

but sea spray does not occur. Sea spray, whitecaps, and large waves can decrease the effectiveness of LR detection. However, missions are not conducted if such conditions make observation of the gunnery target problematic. It is expected that marine species can be observed in weather conditions that allow observation of the gunnery target flare. Wave height is difficult to determine from the air, particularly at night. Therefore, Eglin proposes that wind speed, as provided by accepted forecasting outlets such as the National Weather Service, be considered the determining factor for weather restrictions.

Preliminary Conclusions

For reasons described in this **Federal Register** document, NMFS has preliminarily determined that Eglin AFB's A-S Gunnery activity will not result in the mortality or serious injury of marine mammals and, would result in, at worst, a temporary elevation in hearing sensitivity (known as temporary threshold shift or TTS). As indicated in Table 1, Eglin AFB and NMFS estimated in 2006 that up to 271 marine mammals may incur this form of Level B harassment annually. Also, these gunnery exercises have the potential to result in a temporary modification in behavior by marine mammals. In 2006, NMFS estimated that up to 25 marine mammals may experience a behavioral response to these exercises during the time-frame of an IHA (see Table 1). These air-to-surface gunnery activities are expected to have a negligible impact on the affected species or stocks. In addition, the potential for TTS is very low and will be mitigated to the lowest level practicable through the incorporation of the mitigation measures mentioned in this document. NMFS believes that the proposed modifications to the current mitigation requirements will not result in an increase in Level B harassment levels estimated in 2006. The previously discussed modifications (protected species survey altitude, ramp-up procedures and sea state conditions) to the mitigation measures in Eglin's existing IHA for the A-S gunnery exercises in the EGTTTR, is unlikely to change NMFS' 2006 determination.

Endangered Species Act (ESA)

Consultation under section 7 of the ESA on Eglin AFB's A-S Gunnery Missions in the EGTTTR was completed on December 18, 1998. Consultation was reinitiated by Eglin AFB with NMFS on February 13, 2003, and concluded on October 20, 2004. A NMFS Biological Opinion issued on October 20, 2004,

concluded that the A-S gunnery exercises in the EGTTTR are unlikely to jeopardize the continued existence of species listed under the ESA that are within the jurisdiction of NMFS or destroy or adversely modify critical habitat. NMFS has preliminarily determined that this action, including the modifications to the mitigation and monitoring measures, does not have effects beyond that which was analyzed in that previous consultation, it is within the scope of that action and reinitiation of consultation is not necessary. However, prior to issuance of this IHA, NMFS will make a final determination whether additional consultation is necessary.

National Environmental Policy Act (NEPA)

The U.S. Air Force (USAF) made a Finding of No Significant Impact (FONSI) determination on August 18, 2003, based on information contained within its November, 2002 Final PEA, that implementation of the subject action is not a major Federal action having significant effects on the environment within the meaning of NEPA. The USAF determined, therefore, that an environmental impact statement (EIS) would not be prepared. NMFS noted that Eglin AFB had prepared a Final PEA for the EGTTTR activity and made this Final PEA available upon request on January 23, 2006 (71 FR 3474). In accordance with NOAA Administrative Order 216-6 (Environmental Review Procedures for Implementing the National Environmental Policy Act, May 20, 1999), NMFS reviewed the information contained in Eglin AFB's Final PEA and determined that Eglin AFB's Final PEA accurately and completely describes the proposed action, the alternatives to the proposed action, and the potential impacts on marine mammals, endangered species, and other marine life that could be impacted by the preferred alternative and the other alternatives. Accordingly, NMFS adopted Eglin AFB's Final PEA under 40 CFR 1506.3 and made its own FONSI. The NMFS FONSI also took into consideration updated data and information contained in the NMFS' **Federal Register** document noting issuance of an IHA to Eglin AFB for this activity (71 FR 27695, May 12, 2006), and previous notices (71 FR 3474 (January 23, 2006); 70 FR 48675 (August 19, 2005)). NMFS has preliminarily determined that the current proposed action will not result in a significant modification in the previously reviewed activity and, therefore, a new EA, supplemental EA or an EIS for the

issuance of an IHA to Eglin AFB for this activity is not necessary.

Proposed Authorization

NMFS proposes to reissue an IHA to Eglin AFB for conducting A-S gunnery exercises within the EGTTTR in the northern GOM provided the mitigation, monitoring, and reporting requirements described in this **Federal Register** notice are incorporated. NMFS has preliminarily determined that the proposed activity is unlikely to result in injury or mortality to marine mammals, and would have a negligible impact on the affected marine mammal species or stocks. The MMPA provision relating to impacts on subsistence are not relevant.

Information Solicited

NMFS requests interested persons to submit comments and information concerning this proposed IHA (see **ADDRESSES**).

Dated: May 24, 2007.

James H. Lecky,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XA39

Taking and Importing of Marine Mammals

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

ACTION: Notice; affirmative finding renewal.

SUMMARY: The Assistant Administrator for Fisheries, NMFS, (Assistant Administrator) has renewed the affirmative finding for the Republic of Ecuador under the Marine Mammal Protection Act (MMPA). This affirmative finding will allow yellowfin tuna harvested in the eastern tropical Pacific Ocean (ETP) in compliance with the International Dolphin Conservation Program (IDCP) by Ecuadorian-flag purse seine vessels or purse seine vessels operating under Ecuadorian jurisdiction to be imported into the United States. The affirmative finding was based on review of documentary evidence submitted by the Republic of Ecuador and obtained from the Inter-American Tropical Tuna Commission (IATTC) and the U.S. Department of State.

DATES: The renewal is effective from April 1, 2007, through March 31, 2008.

FOR FURTHER INFORMATION CONTACT: Regional Administrator, Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802-4213; phone 562-980-4000; fax 562-980-4018.

SUPPLEMENTARY INFORMATION: The MMPA, 16 U.S.C. 1361 *et seq.*, allows the entry into the United States of yellowfin tuna harvested by purse seine vessels in the ETP under certain conditions. If requested by the harvesting nation, the Assistant Administrator will determine whether to make an affirmative finding based upon documentary evidence provided by the government of the harvesting nation, the IATTC, or the Department of State.

The affirmative finding process requires that the harvesting nation is meeting its obligations under the IDCP and obligations of membership in the IATTC. Every 5 years, the government of the harvesting nation must request an affirmative finding and submit the required documentary evidence directly to the Assistant Administrator. On an annual basis, NMFS will review the affirmative finding and determine whether the harvesting nation continues to meet the requirements. A nation may provide information related to compliance with IDCP and IATTC measures directly to NMFS on an annual basis or may authorize the IATTC to release the information to NMFS to annually renew an affirmative finding determination without an application from the harvesting nation.

An affirmative finding will be terminated, in consultation with the Secretary of State, if the Assistant Administrator determines that the requirements of 50 CFR 216.24(f) are no longer being met or that a nation is consistently failing to take enforcement actions on violations, thereby diminishing the effectiveness of the IDCP.

As a part of the affirmative finding process set forth in 50 CFR 216.24(f), the Assistant Administrator considered documentary evidence submitted by the Republic of Ecuador or obtained from the IATTC and the Department of State and has determined that Ecuador has met the MMPA's requirements to receive an annual affirmative finding renewal.

After consultation with the Department of State, the Assistant Administrator issued the Republic of Ecuador's annual affirmative finding renewal, allowing the continued importation into the United States of

yellowfin tuna and products derived from yellowfin tuna harvested in the ETP by Ecuadorian-flag purse seine vessels or purse seine vessels operating under Ecuadorian jurisdiction. Ecuador's affirmative finding will remain valid through March 31, 2010, subject to subsequent annual reviews by NMFS.

Dated: May 23, 2007.

Samuel D. Rauch III

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Proposed Information Collection; Comment Request; NTIA/FCC Web-Coordination Collection

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before July 30, 2007.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, U.S. Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at dHynek@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to: Steve Litts, Technology Speciality, Systems Development Branch, Office of Spectrum Management, National Telecommunications and Information Administration, U.S. Department of Commerce, Room 4096, 14th and Constitution Avenue, NW., Washington DC 20230 (or via the Internet at Slitts@ntia.doc.gov).

SUPPLEMENTARY INFORMATION:

I. Abstract

The National Telecommunications and Information Administration (NTIA) developed a web-based system that collects specific identification

information (e.g., company name, location and projected range of the operation) from applicants seeking to operate in existing and planned radio frequency (RF) bands that are shared on a co-primary basis by federal and non-federal users. The web-based system provides a means for non-federal applicants to rapidly determine the availability of RF spectrum in a specific location, or the need for detailed frequency coordination of a specific newly proposed assignment within the shared portions of the radio spectrum. The website allows the non-federal applicant's proposed radio site information to be analyzed, and a real-time determination to be made as to whether there is a potential for interference to, or from, existing Federal government radio operations in the vicinity of the proposed site. This web-based coordination system helps expedite the coordination process for non-federal applicants while assuring protection of government data relating to national security. The information provided by non-federal applicants also assures the protection of the applicant's station from radio frequency interference from future government operations.

The non-federal applicants are required to submit information regarding the physical characteristics of the proposed radio station and the proposed location of the operation. This information is necessary for a determination of electromagnetic compatibility among radio stations in the frequency band. The name and address of the proposed licensee is also required, as currently required by the Federal Communications Commission. All data requested on the website is currently required for the coordination of non-federal radio stations in RF spectrum that is shared with the federal government.

II. Method of Collection

The application and instructions are on the NTIA website. Non-federal applicants submit applications electronically through the Web site.

III. Data

OMB Number: 0660-0018.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations, state or local government.

Estimated Number of Respondents: 3,000.

Estimated Time Per Response: 15 minutes.

Estimated Total Annual Respondent Burden Hours: 750.