

will issue the final results of this changed circumstances review, which will include the results of its analysis raised in any such written comments, no later than 270 days after the date on which this review was initiated, or within 45 days if all parties agree to our preliminary results. See 19 CFR 351.216(e).

If final revocation occurs, we will instruct U.S. Customs and Border Protection to end the suspension of liquidation for the merchandise covered by the revocation on the effective date of the notice of revocation and to release any cash deposit or bond. See 19 CFR 351.222(g)(4). The current requirement for a cash deposit of estimated AD duties on all subject merchandise will continue unless and until it is modified pursuant to the final results of this changed circumstances review.

This initiation and preliminary results of review and notice are in accordance with section 751(b) of the Act and 19 CFR 351.216, 351.221, and 351.222.

Dated: November 6, 2006.

David M. Spooner,

Assistant Secretary for Import Administration.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 110806A]

#### Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permit

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

**ACTION:** Notification of a proposal for an exempted fishing permit to conduct experimental fishing; request for comments.

**SUMMARY:** The Assistant Regional Administrator for Sustainable Fisheries, Northeast Region, NMFS (Assistant Regional Administrator) has made a preliminary determination that the subject exempted fishing permit (EFP) application submitted by Truex Enterprises contains all the required information and warrants further consideration. This proposed EFP was first published for public comment on June 16, 2006. Due to changes in the EFP proposal from that previously published, the notice and comment period is re-initiated. The proposed EFP

would test the safety and efficacy of harvesting surfclams and ocean quahogs from the Atlantic surfclam and ocean quahog Georges Bank (GB) Closure Area using a harvesting protocol developed by state and Federal regulatory agencies and endorsed by the U.S. Food and Drug Administration (FDA). The Assistant Regional Administrator has also made a preliminary determination that the activities authorized under the EFP would be consistent with the goals and objectives of the Atlantic Surfclam and Ocean Quahog regulations and Fishery Management Plan (FMP). However, further review and consultation may be necessary before a final determination is made to issue the EFP. Therefore, NMFS announces that the Assistant Regional Administrator proposes to recommend that an EFP be issued that would allow one commercial fishing vessel to conduct fishing operations that are otherwise restricted by the regulations governing the fisheries of the Northeastern United States. The EFP would allow for an exemption from the Atlantic surfclam and ocean quahog GB Closure Area. Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed EFPs.

**DATES:** Comments on this document must be received on or before November 29, 2006.

**ADDRESSES:** Comments on this notice may be submitted by e-mail. The mailbox address for providing e-mail comments is [DA6114B@noaa.gov](mailto:DA6114B@noaa.gov). Include in the subject line of the e-mail comment the following document identifier: "Comments on GB PSP Closed Area Exemption." Written comments should be sent to Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope "Comments on GB PSP Closed Area Exemption." Comments may also be sent via facsimile (fax) to (978) 281-9135.

**FOR FURTHER INFORMATION CONTACT:** Tobey Curtis, Fishery Management Specialist, phone 978-281-9273.

**SUPPLEMENTARY INFORMATION:** Truex Enterprises of New Bedford, MA, submitted an application for an EFP on March 30, 2006. Additional information was received on April 19, 2006, completing the application. This proposed EFP was first published in the *Federal Register* on June 19, 2006 (71 FR 35254). On October 2, 2006, the applicant submitted additional information seeking to add states where

the product harvested under the EFP could be landed. The experimental fishing application requests authorization to allow the catch and retention for sale of Atlantic surfclams and ocean quahogs from within the Atlantic surfclam and ocean quahog GB Closure Area. This area, located east of 69°00 W. long. and south of 42°20 N. lat., was closed on May 25, 1990. This closure was implemented based on advice from the FDA after samples of surfclams from the area tested positive for the toxins (saxotoxins) that cause Paralytic Shellfish Poisoning (PSP). These toxins are produced by the algae *Alexandrium fundyense* which can form blooms commonly referred to as red tides. Red tide blooms, also known as harmful algal blooms (HABs), can produce toxins that accumulate in filter-feeding shellfish. Shellfish contaminated with the saxotoxin, if eaten in large enough quantity, can cause illness or death from PSP. Due, in part, to the inability to test and monitor this area for the presence of PSP, this closure was made permanent through Amendment 12 to the FMP in 1999.

The primary goal of the study is to test the efficacy of the Protocol for Onboard Screening and Dockside Testing for PSP Toxins in Molluscan Shellfish (Protocol) developed by state and Federal regulatory agencies to test for presence of saxotoxins in shellfish. This protocol would facilitate the harvest of shellfish from waters susceptible to HABs, which produce the saxotoxins, but that are not currently under rigorous water quality monitoring programs by either state or Federal management agencies. The Protocol details procedures and reporting for harvesting, testing, and landing of shellfish harvested from areas that are susceptible to HABs prior to the shellfish from entering commerce. A copy of the Protocol is available from the NMFS Northeast Region website: <http://www.nero.noaa.gov/sfd/clams>.

The proposed project would conduct a trial for the sampling protocol in an exemption zone within the larger 1990 GB Closure Area with the F/V Seawatcher. The exemption zone would not include any Northeast multispecies or essential fish habitat year-round closure areas. This proposed exempted fishing activity would occur from approximately December 2006 through March 2007, using surfclam and ocean quahog quota allocated to Truex Enterprises under the Federal individual transferable quota (ITQ) program. The applicant has estimated a harvest of 176,000 bushels (9,370,240 L) of surfclams and 80,000 bushels (4,259,200 L) of ocean quahogs from the

exemption area. The exemption area was tested in cooperation with the FDA in the winter of 2006. No samples collected during that time were above acceptable levels for saxotoxins (80µg toxin/100g of shellfish). In order for the proposed EFP to be issued, the applicant would be required to obtain an endorsement from the state in which it intends to land the product harvested under the EFP. The initial application, submitted on March 30, 2006, only listed Massachusetts as a possible state for landing the product. The revised application includes the initial preferred state of landing, Massachusetts, as well as Rhode Island, New Jersey, and Delaware as possible states where shellfish harvested under the EFP could be landed. Each state would be required to endorse and/or otherwise explicitly permit the F/V Seawatcher to land product harvested under the conditions of the EFP in order for the EFP to be valid, as each state is responsible for regulating the molluscan shellfish industry within its jurisdiction and ensuring the safety of shellfish harvested within or entering its borders. This EFP would allow for an exemption from the Atlantic surfclam and ocean quahog GB Closure Area specified at 50 CFR 648.73(a)(4).

During the comment period for the initial proposed EFP, NMFS received five comments. One comment was against the concept of the EFP in general. Three comments were opposed to the issuance of the EFP until concerns regarding the dockside sampling protocol could be resolved. One comment, from the Massachusetts Division of Marine Fisheries, was in support of the comments regarding the dockside sampling protocol submitted by the Massachusetts Department of Public Health. Although adherence to the dockside monitoring protocol would be a condition of the EFP, NMFS is not the author of the protocol, nor the Federal agency responsible for matters of public health, thus NMFS defers response to issues regarding the dockside monitoring protocol to the FDA. However, since the initial public notification of this EFP, the FDA has amended the Protocol in response to concerns raised by state shellfish control authorities. The Protocol and the pilot project that would be authorized by this EFP have also since been endorsed by the executive board of the Interstate Shellfish Sanitation Conference.

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

Dated: November 8, 2006.

**James P. Burgess,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. E6-19190 Filed 11-13-06; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 110206D]

#### Endangered and Threatened Species; Take of Anadromous Fish

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

**ACTION:** Issuance of scientific research permits.

**SUMMARY:** Notice is hereby given that NMFS has issued Permit 1045 Modification 1 to Dr. Michael H. Fawcett (M. Fawcett) in Bodega, CA; and Permit 1046 Modification 2 to the National Park Service (NPS) in Point Reyes, CA. This notice is relevant to federally endangered Central California Coast coho salmon (*Oncorhynchus kisutch*), threatened California Coastal Chinook salmon (*O. tshawytscha*), threatened Northern California steelhead (*O. mykiss*), and threatened Central California Coast steelhead (*O. mykiss*).

**ADDRESSES:** The applications, permits, and related documents are available for review by appointment at: Protected Resources Division, NMFS, 777 Sonoma Avenue, Room 315, Santa Rosa, CA 95404 (ph: 707-575-6097, fax: 707-578-3435, e-mail at: [Jeffrey.Jahn@noaa.gov](mailto:Jeffrey.Jahn@noaa.gov)).

**FOR FURTHER INFORMATION CONTACT:** Jeffrey Jahn at 707-575-6097, or e-mail: [Jeffrey.Jahn@noaa.gov](mailto:Jeffrey.Jahn@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Authority

The issuance of permits and permit modifications, as required by the Endangered Species Act of 1973 (16 U.S.C. 1531-1543) (ESA), is based on a finding that such permits/modifications: (1) are applied for in good faith; (2) would not operate to the disadvantage of the listed species which are the subject of the permits; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA. Authority to take listed species is subject to conditions set forth in the permits. Permits and modifications are issued in accordance with and are

subject to the ESA and NMFS regulations (50 CFR parts 222-226) governing listed fish and wildlife permits.

#### Species Covered in This Notice

This notice is relevant to federally endangered Central California Coast coho salmon (*Oncorhynchus kisutch*), threatened California Coastal Chinook salmon (*O. tshawytscha*), threatened Northern California steelhead (*O. mykiss*), and threatened Central California Coast steelhead (*O. mykiss*).

#### Permits Issued

Permit 1045 Modification 1 was issued to M. Fawcett on October 30, 2006, authorizing capture (by seine), handling, sampling and marking (by collection of fin-clips), and release of juvenile Central California Coast coho salmon, California Coastal Chinook salmon, Northern California steelhead, and Central California Coast steelhead. Permit 1045 Modification 1 is for research to be conducted in the Russian River and Salmon Creek watersheds in Sonoma County, California, as well as numerous coastal streams between Gualala River and Estero Americano in Sonoma County, California. Permit 1045 Modification 1 does not authorize take of adult ESA-listed salmonids or intentional lethal take of ESA-listed salmonids. Permit 1045 Modification 1 authorizes unintentional lethal take of juvenile ESA-listed salmonids associated with research activities not to exceed 1 percent of ESA-listed salmonids captured. The purpose of the research is to provide scientific information on the ecology, distribution, population genetics, and population abundance of Central California Coast coho salmon, California Coastal Chinook salmon, Northern California steelhead, and Central California Coast steelhead. Permit 1045 Modification 1 expires on February 28, 2012.

Permit 1046 Modification 2 was issued to NPS on October 30, 2006, authorizing capture (by pipe-trap, fyke-net trap, electrofishing, dip-net, or seine), handling, sampling (by collection of fin-clips, scales, or stomach contents), marking (using fin-clips, fin dye, passive integrated transponder (PIT) tags, or visible implant elastomer (VIE) tags), and release of juvenile Central California Coast coho salmon, California Coastal Chinook salmon, and Central California Coast steelhead; and capture (by weir-trap), handling, marking (using spaghetti-tags), and release of adult Central California Coast coho salmon, California Coastal Chinook salmon, and Central California Coast steelhead.