

351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This new shipper review and notice are in accordance with sections 751(a)(1), 751(a)(2)(B), and 777(i) of the Act and 19 CFR 351.214(h)(i).

Dated: July 19, 2007.

**Joseph A. Spetrini,**

*Deputy Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XC01

#### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery off the South Atlantic States; Amendment 16

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

**ACTION:** Notice of intent (NOI) to prepare a draft environmental impact statement (DEIS); notice of scoping meetings; request for comments.

**SUMMARY:** The South Atlantic Fishery Management Council (Council) intends to prepare a DEIS to assess the impacts on the natural and human environment of the management measures proposed in its draft Amendment 16 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP).

**DATES:** Written comments on the scope of issues to be addressed in the DEIS will be accepted through September 14, 2007, at 5 p.m.

**ADDRESSES:** Comments should be sent to Jack McGovern, NMFS, Southeast Regional Office, 263 13th Avenue South, St. Petersburg, FL 33701; phone: 727-824-5305; fax: 727-824-5308; e-mail: [John.McGovern@noaa.gov](mailto:John.McGovern@noaa.gov).

**FOR FURTHER INFORMATION CONTACT:** Kim Iverson, Public Information Officer, South Atlantic Fisheries Management Council, 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405; phone: 843-571-4966, toll free 1-866-

SAFMC-10; fax: 843-769-4520; e-mail: [kim.iverson@safmc.net](mailto:kim.iverson@safmc.net).

**SUPPLEMENTARY INFORMATION:** The snapper-grouper fishery off the South Atlantic region in the economic exclusive zone is managed under the FMP. Following Council preparation, the FMP was approved and implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) in March of 1983.

A stock assessment for gag and an update of a 2003 stock assessment for vermilion snapper were completed through the Southeast Data, Assessment, and Review (SEDAR) process in 2007. The stock assessments were reviewed by the Council's Scientific and Statistical Committee at their June 2007 meeting and were determined to be based on the best available science. The stock assessments have revealed both species are experiencing overfishing conditions and gag is approaching an overfished condition. Model projections show the gag stock becoming overfished in 2007. Furthermore, the vermilion snapper stock assessment update indicates recent management measures implemented in 2006 (1.1 million lb (499,000 kg) quota and increase in recreational size limit to 12 inches (30 cm) total length) are not adequate to end overfishing.

It is anticipated that the regulations designed to reduce fishing mortality developed in Amendment 16 will be in place by January 1, 2009. By reducing fishing mortality beginning in 2009, the Council intends to end overfishing of vermilion snapper and gag and allow biomass of gag to increase to a level produced when fishing at a rate that would produce the optimum yield. Thus, the potential adverse biological, economic, and social impacts associated with further decline of these stocks would be avoided with implementation of these management measures.

To prevent overfishing, the Magnuson-Stevens Act provides national standards that must be satisfied within the FMPs. The national standards require parameters, including maximum sustainable yield (MSY), optimum yield (OY), minimum stock size threshold (MSST), and maximum fishing mortality rate threshold (MFMT), which are used to avoid overfished and overfishing situations. Currently, static spawning potential ratio proxies are used to define MSY, OY, and MFMT. In Amendment 16, the Council intends to specify the required parameters for gag and vermilion

snapper, based on results from recent SEDAR assessments.

This NOI is intended to inform the public of the preparation of a DEIS in support of an amendment to the snapper-grouper FMP. The DEIS will specify the required parameters for gag and vermilion snapper, consider alternatives to establish a shallow-water grouper unit to minimize bycatch of shallow-water grouper species, and consider alternatives to end overfishing of gag and vermilion snapper.

To end overfishing, the Council must reduce fishing mortality. The Council, at its September 2007 meeting, will consider various management measures that will end overfishing. Possible management measures the Council could consider include (but are not limited to): recreational and commercial catch limits; allocations; quotas; seasonal closures (both recreational and commercial); changes to recreational bag limits; and changes to size limits. Following publication of this NOI, the Council will conduct public scoping meetings to determine the range of issues to be addressed in the DEIS and the associated Amendment 16 at the following locations: (1) September 4, 2007, Hilton Wilmington Riverside, 301 North Water Street, Wilmington, NC 28401, phone: 910-763-5900; (2) September 4, 2007, Sombrero Cay Clubs, 19 Sombrero Boulevard, Marathon, FL 33050, phone: 305-743-2250; (3) September 5, 2007, Sheraton Atlantic Beach, 2717 West Fort Macon Road, Atlantic Beach, NC 28512, phone: 252-240-1155; (4) September 6, 2007, Hampton Inn Daytona Speedway, 1715 West International Speedway Boulevard, Daytona Beach, FL 32114, phone: 386-257-4030; (5) September 10, 2007, Holiday Inn Charleston Airport and Convention Center, 5624 International Boulevard, North Charleston, SC 29418, phone: 843-576-0300; and (6) September 17, 2007, Avista Resort, 300 North Ocean Boulevard, North Myrtle Beach, SC 29582, phone: 843-249-2521.

All scoping meetings will start at 6 p.m. The meetings will be physically accessible to people with disabilities. Requests for information packets and for sign language interpretation or other auxiliary aids should be directed to the South Atlantic Fisheries Management Council, 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405; phone: 843-571-4966, toll free 1-866-SAFMC-10; fax: 843-769-4520. Requests may also be sent by e-mail to [kim.iverson@safmc.net](mailto:kim.iverson@safmc.net).

Following consideration of public comments, the Council plans to prepare the draft Snapper-Grouper Amendment

16/DEIS in November 2007. The Council and its Scientific and Statistical Committee will review the draft Snapper-Grouper Amendment 16/DEIS at the December 2007 Council meeting. If the Council approves the document, public review will take place beginning in January 2008. A comment period on the DEIS is planned, which will include public hearings to receive comments. Availability of the DEIS, the dates of the public comment period, and information about the public hearings will be announced in the **Federal Register** and in local news media.

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

Dated: August 10, 2007.

**Emily Menashes,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XB57

#### Small Takes of Marine Mammals Incidental to Specified Activities; Movement of Barges Through the Beaufort Sea Between West Dock and Cape Simpson or Point Lonely, Alaska

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

**ACTION:** Notice of issuance of an incidental harassment authorization.

**SUMMARY:** In accordance with regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that an Incidental Harassment Authorization (IHA) to take small numbers of marine mammals, by harassment, incidental to conducting a barging operation within the U.S. Beaufort Sea has been issued to FEX L.P. (FEX) for a period of 1 year.

**DATES:** Effective from August 9, 2007 through August 8, 2008.

**ADDRESSES:** The authorization and application containing a list of the references used in this document may be obtained by writing to P. 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, or by telephoning the contact listed here. The application is also available at: <http://www.nmfs.noaa.gov/pr/permits/>

*incidental.htm*. Documents cited in this notice may be viewed, by appointment, during regular business hours, at this address.

**FOR FURTHER INFORMATION CONTACT:** Shane Guan, Office of Protected Resources, NMFS, (301) 713-2289, ext. 137, or Brad Smith, Alaska Region, NMFS, (907) 271-3023.

#### SUPPLEMENTARY INFORMATION:

##### Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct 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 either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An authorization shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses, and that the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined "negligible impact" in 50 CFR 216.103 as "an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival."

Section 101(a)(5)(D) of the MMPA established an expedited process by which citizens of the United States can apply for an authorization to incidentally take small numbers of marine mammals by harassment. Except with respect to certain activities not pertinent here, the MMPA defines "harassment" as:

any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].

Section 101(a)(5)(D) establishes a 45-day time limit for NMFS review of an application followed by a 30-day public notice and comment period on any proposed authorizations for the incidental harassment of marine mammals. Within 45 days of the close

of the comment period, NMFS must either issue or deny the authorization.

#### Summary of Request

On April 26, 2007, NMFS received an application from FEX to take several species of marine mammals incidental to the movement of two tugs towing barges in the U.S. Beaufort Sea. Marine barges would be used to either resupply or demobilize from their ongoing drilling activities on the Northwest National Petroleum Reserve-Alaska Oil and Gas Leases. For a resupply operation, consumables, fuel, and essential pad construction equipment would be marine lifted from West Dock (Prudhoe Bay) to the Cape Simpson operational staging area, where it would be stored in preparation of the 2007-2008 winter exploration season. A detailed description of the barging activities is provided in the June 7, 2007, **Federal Register** notice (72 FR 31550) and is not repeated here.

#### Description of Marine Mammals Affected by the Activity

The Beaufort Sea supports many marine mammals under NMFS jurisdiction, including Western Arctic bowhead whales (*Balaena mysticetus*), Eastern North Pacific gray whale (*Eschrichius robustus*), Beaufort Sea and Eastern Chuchi Sea stocks of beluga whales (*Delphinapterus leucas*), ringed seals (*Phoca hispida*), bearded seals (*Erignathus barbatus*) and spotted seals (*Phoca largha*). Only the bowhead whale is listed as endangered under the Endangered Species Act (ESA) and designated as "depleted" under the MMPA. The Western Arctic stock of bowhead whales has the largest population size among all 5 stocks of this species (Angliss and Outlaw, 2007). A brief description of the distribution, movement patterns, and current status of these species can be found in the FEX application. More detailed descriptions can be found in NMFS Stock Assessment Reports (SARs). Please refer to those documents for more information on these species. The SARs can be downloaded electronically from: <http://www.nmfs.noaa.gov/pr/pdfs/sars/ak2006.pdf>. The FEX application is also available on-line (see **ADDRESSES**).

#### Comments and Responses

A notice of receipt and request for 30-day public comment on the application and proposed authorization was published on June 7, 2007 (72 FR 31550). During the 30-day public comment period, NMFS received comments from the Marine Mammal Commission (the Commission), the