

Dated: July 14, 2006.

**Marta Nammack,**

*Acting Division Chief, Office of Protected Resources, National Marine Fisheries Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 071406F]

RIN 0648-AU28

#### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; South Atlantic Snapper Grouper Fishery Off the Southern Atlantic States; Amendment 14

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

**ACTION:** Notice of intent to prepare a draft environmental impact statement; supplement; request for comments.

**SUMMARY:** The South Atlantic Fishery Management Council (Council) is evaluating in a draft environmental impact statement (DEIS) the environmental impacts of establishing Marine Protected Areas (MPAs) for deepwater snapper grouper species in the South Atlantic exclusive economic zone (EEZ). This notice is intended to supplement a notice published January 31, 2002, announcing the preparation of a DEIS for Amendment 14 to the Fishery Management Plan (FMP).

**DATES:** Comments must be received by August 21, 2006.

**ADDRESSES:** Copies of the alternatives should be requested from: Kim Iverson, Public Information Officer, South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407-4699, fax: 843-769-4520; e-mail: [kim.iverson@safmc.net](mailto:kim.iverson@safmc.net).

Comments should be sent to Mark Sramek, Southeast Regional Office, NMFS, 263 13<sup>th</sup> Avenue South, St. Petersburg, FL 33701, phone: 727-824-5311; fax: 727-824-5308. Comments may also be submitted by email to [Mark.Sramek@noaa.gov](mailto:Mark.Sramek@noaa.gov).

**FOR FURTHER INFORMATION CONTACT:** Kim Iverson, Public Information Officer, South Atlantic Fishery Management Council; toll free 1-866-SAFMC-10 or 843-571-4366; e-mail: [kim.iverson@safmc.net](mailto:kim.iverson@safmc.net).

**SUPPLEMENTARY INFORMATION:** The snapper grouper fishery operating in the

South Atlantic EEZ is managed under the South Atlantic Snapper Grouper FMP, under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

The Council began considering use of MPAs in 1990. The Council has since held three rounds of scoping meetings and one round of informational public hearings intended to seek public input on criteria, siting, and impacts as they relate to MPAs for deepwater snapper grouper species. The Council decided to consider the implementation of deepwater MPAs in Amendment 14 to the Snapper Grouper FMP. The Notice of Intent (NOI) for the DEIS associated with FMP Amendment 14 was published in the **Federal Register** on January 31, 2002 (67 FR 4696). This NOI supplement is intended to update the public on progress of Amendment 14 and the DEIS. The Council has refined the purpose and need for MPAs and has outlined a range of alternatives for inclusion in the DEIS.

The primary purpose of implementing these MPAs is to employ a collaborative approach to identify MPA sites with the potential to protect a portion of the population and habitat of long-lived, deepwater snapper grouper species (speckled hind, snowy grouper, warsaw grouper, yellowedge grouper, misty grouper, golden tilefish, and blueline tilefish) from directed fishing pressure to achieve a more natural sex ratio, age, and size structure within the proposed MPAs, while minimizing adverse social and economic effects. MPAs are the most effective fishery management tool that allows deepwater snapper grouper species to reach their natural size and age, protects spawning locations, and provides a refuge for early developmental stages of fish species. The Council recognizes that there may be positive impacts from the designation of the proposed sites to non-deepwater species that may co-occur, such as vermilion snapper, red porgy, and gag.

The Council defines MPAs within its jurisdiction as a network of specific areas of marine environments reserved and managed for the primary purpose of aiding in the recovery of overfished stocks and to insure the persistence of healthy fish stocks, fisheries, and habitats. Such areas may be over natural or artificial bottom and may include prohibition of harvest indefinitely (i.e., an undefined time period) to accomplish needed conservation goals.

The following types of actions are available to the Council for designating MPAs. The Council is focusing on Type 2 management actions to protect

deepwater snapper grouper species in Amendment 14.

Type 1 - Permanent closure/no-take  
Type 2 - Permanent closure/some take allowed

Type 3 - Limited duration closure/no-take

Type 4 - Limited duration closure/some take allowed

The Council is also considering implementing measures to provide for on-site enforcement capabilities, including the utilization of vessel monitoring system equipment on specific categories of fishing vessels. The Council intends to request that NMFS implement regulations to prohibit the use of shark bottom longline gear within the MPAs proposed in this amendment.

The full suite of alternatives currently being considered for inclusion in the DEIS for FMP Amendment 14 can be obtained from the Council (see **ADDRESSES** for contact information).

A **Federal Register** notice will announce the availability of the DEIS associated with the amendment, as well as a 45-day public comment period, pursuant to regulations issued by the Council on Environmental Quality for implementing the National Environmental Policy Act and to NOAA's Administrative Order 216-6. The Council will consider public comments received on the DEIS in developing the FEIS, and before voting to submit the final amendment to NMFS for Secretarial review, approval, and implementation. NMFS will announce in the **Federal Register** the availability of the final amendment and FEIS for public review during the Secretarial review period and will consider all public comments prior to final agency action to approve, disapprove, or partially approve the final amendment.

**Authority:** 6 U.S.C. 1801 *et seq.*

Dated: July 14, 2006.

**Alan D. Risenhoover,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 071206B]

#### 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 El Salvador 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 purse seine fishing vessels flying the flag of El Salvador or purse seine fishing vessels operating under the jurisdiction of El Salvador to be imported into the United States. The affirmative finding was based on review of documentary evidence submitted by the Republic of El Salvador 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, 2006, through March 31, 2007.

**FOR FURTHER INFORMATION CONTACT:**

Rodney McInnis, 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 El Salvador or obtained from the IATTC and the Department of State and has determined that El Salvador 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 El Salvador'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 El Salvadorian-flag purse seine vessels or purse seine vessels operating under El Salvadorian jurisdiction. El Salvador's affirmative finding will remain valid through March 31, 2007, subject to subsequent annual reviews by NMFS.

Dated: July 14, 2006.

**Samuel D. Rauch, III,**

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

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## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Designation under the Textile and Apparel Commercial Availability Provisions of the Andean Trade Promotion and Drug Eradication Act (ATPDEA)

July 17, 2006.

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

**ACTION:** Designation

**EFFECTIVE DATE:** July 20, 2006

**SUMMARY:** The Committee for the Implementation of Textile Agreements (CITA) has determined that certain polyester and nylon yarns, of the specifications detailed below, classified in subheadings 5402.31.6000, 5402.62.0000, and 5605.00.1000 of the

Harmonized Tariff Schedule of the United States (HTSUS), cannot be supplied by the domestic industry in commercial quantities in a timely manner. CITA hereby designates apparel articles containing lace fabrics of such yarns, that are sewn or otherwise assembled in one or more eligible ATPDEA beneficiary countries from such fabrics, as eligible for quota free and duty free treatment under the textile and apparel commercial availability provisions of the ATPDEA and eligible under HTSUS subheading 9821.11.10, provided that all other fabrics in the apparel articles are wholly formed in the United States from yarns wholly formed in the United States, including fabrics not formed from yarns, if such yarns are classifiable under HTSUS heading 5602 or 5603, and are wholly formed in the United States. CITA notes that this designation under the ATPDEA renders apparel articles containing lace fabrics of such yarn, sewn or otherwise assembled in an eligible ATPDEA beneficiary country, as eligible for quota-free and duty-free treatment under HTSUS subheading 9821.11.13, provided the requirements of that subheading are met.

**FOR FURTHER INFORMATION CONTACT:**

Maria K. Dybczak, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482 3400.

**SUPPLEMENTARY INFORMATION:**

**Authority:** Section 204 (b)(3)(B)(ii) of the ATPDEA, Presidential Proclamation 7616 of October 31, 2002, Executive Order 13277 of November 19, 2002, and the United States Trade Representative's Notice of Further Assignment of Functions of November 25, 2002.

**Background:**

The ATPDEA provides for duty-free treatment for qualifying textile and apparel products. Such treatment is generally limited to products manufactured from yarns and fabrics formed in the United States or a beneficiary country. The ATPDEA also provides 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 beneficiary countries from fabric or yarn that is not formed in the United States, if it has been determined that such fabric or yarn cannot be supplied by the domestic industry in commercial quantities in a timely manner. In Executive Order No. 13191 (66 FR 7271) and pursuant to Executive Order No. 13277 (67 FR 70305) and the United States Trade Representative's Notice of Redlegation of Authority and Further Assignment of Functions (67 FR 71606), the President delegated to CITA the