal requirements.

The actions considered in this EA, collectively referred to here as NMFS' "initial action", are limited to the Convention provisions that are ready for implementation. These are related to the basic and specific provisions and requirements in the Convention that require no further action by the Commission for NMFS to be able to develop and implement regulations. It is important that this initial action be taken immediately to ensure the United States is able to meet its obligations under the WCPFCIA and that U.S. vessels operating in the Convention Area are in compliance with the Convention.

Examples of Convention provisions that NMFS considers ready for initial action include the following: authorizing vessels fishing for highly migratory fish stocks on the high seas in the Convention Area; requiring that vessels accommodate observers from the regional vessel observer program; requiring that U.S. vessels accept boarding and inspection by authorized inspectors of other members while on the high seas in the Convention Area; requiring vessels on the high seas in the Convention Area to carry and use position-fixing transmitters as part of a vessel monitoring system (VMS); and prohibiting (with certain exemptions) purse seine vessels from transshipping at sea within the Convention Area.

In the case of the authorization-to-fish requirement, reasonable alternatives for agency action might include: rely solely on the current high seas permitting requirements under the HSFCA (no action alternative); develop a specific Convention-related endorsement requirement linked to the already-required HSFCA permits; or introduce a new stand-alone WCPFC permit requirement.

Certain Convention provisions ready for initial action, such as the prohibition on at-sea transshipping by purse seiners (subject to any specific exemptions adopted by the Commission), leave no room for the development of reasonable alternatives. In such cases, that is, when the agency has no discretion in how to implement a provision, NEPA does not apply.

The United States is currently partially compliant with some Convention provisions. The VMS requirements are an example. United

States' purse seine and longline vessels operating in the Convention Area are currently required under the SPTA and MSA to carry VMS transmitters if directed by NMFS; provision of the transmitters' signals to the Commission is the only action needed for compliance. However, a small number of distant-water albacore troll vessels that operate in the Convention Area are not currently required to carry VMS transmitters. NMFS will likely need to consider alternatives related to the installation of the transmitters and their maintenance.

While the initial action generally will not include the Commission's Conservation and Management Measures (CMMs), some CMMs adopted by the Commission are simply further elaborations on procedures for basic Convention provisions; for example, CMM 2006-08, on high seas boarding and inspection procedures, establishes the procedures needed to activate the Convention's basic provision on high seas boarding and inspection. CMMs such as this one are considered ready for initial action and will be considered with their underlying Convention provisions in this EA.

Examples of Convention provisions that are not ready for initial action are those that require further elaboration by the Commission, and most CMMs adopted by the Commission. Some CMMs may be partially or fully implemented under the MSA. The roles of the Western Pacific, Pacific, and North Pacific Fishery Management Councils in such cases will be clarified, in part based on a memorandum of understanding between the Secretary and the councils, that is to be developed under the WCPFCIA. In any case, these actions are outside the scope of this EA.

The full text of the Commission's website at: <http://www.wcpfc.int/convention.htm>.

At this time, NMFS is not considering authorizing new fisheries and no major changes to the operations of current fisheries in the Convention Area are anticipated. The U.S. purse-seine, longline, and distant-water troll fleets that operate in the Convention Area are currently subject to permitting and other requirements under the HSFCA, MSA, and SPTA and the conduct of these fisheries has been analyzed elsewhere with respect to NEPA.

### **Public Involvement**

In late 2005, NMFS held scoping meetings to provide general information about, and seek public input on, potential regulatory and other actions to be taken by the Agency should the

United States ratify the Convention and enact implementing legislation (notice published October 19, 2005, at 70 FR 60795). With the enactment of implementing legislation in the form of the WCPFCIA in January 2007, and, following action by the President, the need to fulfill the immediate obligations of the United States under the Convention, NMFS seeks to build on the earlier scoping process and is accepting additional comments on the scope of issues to be included in this EA.

**Authority:** 16 U.S.C. 1801 *et seq.*; 16 U.S.C. 5501 *et seq.*; 16 U.S.C. 973 *et seq.*; Pub. L. 109-479, 120 Stat. 3575.

Dated: February 20, 2007.

**James P. Burgess,**

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

[FR Doc. E7-3240 Filed 2-23-07; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 011107D]

#### Incidental Take of Marine Mammals; Taking of Marine Mammals Incidental to Conducting Precision Strike Weapons Testing and Training by Eglin Air Force Base in the Gulf of Mexico

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

**ACTION:** Notice of issuance of a letter of authorization.

**SUMMARY:** In accordance with provisions of the Marine Mammal Protection Act (MMPA), as amended, notification is hereby given that a letter of authorization (LOA) to take four species of marine mammals, by harassment, incidental to testing and training during Precision Strike Weapons (PSW) tests in the Gulf of Mexico (GOM), a military readiness activity, has been issued to Eglin Air Force Base (AFB).

**DATES:** This authorization is effective from February 20, 2007, through February 19, 2008.

**ADDRESSES:** The application and LOA are available for review in the Permits, Conservation, and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910 or by contacting one of the individuals mentioned below (See **FOR FURTHER INFORMATION CONTACT**).

#### FOR FURTHER INFORMATION CONTACT:

Kenneth Hollingshead or Candace Nachman, NMFS, (301) 713-2289.

**SUPPLEMENTARY INFORMATION:** Section 101(a)(5)(A) of the MMPA (16 U.S.C. 1361 *et seq.*) directs NMFS 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 by NMFS and regulations are issued. Under the MMPA, the term "taking" means to harass, hunt, capture, or kill or to attempt to harass, hunt, capture or kill marine mammals.

Authorization, in the form of annual LOAs, may be granted for periods up to five years if NMFS finds, after notification and opportunity for public comment, that the taking will have a negligible impact on the species or stock(s) of marine mammals 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 PSW testing and training within the Eglin Gulf Test and Training Range in the GOM, were published on November 24, 2006 (71 FR 67810) and remain in effect from December 26, 2006 through December 27, 2011. The four species that Eglin AFB may take in small numbers during PSW testing and training are Atlantic bottlenose dolphins (*Tursiops truncatus*), Atlantic spotted dolphins (*Stenella frontalis*), dwarf sperm whales (*Kogia simus*), and pygmy sperm whales (*Kogia breviceps*).

Issuance of the annual LOA to Eglin AFB is based on findings made in the preamble to the final rule that the total takings by this project would result in no more than a negligible impact on the affected marine mammal stocks or habitats and would not have an unmitigable adverse impact on subsistence uses of marine mammals. NMFS also finds that the applicant will meet the requirements contained in the implementing regulations and LOA, including monitoring and reporting requirements. Without any mitigation

measures, a small possibility exists for one bottlenose dolphin and one spotted dolphin to be exposed to blast levels from the PSW testing sufficient to cause mortality. Additionally, less than two cetaceans might be exposed to noise levels sufficient to induce Level A harassment (injury) annually, and as few as 31 or as many as 52 cetaceans (depending on the season and water depth) could potentially be exposed (annually) to noise levels sufficient to induce Level B harassment in the form of temporary (auditory) threshold shift (TTS).

While none of these impact estimates consider the proposed mitigation measures that will be employed by Eglin AFB to minimize potential impacts to protected species, NMFS has authorized Eglin AFB to lethally take one marine mammal, two marine mammals by Level A harassment, and up to 53 marine mammals by Level B harassment (TTS) annually. However, the proposed mitigation measures described in the final rule (71 FR 67810, November 24, 2006) and the LOA are anticipated to reduce potential impacts to marine mammals in both numbers and degree of severity. These measures include a conservative safety range for marine mammal exclusion; incorporation of aerial and shipboard survey monitoring efforts in the program both prior to and after detonation of explosives; and a prohibition on detonations whenever marine mammals are detected within the safety zone, may enter the safety zone at the time of detonation, or if weather and sea conditions preclude adequate aerial surveillance. This LOA will be renewed annually based on a review of the activity, completion of monitoring requirements, and receipt of reports required by the LOA.

Dated: February 20, 2007.

**James H. Lecky,**

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

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**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Science Advisory Board (SAB); Meeting

**AGENCY:** Office of Oceanic and Atmospheric Research (OAR), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of Open Meeting.