

determine that importer knew or should have known that the exporter was selling the subject merchandise at less than its fair value and that there was likely to be material injury by reason of such sales.

### Conclusion

Given the analysis discussed above, we preliminarily determine critical circumstances do not exist for imports of MCS from Japan. We will make a final determination concerning critical circumstances for MCS from Japan when we make our final dumping determination in this investigation, on April 10, 2006 (unless extended).

### International Trade Commission Notification

In accordance with section 733(f) of the Act, we will notify the International Trade Commission of our determination.

This determination is issued and published pursuant to sections 733(f) and 777(i)(1) of the Act.

Dated: February 21, 2006.

**David M. Spooner,**

*Assistant Secretary for Import Administration.*

[FR Doc. E6-2732 Filed 2-24-06; 8:45 am]

BILLING CODE 3510-DS-S

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-879]

### Notice of Extension of Time Limit for the Antidumping Administrative Review of Polyvinyl Alcohol From the People's Republic of China

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**EFFECTIVE DATE:** February 27, 2006.

**FOR FURTHER INFORMATION CONTACT:** Lilit Astvatsatryan, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-6412.

### Background

On November 7, 2005, the Department of Commerce ("the Department") published the preliminary results of the administrative review of the antidumping duty order on polyvinyl alcohol ("PVA") from the People's Republic of China ("PRC"), covering the period August 11, 2003, through September 30, 2004. See *Polyvinyl*

*Alcohol from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review*, 70 FR 67434 (November 7, 2005) ("Preliminary Results"). In the *Preliminary Results* we stated that we would make our final determination for the antidumping duty review no later than 120 days after the date of publication of the preliminary results (i.e., March 7, 2006).

### Extension of Time Limit of Preliminary Results

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended ("the Act"), requires the Department to issue the final results in an administrative review within 120 days of publication date of the preliminary results. However, if it is not practicable to complete the review within this time period, the Department may extend the time limit for the final results to 180 days. Completion of the final results within the 120-day period is not practicable because this review involves certain complex issues, including the revision of an allocation methodology of co-products, application of by-products and self-produced inputs, and valuation of certain factors.

Therefore, in accordance with section 751(a)(3)(A) of the Act, the Department is extending the time period for issuing the final results of review by 30 days until April 6, 2006.

Dated: February 21, 2006.

**Stephen J. Claeys,**

*Deputy Assistant Secretary for Import Administration.*

[FR Doc. E6-2731 Filed 2-24-06; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

I.D. [081905B]

### Notice of Decision to Expand Scope of the Environmental Impact Statement Analyzing the Makah Tribe's Proposed Gray Whale Hunting and Reopening of Comment Period

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

**ACTION:** Notice; request for comments.

**SUMMARY:** NMFS announces our decision to expand the scope of the Makah Whale Hunt Environmental Impact Statement (EIS) to include analysis of the proposed action on the affected environment under both the Marine Mammal Protection Act

(MMPA) and the Whaling Convention Act (WCA). Our previous notices of intent to prepare an EIS for the Makah Whale Hunt under the MMPA were published on August 25, 2005 and October 4, 2005. We are reopening the comment period for 30 days.

**DATES:** Written or electronic comments from all interested parties are encouraged and must be received no later than 5 p.m. Pacific Standard Time March 29, 2006.

**ADDRESSES:** All comments concerning the preparation of the EIS and NEPA process should be addressed to: Cassandra Brown, NMFS Northwest Region, Building 1, 7600 Sand Point Way NE., Seattle, WA 98115. Comments may also be submitted via fax (206) 526-6426 Attn: Makah Whale Hunt EIS, or by electronic mail to [MakahEIS.nwr@noaa.gov](mailto:MakahEIS.nwr@noaa.gov) with a subject line containing the document identifier: "Makah Whale Hunt EIS."

**FOR FURTHER INFORMATION CONTACT:** Cassandra Brown, NMFS Northwest Region, (206) 526-4348.

### SUPPLEMENTARY INFORMATION:

#### Background

On August 25, 2005 (70 FR 49911) and October 4, 2005 (70 FR 57860), NMFS announced our intent to prepare an EIS pursuant to the National Environmental Policy Act (NEPA) (42 U.S.C. *et seq.*) and conduct public scoping meetings related to the Makah Indian Tribe's request that NMFS allow for limited treaty right hunting of eastern North Pacific gray whales by waiving the MMPA's (16 U.S.C. 1361 *et seq.*) moratorium on take of marine mammals under section 101(a)(3)(A) (16 U.S.C. 1371(a)(3)(A)), and issuing regulations and any necessary permit(s). We opened a 60-day public comment period from August 25, 2005 to October 24, 2005, and held public scoping meetings at four locations in October 2005, including Neah Bay, Port Angeles, and Seattle, WA, and the Washington, DC area (Silver Spring, MD). We sought public input on the scope of the required NEPA analysis at that time, in addition to seeking comment for a range of reasonable alternatives and impacts to resources. Due in part to our examination of public comments related to the International Whaling Commission (IWC) and WCA (16 U.S.C. 916 *et seq.*) quota granting and issuance processes, we are expanding the scope of this EIS to include analysis of the WCA quota issuance. The MMPA waiver determination and the WCA quota issuance are best treated as connected actions (50 CFR 1508.25(a)(1)) for NEPA review because

the Makah's proposed action of hunting whales cannot occur without NMFS' approvals under both statutory regimes.

#### Request for Comments

NMFS solicits written comments from the public. We request that the comments be as specific as possible with regard to our expansion of the scope of the EIS to include the WCA quota issuance. All comments and materials received, including names and addresses, will become part of the administrative record and may be released to the public. The environmental review of this project will be conducted in accordance with the requirements of the NEPA of 1969 as amended, Council on the Environmental Quality Regulations (40 CFR parts 1500 - 15080), other applicable Federal laws and regulations, and applicable policies and procedures. This notice is being furnished in accordance with 40 CFR 1501.7 of NEPA to obtain suggestions and information from other agencies and the public on the scope of issues and alternatives to be addressed in the EIS.

Dated: February 17, 2006.

**D. Robert Lohn,**

*Regional Administrator, Northwest Region,  
National Marine Fisheries Service.*

[FR Doc. E6-2735 Filed 2-24-06; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 011806H]

#### Taking of Marine Mammals Incidental to Specified Activities; On-ice Seismic Operations in the Beaufort Sea

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

**ACTION:** Notice of receipt of application and proposed incidental take authorization; request for comments.

**SUMMARY:** NMFS has received an application from ASRC Energy Services, Lynx Enterprises, Inc. (AES Lynx) for an Incidental Harassment Authorization (IHA) to take marine mammals, by harassment, incidental to conducting on-ice vibroseis seismic operations in the Harrison Bay portion of the western U.S. Beaufort Sea in late winter/early spring (March through May 20, 2006). Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an authorization to AES Lynx to

incidentally take, by harassment, small numbers of two species of pinnipeds for a limited period of time this year.

**DATES:** Comments and information must be received no later than March 29, 2006.

**ADDRESSES:** Comments on the application should be addressed to Steve Leathery, 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 one of the contacts listed here. The mailbox address for providing email comments is [PR1.011806H@noaa.gov](mailto:PR1.011806H@noaa.gov). Please include in the subject line of the e-mail comment the following document identifier: 011806H. Comments sent via e-mail, including all attachments, must not exceed a 10-megabyte file size. A copy of the application containing a list of the references used in this document may be obtained by writing to this address or by telephoning the first contact person listed here and is also available at: <http://www.nmfs.noaa.gov/pr/permits/incidental.htm>

#### FOR FURTHER INFORMATION CONTACT:

Shane Guan, Office of Protected Resources, NMFS, (301) 713-2289, ext 137 or Brad Smith, Alaska Region, NMFS, (907) 271-5006.

#### 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 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.

Permission 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 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 for certain categories of 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 issuance of the authorization.

#### Summary of Request

On October 24, 2005, NMFS received an application from AES Lynx for the taking, by harassment, of two species of marine mammals incidental to conducting an on-ice seismic survey program. The seismic operations will be conducted in the Harrison Bay portion of the western U.S. Beaufort Sea. The proposed survey would be conducted from March through about May 20, 2006. The operation would consist of laying seismic cables with geophones on the frozen sea ice, employing the vibroseis method of energy (sound source) production, and recording the seismic signals. Water depths in the majority of the planned survey area are less than 3 m (10 ft).

The purpose of the project is to gather information about the subsurface of the earth by measuring acoustic waves, which are generated on or near the surface. The acoustic waves reflect at boundaries in the earth that are characterized by acoustic impedance contrasts.

#### Description of the Activity

The seismic surveys use the "reflection" method of data acquisition. Seismic exploration uses a controlled energy source to generate acoustic waves that travel through the earth, including sea ice and water, as well as sub-sea geologic formations, and then uses ground sensors to record the reflected energy transmitted back to the surface. When acoustic energy is generated, compression and shear waves