

the Export Administration Act of 1979, as amended (50 U.S.C. app. §§ 2401–2420 (2000)) (“Act”),<sup>2</sup> through issuance of a charging letter to Yamnik that alleged that Yamnik committed two violations of the Regulations. Specifically, the charges are:

1. *One violation of 15 CFR 764.2(a)—Exporting an item subject to the Regulations without a license:* On or about January 6, 2001, Yamnik engaged in conduct prohibited by the Regulations when he exported fingerprint powders classified under Export Control Classification Number (“ECCN”) 1A985 on the Commerce Control List (“CCL”) to Belarus without the license required by the U.S. Department of Commerce. Under Section 742.7 of the Regulations, a BIS export license was required for this export, but no such license was obtained.

2. *One violation of 15 CFR 764.2(e)—Transfer of an item with knowledge that a violation would subsequently occur:* One or about January 6, 2001, Yamnik transferred fingerprint powders classified under ECCN 1A985 on the CCL to Belarus with knowledge that a violation of the Regulations would occur in connection with the items. Specifically, Yamnik transferred the fingerprint powders to Belarus without the license required by the U.S. Department of Commerce despite knowing that such license was required under the Regulations, and that such license would not be obtained. Yamnik transferred the items with knowledge that the U.S. Department of Commerce has notified Edsons that Edson’s application for a license to export the items had been denied.

Whereas, BIS and Yamnik have entered into a Settlement Agreement pursuant to Section 766.18(b) of the Regulations whereby they agreed to settle this matter in accordance with the terms and conditions set forth therein, and

Whereas I have approved of the terms of such Settlement Agreement;

*It is therefore ordered:*

First, for a period of ten years from the date on which this Order is published in the **Federal Register**, Eduard Mendelevich Yamnik, 7133 Valley View Road, Edina, MN 55439 and when acting for or on behalf of Yamnik, his representatives, agents, or employees

(“Denied Person”) may not, directly or indirectly, participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as “item”) exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations.

Second, 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. Obtained 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.

Third, that, to prevent evasion of this Order, BIS, after notice and opportunity for comment as provided in Section 766.23 of the Regulations, may make any person, firm, corporation, or business organization related to Yamnik by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services subject to the provisions of this Order.

Fourth, 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.

Fifth, 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.

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

This Order, which constitutes the final agency action in this matter, is effective upon publication in the **Federal Register**.

Entered this 5th day of June, 2006.

**Darryl W. Jackson,**

*Assistant Secretary of Commerce for Export Enforcement.*

[FR Doc. 06–5282 Filed 6–9–06; 8:45 am]

BILLING CODE 3510-DT-M

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–549–502]

#### **Circular Welded Carbon Steel Pipes and Tubes from Thailand: Notice of Court Decision Not in Harmony with Final Results of Administrative Review**

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

**SUMMARY:** On May 16, 2006, the Court of International Trade (CIT) sustained the Department of Commerce’s (Department’s) redetermination regarding the 2002–2003 antidumping duty administrative review of certain welded carbon steel pipes and tubes (pipes and tubes) from Thailand. Pursuant to the Court’s remand order, in its redetermination the Department deducted section 201 duties from export price in accordance with 19 U.S.C. § 1677a(c)(2)(A). Consistent with the decision of the United States Court of

<sup>2</sup> Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), as extended by the Notice of August 2, 2005 (70 FR 45273, August 5, 2005), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701–1706 (2000)).

Appeals for the Federal Circuit (Federal Circuit) in *The Timken Company v. United States and China National Machinery and Equipment Import and Export Corporation*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*), the Department is publishing this notice of the CIT's decision which is not in harmony with the Department's determination in the 2002–2003 antidumping duty administrative review of pipes and tubes from Thailand.

**EFFECTIVE DATE:** May 26, 2006.

**FOR FURTHER INFORMATION CONTACT:**

Jacqueline Arrowsmith or Dana Mermelstein, AD/CVD Operations, Office 6, Import Administration, Room 1870, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–5255 or (202) 482–1391, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

On March 5, 2002, the President of the United States imposed safeguard duties on imports of certain steel products under Section 201 of the Trade Act of 1974. See *Proclamation No. 7529*, 67 FR 10553 (March 7, 2002) (section 201 duties). This proclamation mandated payment of a 15 percent duty on certain imported steel products from March 20, 2002, through March 19, 2003. *Id.* at 10590. These duties were applicable to the merchandise that is also subject to the antidumping duty order on pipes and tubes from Thailand.

On April 8, 2004, the Department issued the preliminary results of the administrative review covering the period March 1, 2002, through February 28, 2003. See *Certain Welded Carbon Steel Pipes and Tubes from Thailand: Preliminary Results of Antidumping Duty Administrative Review*, 69 FR 18539 (*Preliminary Results*). This administrative review involved one company, Saha Thai Steel Pipe Company, Ltd. (Saha Thai). For purposes of the preliminary results of review, the Department decided not to adjust U.S. price, pending the Department's final consideration of comments solicited in *Antidumping Proceedings: Treatment of Section 201 Duties and CVD Duties*, 68 FR 53104 (September 9, 2003), on the treatment of section 201 duties. The resulting antidumping duty margin was 2.00 percent. See *Preliminary Results*. In the final results of review, after considering the arguments of the parties, the Department followed the practice established in *Stainless Steel Wire Rod from Republic of Korea: Final Results of*

*Antidumping Duty Administrative Review*, 69 FR 19153 (April 12, 2004) (*Final Results*) and did not deduct the section 201 duties from EP. The margin calculated for the final results was de minimis (0.17 percent). See *Certain Welded Carbon Steel Pipes and Tubes from Thailand: Final Results of Antidumping Duty Administrative Review*, 69 FR 61649 (October 20, 2004).

Before the court, the plaintiffs, domestic parties (Wheatland Tube Company and Allied Tube & Conduit Corporation), raised three issues – two related to section 201 duties – and one related to duty drawback. The Court affirmed the Department on two issues – the duty drawback and the adjustment to U.S. price for billing adjustments tied to the section 201 duties. *Wheatland Tube Co. v. United States*, 414 F. Supp. 2d. 1271 (CIT 2006). However, the Court overturned the Department's decision to treat section 201 duties in the same way it treats antidumping duties and directed the Department “to recalculate Saha Thai's dumping margin after deducting section 201 duties from EP (export price) in accordance with 19 U.S.C. § 1677a(c)(2)(A).” *Id.* At 1288.

On March 1, 2006, the Department filed the results of its redetermination pursuant the Court's remand. In the redetermination, the Department followed the Court's order and deducted the section 201 duties from export price. The resulting antidumping duty margin was 4.13 percent. On May 16, 2006, the Court sustained the Department's remand redetermination. *Wheatland Tube Co. v. United States*, Slip Op 06–71.

**Notification**

In its decision in *Timken*, the Federal Circuit held that, pursuant to 19 U.S.C. 1516a(e), the Department must publish notice of a CIT decision which is not “in harmony” with the Department's determination. The CIT's decision in *Wheatland Tube Company* regarding the 201 duties is not in harmony with the Department's determination in the final results of 2002–2003 antidumping duty administrative review of pipes and tubes from Thailand. Therefore, publication of this notice fulfils the Department's obligation under 19 U.S.C. 1516a(e). The Department will enforce the injunction still in place by continuing to suspend liquidation of any unliquidated entries, pending the expiration of the period to appeal the CIT's May 16, 2006, decision, or, if that decision is appealed, pending a final decision by the Federal Circuit. If the CIT decision becomes final and conclusive, the Department will issue

amended final results and amended customs instructions.

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

Dated: June 5, 2006.

**David M. Spooner,**

*Assistant Secretary for Import Administration.*

[FR Doc. E6–9124 Filed 6–9–06; 8:45 am]

BILLING CODE 3510–DS–S

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

[I.D. 053006A]

**U.S. Climate Change Science Program Synthesis and Assessment Product Prospectuses**

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

**ACTION:** Notice of availability and request for public comments.

**SUMMARY:** The National Oceanic and Atmospheric Administration publish this notice to announce the availability of draft Prospectuses for three of the U.S. Climate Change Science Program (CCSP) Synthesis and Assessment Products (Products) for public comment. These draft Prospectuses address the following CCSP Topics: Product 4.4 Preliminary Review of Adaptation Options for Climate-Sensitive Ecosystems and Resources; Product 4.6 Analyses of the Effects of Global Change on Human Health and Welfare and Human Systems; and Product 5.2 Best Practice Approaches for Characterizing, Communicating and Incorporating Scientific Uncertainty in Climate Decision Making. After consideration of comments received on the draft Prospectuses, the final Prospectuses along with the comments received will be published on the CCSP web site.

**DATES:** Comments must be received by July 12, 2006.

**ADDRESSES:** The draft Prospectuses is posted on the CCSP Program Office web site. The web addresses to access the draft Prospectuses are: Product 4.4 (Ecosystems): <http://www.climate-science.gov/Library/sap/sap4-4/default.htm> Product 4.6 (Health): <http://www.climate-science.gov/Library/sap/sap4-6/default.htm> Product 5.2 (Uncertainty) <http://www.climate-science.gov/Library/sap/sap5-2/default.htm>

Detailed instructions for making comments on the draft Prospectuses are