

that is subject to the Regulations, or in any other activity subject to the Regulations.

*Fifth*, that no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

*Sixth*, that, after notice and opportunity for comment as provided in Section 766.23 of the Regulations, any person, firm, corporation, or business organization related to Spector by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be made subject to the provisions of the Order.

*Seventh*, that this Order does not prohibit any export, reexport, or other transaction subject to the Regulations where the only items involved that are subject to the Regulations are the foreign-produced direct product of U.S.-origin technology.

*Eighth*, that the charging letter, the Settlement Agreement, this Order, and the record of this case as defined by Section 766.20 of the Regulations shall be made available to the public.

*Ninth*, that the administrative law judge shall be notified that this case is withdrawn from adjudication.

*Tenth*, that this Order shall be served on the Denied Person and on BIS, and shall be published in the **Federal Register**.

This Order, which constitutes the final agency action in this matter, is effective immediately.

Entered this 21st day of August, 2007.

**Wendy L. Wysong,**

*Acting Assistant Secretary of Commerce for Export Enforcement.*

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**BILLING CODE 3510-DT-M**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-201-817]

#### **Oil Country Tubular Goods from Mexico: Notice of NAFTA Panel Decision Not In Harmony With Final Results of Sunset Administrative Review**

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

**SUMMARY:** On July 19, 2007, a Bi-National Panel ("Panel") constituted under the North American Free Trade Agreement ("NAFTA") affirmed the Department of Commerce's ("the Department's") redetermination on remand of the final results of the sunset review on oil country tubular goods from Mexico. *See In the Matter of: Oil Country Tubular Goods from Mexico; Final Results of Sunset Review of the Antidumping Duty Order, USA-MEX-2001-1904-03* (July 19, 2007) ("NAFTA Final Decision"). The Panel issued its Notice of Final Panel Action in the above-referenced matter on July 30, 2007. This case arises out of the Department's determination in the final results of the first sunset review covering entries for the five years after August 11, 1995. *See Oil Country Tubular Goods ("OCTG") from Mexico: Final Results of Sunset Review of Antidumping Order*, 66 FR 14131 (March 9, 2001) and accompanying Issues and Decision Memorandum ("Final Results"). Consistent with the decision of the *United States Court of Appeals for the Federal Circuit in Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) ("Timken"), the Department is notifying the public that the NAFTA Final Decision and the Notice of Final Panel Action are not in harmony with the Department's Final Results.

**EFFECTIVE DATE:** August 9, 2007

**FOR FURTHER INFORMATION CONTACT:** John Drury or Angelica Mendoza, AD/CVD Operations, Office 7, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-0195 or (202) 482-3019, respectively.

**SUPPLEMENTARY INFORMATION:** In the *Final Results*, the Department determined that revocation of the antidumping duty order would likely lead to the continuation or recurrence of dumping. Subsequent to the completion of the sunset review, Tubos de Aceros de Mexico, S.A. ("TAMSA") challenged the Department's findings and requested that a Bi-National Panel review the final determination. From 2005 to 2007, the Panel issued multiple decisions remanding various aspects of the Department's decision to the agency. *See* Panel decisions of February 11, 2005, February 3, 2006, July 28, 2006, and January 17, 2007. In response to the Panel's January 17, 2007, order, the Department analyzed the redetermination on remand and found that TAMSA's 'other factors' did not outweigh the likelihood presumption of dumping due to the virtual cessation of exports of OCTG by TAMSA during the five-year review period. The Panel disagreed with the Department's factual and legal conclusions with regard to the issues, and remanded the review to the Department on June 1, 2007, with instructions that the Department "make a determination consistent with the decision of this Panel to the effect that the evidence on the record does not support a finding of likelihood of recurrence or continuation of dumping upon revocation of the antidumping duty order." *See In the Matter of: Oil Country Tubular Goods from Mexico; Final Results of Sunset Review of the Antidumping Duty Order, USA-MEX-2001-1904-03* (June 1, 2007) at page 27.

Consistent with the Panel's instructions, the Department issued a determination on June 11, 2007, where the Department "made a determination to the effect that the evidence on the record does not support a finding or likelihood of recurrence or continuation of dumping upon revocation of the antidumping duty order." *See Fifth Redetermination on Remand, Oil Country Tubular Goods from Mexico: Sunset Review*, (June 11, 2007) at page 2. On July 19, 2007, the Panel affirmed the Department's fifth remand redetermination. *See NAFTA Final Decision*. The Panel issued its Notice of Final Panel Action on July 30, 2007.

In *Timken*, the Federal Circuit held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended ("the Act"), the Department must publish a notice of a court decision that is not "in harmony" with a Department determination, and must suspend liquidation of entries pending a "conclusive" court decision. *Timken*, 393 F.2d at 341. Because NAFTA panels step into the shoes of the courts they are replacing, they must apply the law of the national court that would otherwise review the administrative determination. Therefore, we are publishing notice that the Panel's Notice of Final Panel Action and its *NAFTA Final Decision* are not in harmony with the Department's *Final Results*. This notice is published in fulfillment of the publication requirements of *Timken*. Accordingly, the Department will continue the suspension of liquidation of the subject merchandise pending the expiration of the period for requesting an Extraordinary Challenge Committee ("ECC"). If an ECC request is not filed, or if an ECC request is filed, and the Panel's decision is upheld, the Department will instruct U.S. Customs and Border Protection to liquidate the subject merchandise without regard to dumping duties.

This notice is issued and published in accordance with section 516A(c)(1) of the Act.

Dated: August 21, 2007.

**David M. Spooner,**  
Assistant Secretary for Import  
Administration.

[FR Doc. E7-17115 Filed 8-28-07; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XC28

#### Marine Mammals; File No. 774-1847-02

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

**ACTION:** Notice; Receipt of Application for Amendment.

**SUMMARY:** Notice is hereby given that NMFS Southwest Fisheries Science Center, Antarctic Marine Living Resources Program (Rennie Holt, Ph.D., Principal Investigator), 8604 La Jolla Shores Drive, La Jolla, CA 92037, has requested an amendment to scientific research Permit No. 774-1847-01.

**DATES:** Written, telefaxed, or e-mail comments must be received on or before September 28, 2007.

**ADDRESSES:** The amendment request and related documents are available for review upon written request or by appointment in the following office(s): Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 713-2289; fax (301) 427-2521; and Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213; phone (562) 980-4001; fax (562) 980-4018.

Written comments or requests for a public hearing on this request should be submitted to the Chief, Permits, Conservation and Education Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular amendment request would be appropriate.

Comments may also be submitted by facsimile at (301) 427-2521, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period.

Comments may also be submitted by e-mail. The mailbox address for providing e-mail comments is [NMFS.Pr1Comments@noaa.gov](mailto:NMFS.Pr1Comments@noaa.gov). Include in the subject line of the e-mail comment the following document identifier: File No. 774-1847-02.

**FOR FURTHER INFORMATION CONTACT:** Kate Swails or Tammy Adams, (301) 713-2289.

**SUPPLEMENTARY INFORMATION:** The subject amendment to Permit No. 774-1847-01, issued on March 20, 2007 (72 FR 13093) is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

Permit No. 774-1847-01 authorizes the permit holder to continue a long-term ecosystem monitoring program of pinniped species in the South Shetland Islands, Antarctica. The applicant is authorized to take up to 710 Antarctic fur seals (*Arctophalus gazella*) and 20 leopard seals (*Hydrurga leptonyx*) annually. The animals are captured, measured, weighed, tagged, blood sampled, and have time-depth recorders, VHF transmitters, and platform terminal transmitters attached. A subset of fur seals are given an enema, have a tooth extracted, milk sampled, and are part of a doubly-labeled water

study on energetics. A subset of leopard seals are blubber and muscle sampled. The permit authorizes the research-related mortality of up to eight Antarctic fur seals (three adults and five pups) and one leopard seal annually. The permit holder requests authorization to collect vibrissae from any animal currently permitted for capture as well as collect tissue samples from 50 adult male Antarctic fur seals. Additional capture is not required to collect these samples.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: August 23, 2007.

**P. Michael Payne,**  
Chief, Permits, Conservation and Education  
Division, Office of Protected Resources,  
National Marine Fisheries Service.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN: 0648-XC31

#### New England Fishery Management Council; Public Meeting

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

**ACTION:** Notice of a public meeting.

**SUMMARY:** The New England Fishery Management Council (Council) is scheduling a public meeting of its Habitat/MPA/Ecosystem Committee, in September, 2007, to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

**DATES:** This meeting will be held on Monday, September 17, 2007, at 1 p.m.

**ADDRESSES:** This meeting will be held at the Radisson Hotel, 180 Water Street, Plymouth, MA 02360; telephone: (508) 747-4900; fax: (508) 747-8937.