age, disability, marital status or political affiliation. Discrimination on these bases is prohibited by one or more of the following statutes: 5 U.S.C. 2302(b) (1), 29 U.S.C. 206(d), 29 U.S.C. 631, 29 U.S.C. 633a, 29 U.S.C. 791 and 42 U.S.C. 2000e-16.

If you believe that you have been the victim of unlawful discrimination on the basis of race, color, religion, sex, national origin or disability, you must contact an Equal Employment Opportunity (EEO) counselor within 45 calendar days of the alleged discriminatory action, or, in the case of a personnel action, within 45 calendar days of the effective date of the action, before you can file a formal complaint of discrimination with your agency. See, *e.g.*, 29 CFR 1614. If you believe that you have been the victim of unlawful discrimination on the basis of age, you must either contact an EEO counselor as noted above or give the Equal Employment Opportunity Commission (EEOC) notice of intent to sue within 180 days of the alleged discriminatory action. If you are alleging discrimination based on marital status or political affiliation, you may file a written complaint with the U.S. Office of Special Counsel (OSC).

In the alternative (or in some cases, in addition), you may pursue a discrimination complaint by filing a grievance through the agency's administrative or negotiated grievance procedures, if such procedures apply and are available.

Whistleblower Protection Laws

A Federal employee with authority to take, direct others to take, recommend or approve any personnel action must not use that authority to take or fail to take, or threaten to take or fail to take, a personnel action against an employee or applicant because of disclosure of information by that individual that is reasonably believed to evidence violations of law, rule or regulation; gross mismanagement; gross waste of funds; an abuse of authority; or a substantial and specific danger to public health or safety, unless disclosure of such information is specifically prohibited by law and such information is specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs.

Retaliation against an employee or applicant for making a protected disclosure is prohibited by 5 U.S.C. 2302(b)(8). If you believe that you have been the victim of whistleblower retaliation, you may file a written complaint (Form OSC–11) with the U.S. Office of Special Counsel at 1730 M Street, NW., Suite 218, Washington, DC 20036–4505 or online through the OSC Web site-*http://www.osc.gov.*

Retaliation for Engaging in Protected Activity

A Federal agency cannot retaliate against an employee or applicant because that individual exercises his or her rights under any of the Federal antidiscrimination or whistleblower protections laws listed above. If you believe that you are the victim of retaliation for engaging in protected activity, you must follow, as appropriate, the procedures described in the Antidiscrimination Laws and Whistleblower Protection Laws sections or, if applicable, the administrative or negotiated grievance procedures in order to pursue any legal remedy.

Disciplinary Actions

Under existing laws, each agency retains the right, where appropriate, to discipline a Federal employee for conduct that is inconsistent with federal antidiscrimination and whistleblower protection laws, up to and including removal. If OSC has initiated an investigation under 5 U.S.C. 1214, however, according to 5 U.S.C. 1214(f), agencies must seek approval from the Special Counsel to discipline employees for, among other activities, engaging in prohibited retaliation. Nothing in the No FEAR Act alters existing laws or permits an agency to take unfounded disciplinary action against a Federal employee or to violate the procedural rights of a Federal employee who has been accused of discrimination.

Existing Rights Unchanged

Pursuant to section 205 of the No FEAR Act, the Act and this notice does not create, expand or reduce any rights otherwise available to any employee, former employee or applicant under the laws of the United States, including the provisions of law specified in 5 U.S.C. 2302(d).

Dated: November 14, 2006.

Suzan J. Aramaki,

Director, Office of Civil Rights, U.S. Department of Commerce.

[FR Doc. E6–19490 Filed 11–16–06; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

International Trade Administration

(A–570–851)

Certain Preserved Mushrooms from the People's Republic of China: Final Results of the Antidumping Duty New Shipper Review

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

SUMMARY: On July 7, 2006, the Department of Commerce (''the Department'') published in the **Federal Register** the preliminary results of the new shipper review of the antidumping duty order on certain preserved mushrooms from the People's Republic of China (''PRC'') for Guangxi Eastwing Trading Co., Ltd. (''Eastwing''). *See Certain Preserved Mushrooms from the People's Republic of China: Preliminary Results of the Antidumping Duty New Shipper Review*, 71 FR 38617 (July 7, 2006) (''*Preliminary Results*''). We gave interested parties an opportunity to comment on the *Preliminary Results*. Although no party submitted a case brief, additional surrogate value information has been placed on the record subsequent to the *Preliminary Results* by both Eastwing and the Department. Based on our analysis of the surrogate value information, we made changes to the antidumping duty margin calculations for the final results. We continue to find that Eastwing sold subject merchandise at less than normal value during the period of review (''POR'') February 1, 2005, through August 15, 2005.

EFFECTIVE DATE: November 17, 2006.

FOR FURTHER INFORMATION CONTACT: Matthew Renkey, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–2312.

SUPPLEMENTARY INFORMATION:

Case History

Subsequent to the *Preliminary Results*, on July 27, 2006, Eastwing timely submitted publicly available surrogate value information for the Department to consider in valuing the factors of production. Eastwing did not file a case brief. On September 11, 2006, the Department sent Eastwing a letter asking it to clarify certain information contained in its July 27, 2006, filing, and also placed on the record for comment additional surrogate value information. On September 21, 2006,

Eastwing submitted a timely response and comments in reply to the Department's September 11, 2006, letter. On September 28, 2006, the Department published in the **Federal Register** a notice extending the deadline for the final results. *See Certain Preserved Mushrooms from the People's Republic of China: Extension of Time Limit for Final Results of the 2005 Antidumping Duty New Shipper Review*, 71 FR 56954 (September 28, 2006). Also on September 28, 2006, the Department placed on the record additional surrogate value information for consideration in valuing the factors of production. Eastwing did not comment on this information.

Scope of the Order

The products covered by this order are certain preserved mushrooms, whether imported whole, sliced, diced, or as stems and pieces. The certain preserved mushrooms covered under this order are the species *Agaricus bisporus* and *Agaricus bitorquis*. ''Certain Preserved Mushrooms'' refer to mushrooms that have been prepared or preserved by cleaning, blanching, and sometimes slicing or cutting. These mushrooms are then packed and heated in containers including, but not limited to, cans or glass jars in a suitable liquid medium, including, but not limited to, water, brine, butter or butter sauce. Certain preserved mushrooms may be imported whole, sliced, diced, or as stems and pieces. Included within the scope of this order are ''brined'' mushrooms, which are presalted and packed in a heavy salt solution to provisionally preserve them for further processing.

Excluded from the scope of this order are the following: (1) All other species of mushroom, including straw mushrooms; (2) all fresh and chilled mushrooms, including ''refrigerated'' or ''quick blanched mushrooms''; (3) dried mushrooms; (4) frozen mushrooms; and (5) ''marinated,'' ''acidified,'' or ''pickled'' mushrooms, which are prepared or preserved by means of vinegar or acetic acid, but may contain oil or other additives.[1]

The merchandise subject to this order is classifiable under subheadings: 2003.10.0127, 2003.10.0131, 2003.10.0137, 2003.10.0143, 2003.10.0147, 2003.10.0153 and 0711.51.0000 of the Harmonized Tariff Schedule of the United States (''HTSUS''). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this order is dispositive.

Changes Since the Preliminary Results

Based on surrogate value comments received from Eastwing and information placed on the record by the Department subsequent to our *Preliminary Results*, we have made revisions to the margin calculation for the final results. Specifically, we have selected new surrogate values for the manure and straw factors of production because the manure and straw corresponding to these new surrogate values better match the inputs used in the production of the subject merchandise. We have also selected new information to use in calculating the financial ratios for factory overhead, selling, general and administrative expenses, and profit. The new financial information, unlike the data used in the *Preliminary Results*, is contemporaneous with the POR and offers a broader representation of the industry. *See Memorandum from Matthew Renkey, Senior Analyst, through Alex Villanueva, Program Manager, Office 9, to the File; New Shipper Review of Certain Preserved Mushrooms from the People's Republic of China: Surrogate Values for the Final Results*, dated November 9, 2006 (''*Final Surrogate Values Memo*''). Our calculation incorporating the new surrogate value data can be found in the *Memorandum from Matthew Renkey, Senior Analyst, through Alex Villanueva, Program Manager, Office 9, to the File; Analysis for the Final Results of the New Shipper Review of Certain Preserved Mushrooms from the Peoples' Republic of China: Guangxi Eastwing Trading Co., Ltd.* (''*Final Analysis Memo*''). Lastly, for the *Preliminary Results*, we inadvertently did not multiply the freight distance and surrogate value by the corresponding factor usage ratio; we have corrected this clerical error in the freight calculation for these final results. *Id.*

Final Results of Review

We find that the following margin exists during the period February 1, 2005, through August 15, 2005:

Exporter/Manufacturer	Weighted—Average Margin (Percent)
Guangxi Eastwing Trading Co., Ltd./Raoping CXF Foods, Inc.	4.31

Assessment Rates

The Department will issue appropriate appraisement instructions directly to U.S. Customs and Border Protection (''CBP'') for Eastwing within 15 days of publication of the final results of this review. Pursuant to 19 CFR 351.212(b)(1), we will calculate importer—specific *ad valorem* duty assessment rates based on the ratio of the total amount of the dumping margins calculated for the examined sales to the total entered value of those same sales. We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review if any importer—specific assessment rate calculated in the final results of this review is above *de minimis*.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of these results of the new shipper review for all shipments of subject merchandise from Eastwing entered, or withdrawn from warehouse, for consumption on or after the publication date: (1) For subject merchandise manufactured by Raoping CXF Foods, Inc. (''CXF'') and exported by Eastwing, the cash deposit rate will be the rate shown above; (2) for subject merchandise exported by Eastwing but not manufactured by CXF, the cash deposit rate will continue to be the PRC—wide rate (*i.e.*, 198.63 percent); and (3) for subject merchandise produced by CXF but not exported by Eastwing, the cash deposit rate will be the rate applicable to the exporter. These requirements will remain in effect until publication of the final results of the next administrative review.

Reimbursement of Duties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

[1] On June 19, 2000, the Department affirmed that ''marinated,'' ''acidified,'' or ''pickled'' mushrooms containing less than 0.5 percent acetic acid are within the scope of the antidumping duty order. *See* ''Recommendation Memorandum-Final Ruling of Request by Tak Fat, *et al.* for Exclusion of Certain Marinated, Acidified Mushrooms from the Scope of the Antidumping Duty Order on Certain Preserved Mushrooms from the People's Republic of China,'' dated June 19, 2000. On February 9, 2005, this decision was upheld by the United States Court of Appeals for the Federal Circuit. *See Tak Fat v. United States*, 39C F.3d 1378 (Fed. Cir. 2005).

Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective orders (''APO'') of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

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).

Dated: November 9, 2006.

David M. Spooner,

Assistant Secretary for Import Administration.

[FR Doc. E6–19471 Filed 11–16–06; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 101906B]

Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Conducting Oil and Gas Exploration Activities in the Arctic Ocean off Alaska

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

ACTION: Notice of Intent to prepare a Programmatic Environmental Impact Statement; request for comments.

SUMMARY: NMFS and the Minerals Management Service (MMS) announce their intention to prepare a Programmatic Environmental Impact Statement (PEIS) pursuant to the National Environmental Policy Act of 1969 (NEPA). This PEIS is being prepared to assess the impacts of MMS' annual authorizations under the Outer Continental Shelf Lands Act (OCSLA) to the U.S. oil and gas industry to conduct offshore geophysical seismic surveys in the Chukchi and Beaufort seas off Alaska, and NMFS' authorizations under the Marine Mammal Protection Act (MMPA) to incidentally harass marine mammals while conducting those surveys. Publication of this notice begins the official scoping period that will help clarify previously identified issues and alternatives to be considered in the PEIS. The NMFS and MMS will consider comments received in response to this notice in determining the scope of the PEIS. The public will have additional opportunities to comment on the draft PEIS and any applications received under the MMPA as part of this action.

DATES: Written comments and information must be received no later than December 18, 2006.

ADDRESSES: Comments on the contents of the Draft PEIS should be addressed to Mr. P. Michael Payne, Chief of the Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910–3225. The mailbox address for providing email comments is *PR1.101906B@noaa.gov*. Comments sent via e-mail, including all attachments, must not exceed a 10–megabyte file size.

A copy of MMS' Programmatic Environmental Assessment (PEA) for seismic survey operations in Arctic Alaska waters for the 2006 open water season is available on-line at:*http://www.mms.gov/alaska/ref/pea__be.htm*.

FOR FURTHER INFORMATION CONTACT: Kenneth R. Hollingshead, NMFS, 301–713–2289, ext 128 or Jill Lewandowski, MMS at 703–787–1703

SUPPLEMENTARY INFORMATION:

Background

In 2006, the MMS prepared a Draft PEA for the 2006 Arctic Outer Continental Shelf (OCS) Seismic Surveys. The MMS assumed in this PEA that up to eight marine seismic surveys (4 each in the Chukchi and Beaufort seas) were likely to occur in 2006 in the Arctic Ocean. NMFS was a cooperating agency in the preparation of the MMS Draft and Final PEAs and made the Draft PEA available upon request (e.g., 71 FR 26055, May 3, 2006). A Final PEA was published and released on June 20, 2006. In accordance with NOAA Administrative Order 216–6 (Environmental Review Procedures for Implementing the National Environmental Policy Act, May 20, 1999), NMFS subsequently determined that the MMS Final PEA contained an in-depth and detailed description of the affected environment, a reasonable range of alternatives to the proposed action, mitigation and monitoring measures to reduce impacts on the human environment to non-significant levels, and an analysis of the potential effects of the action and alternatives on the human environment. In view of the information and the analyses contained in the supporting Final PEA, on June 28, 2006, NMFS adopted the Final PEA, issued its own Finding of No Significant Impact (FONSI) and determined that issuance of Incidental Harassment Authorizations (IHAs), under section 101(a)(5)(D) of the MMPA, to oil-and-gas companies for conducting seismic surveys in 2006 in the Arctic Ocean would have a negligible impact on affected marine mammal stocks and not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence uses of marine mammals.

This FONSI determination was predicated on full implementation of standard mitigation measures for preventing injury or mortality to marine mammals, in addition to area-specific mitigation measures, which included but were not limited to:

(1) a 120–dB rms (root-mean-squared) monitored safety zone for fall migrating cow/calf pairs of bowhead whales in the Beaufort and Chukchi seas;

(2) a 160–dB rms monitored safety zone for aggregations of feeding bowhead and gray whales in the Beaufort and Chukchi seas;

(3) a 180–dB rms exclusion zone for all cetaceans and a 190–dB rms exclusion zone for pinnipeds except the walrus;

(4) seismic shut-down criteria to protect bowhead and/or gray whales, under specific circumstances, when inside the 120–dB or 160–dB monitoring-safety zones; and for all cetaceans within the 180–dB zone and all pinnipeds, except walrus, within the 190–dB zone); and,

(5) a joint industry cooperative program on marine mammal research in the Chukchi Sea.

These mitigation measures were incorporated into NMFS' Selected Alternative and IHA conditions for the 2006 seismic survey operations. Accordingly, NMFS adopted MMS' Final PEA and determined that the preparation of an EIS for this action was not necessary.

Notice of Intent

During the public comment period on MMS' Draft PEA, several comments were received recommending preparation of a Draft EIS under NEPA for this action. While preparation of an EIS on this action was considered, NMFS and MMS determined that the goals and objectives of NEPA could be met, given the level of proposed activities for 2006, by completing a Final PEA and implementing a mitigated FONSI for 2006 that would ensure that all authorized activities would not have a significant effect on