

## Background

On August 30, 2002, the Department published the final results of administrative reviews of the antidumping duty order on ball bearings and parts thereof from Japan for the period May 1, 2000, through April 30, 2001. See *Ball Bearings and Parts Thereof from France, Germany, Italy, Japan, and the United Kingdom; Final Results of Antidumping Duty Administrative Reviews*, 67 FR 55780 (August 30, 2002) (AFBs 12). On October 15, 2002, the Department amended the final results. See *Ball Bearings and Parts Thereof From Japan; Amended Final Results of Antidumping Duty Administrative Review*, 67 FR 63608 (October 15, 2002) (Amended AFBs 12). NTN Corp., NTN Bearing Corp. of America, American NTN Bearing Manufacturing Corp., NTN Driveshaft, and NTN-BCA Corp. (collectively NTN) filed a lawsuit challenging the final results of AFBs 12 as amended by Amended AFBs 12.

On August 20, 2004, the United States Court of International Trade (CIT) affirmed the Department's final results in part and remanded the review to the Department in part to correct certain ministerial errors concerning the treatment of NTN's freight and warehouse expenses. See *NSK Ltd. v. United States*, 346 F. Supp. 2d 1312 (CIT 2004) (NSK Ltd.). Specifically, the CIT directed the Department to exclude NTN's export-price sales from the calculation of NTN's U.S. freight and warehouse expenses.<sup>1</sup> In accordance with the CIT's remand order in *NSK Ltd.*, the Department filed its remand results on October 19, 2004. In those remand results, the Department excluded export-price sales from the calculation of U.S. freight and warehouse expenses and recalculated NTN's margin accordingly.

On January 27, 2005, the CIT sustained the Department's final results of redetermination. See *NSK Ltd. v. United States*, 358 F. Supp. 2d 1313 (CIT 2005). NTN appealed the portion of the CIT's decision in which it sustained the Department's use of facts otherwise available and adverse inferences when determining NTN's antidumping duty margin. NTN did not appeal the CIT's decision with respect to the remand determination.

On March 7, 2007, the United States Court of Appeals for the Federal Circuit

(CAFC) affirmed the CIT's decision. See *NSK Ltd. v. United States*, 481 F.3d 1355 (CAFC 2007). On May 3, 2007, the CAFC denied a rehearing request.

On July 11, 2007, the Department published amended final results pertaining to NTN for the period May 1, 2000, through April 30, 2001. See *Ball Bearings and Parts Thereof from Japan: Amended Final Results of Antidumping Duty Administrative Review*, 72 FR 37702 (July 11, 2007) (Second Amended Final Results). Because the Department published the *Second Amended Final Results* mistakenly before a final and conclusive court decision, on July 23, 2007, the Department rescinded the *Second Amended Final Results*. See *Ball Bearings and Parts Thereof from Japan: Rescission of Amended Final Results of Antidumping Duty Administrative Review*, 72 FR 40113 (July 23, 2007).

On September 28, 2007, NTN filed a petition for a writ of certiorari with the United States Supreme Court in connection with the final results of the 2000–2001 administrative review of the antidumping duty order on ball bearings and parts thereof from Japan. The two issues NTN raised in its petition for a writ of certiorari were the Department's treatment of non-dumped sales and the Department's use of facts otherwise available and adverse inferences when determining NTN's antidumping duty margin.

On January 22, 2008, the United States Supreme Court denied NTN's petition for a writ of certiorari. Therefore, there is now a final and conclusive court decision in this case.

## Amendment to Final Results

We are now amending the final results of this review to reflect the final and conclusive decision of the CIT. Our revised calculations for NTN changed the weighted-average margin for ball bearings and parts thereof from Japan from 9.34 percent to 9.30 percent for the period May 1, 2000, through April 30, 2001. The Department will instruct CBP to liquidate entries of subject merchandise from Japan from NTN during the review period in accordance with these amended final results of review. We intend to issue the assessment instructions to CBP 15 days after the date of publication of these amended final results of review.

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: March 17, 2008.

**David M. Spooner,**

*Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648–XG56

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

**AGENCY:** NOAA's National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), U. S. Department of Commerce.

**ACTION:** Notice of receipt of a permit application; request for comments.

**SUMMARY:** Notice is hereby given that NMFS has received an application for a permit to conduct research for scientific purposes from Rosi Dagit, Senior Conservation Biologist for the Resource Conservation District of the Santa Monica Mountains, in southern California. The requested permit would affect the Southern California Coast Distinct Population Segment of endangered steelhead trout (*Oncorhynchus mykiss*). The public is hereby notified of the availability of the permit application for review and comment before NMFS either approves or disapproves the application.

**DATES:** Written comments on the permit application must be received at the appropriate address or fax number on or before April 23, 2008.

**ADDRESSES:** Written comments on the permit application should be sent to Matt McGoogan, Protected Resources Division, NMFS, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802. Comments may also be sent using email ([FRNpermits.lb@noaa.gov](mailto:FRNpermits.lb@noaa.gov)) or fax (562–980–4027). The permit application is available for review, by appointment only, at the foregoing address.

**FOR FURTHER INFORMATION CONTACT:** Matt McGoogan at phone number (562–980–4026) or e-mail: [matthew.mcgoogan@noaa.gov](mailto:matthew.mcgoogan@noaa.gov).

### SUPPLEMENTARY INFORMATION:

#### Authority:

Issuance of permits, as required by the Endangered Species Act of 1973 (16 U.S.C. 1531B1543) (ESA), is based on a finding that such permits: (1) are applied for in good faith; (2) would not operate to the disadvantage of the listed

<sup>1</sup> NSK Ltd., NSK Corp., NSK Bearings Europe, MPB Corp., 3Asahi Seiko Co., and Isuzu Motors, Ltd., also appealed the Department's determination but the dumping margins the Department had calculated for the period of review did not change as a result of the litigation.

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 are issued in accordance with and are subject to the ESA and NMFS regulations governing listed fish and wildlife permits (50 CFR parts 222–226).

Those individuals requesting a hearing on an application listed in this notice should provide the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). The holding of such a hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in the permit action summaries are those of the applicant and do not necessarily reflect the views of NMFS.

#### Permit Application Received

Rosi Dagit has applied for a permit to conduct a study with the Southern California Coast Distinct Population Segment of endangered steelhead trout (*Oncorhynchus mykiss*) in streams emptying to the Santa Monica Bay of southern California, with specific focus on Topanga, Arroyo Sequit, and Malibu Creeks. The purpose of this study is to use monitoring methods to gather information that will contribute to the understanding of migration patterns and the abundance and distribution of steelhead in Topanga Creek and the Santa Monica Bay streams. Monitoring methods include using mask and snorkel as the methods for estimating abundance and distribution of juvenile and adult steelhead in the streams of Santa Monica Bay including Topanga, Arroyo Sequit, and Malibu Creeks. In addition to snorkel surveys, study activities in Topanga Creek will also include migratory trapping and Passive Integrated Transponder (PIT) tagging. In addition to migratory trapping, sampling methods to obtain steelhead for PIT tagging may include use of a seine, angling, or electro fishing. Field activities related to this study will occur between June 2008 and May 2010. For this 2 year study, Rosi Dagit has requested an annual non-lethal take of 140 juvenile steelhead (ranging in length up to 250 mm) and 50 adult class steelhead (steelhead  $\leq$ 250 mm). Of these adult class steelhead, it is expected that annually not more than 10 of those 50 would be large adults migrating in from the ocean. An annual collection and possession of up to 190 steelhead tissue samples is being requested as well as permission to recover up to five carcasses per year (if found). All

samples and carcasses would be sent to NMFS science center for genetic research and processing. The unintentional lethal take that may occur during trapping, sampling, and PIT tagging activities on Topanga Creek is up to six steelhead per year or no more than 3 percent of the total captured.

Dated: March 19, 2008.

**Angela Somma,**

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E8–5901 Filed 3–21–08; 8:45 am]

**BILLING CODE 3510–22–S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648–XB83**

#### Marine Mammals; Pinniped Removal Authority; Partial Approval of Application

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

**ACTION:** Notice.

**SUMMARY:** NMFS announces partial approval of an application from the States of Oregon, Washington, and Idaho to intentionally take, by lethal methods, individually identifiable California sea lions (*Zalophus californianus*) that prey on Pacific salmon and steelhead (*Oncorhynchus* spp.) listed as threatened or endangered under the Endangered Species Act (ESA) in the Columbia River in Washington and Oregon. This authorization is pursuant to the Marine Mammal Protection Act (MMPA). NMFS also announces availability of an Environmental Assessment (EA) under the National Environmental Policy Act (NEPA) that analyzes impacts on the human environment from NMFS' authorization to the States to lethally remove California sea lions.

**ADDRESSES:** Documents and information on this topic are available at: <http://www.nwr.noaa.gov/Marine-Mammals/Seals-and-Sea-Lions> or by making a request to Garth Griffin, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232.

**FOR FURTHER INFORMATION CONTACT:** Garth Griffin, (503) 231–2005, or Tom Eagle, (301) 713–2322, ext. 105.

**SUPPLEMENTARY INFORMATION:**

## Background

Section 120 of the MMPA (16 U.S.C. 1361 *et seq.*), as amended in 1994, provides the Secretary of Commerce, acting through the Assistant Administrator for Fisheries, NMFS, the discretion to authorize the intentional lethal taking of individually identifiable pinnipeds that are having a significant negative impact on salmonids that are either: (1) listed under the ESA, (2) approaching a threatened or endangered status, or (3) migrate through the Ballard Locks in Seattle. The authorization applies only to pinnipeds that are not: (1) listed under the ESA, (2) designated as depleted, or (3) designated a strategic stock.

The process for determining whether to implement the authority in section 120 commences with a state submitting an application that provides a detailed description of the interaction, the means of identifying the individual pinnipeds, and expected benefits of the taking. Within 15 days of receiving an application, NMFS must determine whether the applicant has produced sufficient evidence to warrant establishing a Pinniped-Fishery Interaction Task Force (Task Force) to address the situation described in the application. If the application provides sufficient evidence, NMFS must publish a notice in the **Federal Register** requesting public comment on the application, and establish a task force consisting of:

- (1) NMFS/NOAA staff,
- (2) Scientists who are knowledgeable about the pinniped interaction that the application addresses,
- (3) Representatives of affected conservation and fishing community organizations,
- (4) Treaty Indian tribes,
- (5) The states, and
- (6) Such other organizations as NMFS deems appropriate.

The Task Force must, to the maximum extent practicable, consist of an equitable balance among representatives of resource user interests and nonuser interests. Meetings of the Task Force must be open to the public. Within 60 days after establishment, and after reviewing public comments in response to the **Federal Register** document, the Task Force is to recommend to NMFS approval or denial of the state's application along with recommendations of the proposed location, time, and method of such taking, criteria for evaluating the success of the action, and the duration of the intentional lethal taking authority. The Task Force must also suggest non-lethal alternatives, if