

mechanism to replace domestic judicial review of final determinations in antidumping and countervailing duty cases involving imports from a NAFTA country with review by independent binational panels. When a Request for Panel Review is filed, a panel is established to act in place of national courts to review expeditiously the final determination to determine whether it conforms with the antidumping or countervailing duty law of the country that made the determination.

Under Article 1904 of the Agreement, which came into force on January 1, 1994, the Government of the United States, the Government of Canada and the Government of Mexico established *Rules of Procedure for Article 1904 Binational Panel Reviews* ("Rules"). These Rules were published in the **Federal Register** on February 23, 1994 (59 FR 8686). The panel review in this matter has been conducted in accordance with these Rules.

*Panel Decision:* The panel remanded the International Trade Administration's final determination respecting Carbon and Certain Alloy Steel Wire Rod from Canada with a partial dissenting opinion and a further dissent. The panel remanded the opinion as follows:

1. On the issue of the permissibility of zeroing, the Panel remands this matter back to Commerce to re-calculate Mittal's dumping margins without zeroing.

2. On the issue of the significance of the actual cost increases, the Panel remands the question of the significance of the cost increase back to Commerce for a reasoned explanation of its decision, based on the record and corrected for any errors in calculation of costs that may have been made in the original decision. At a minimum, the revised determination should include a description of the criteria that Commerce applied and an explanation of how Commerce decided on the significance or lack thereof of the cost increases in this case.

3. On the issue of the consistency of the cost increases between the two cost periods proposed by Mittal, this Panel remands this matter back to Commerce to clarify what is its test for consistent cost increases in this case, to explain why that test is reasonable and to provide a reasoned explanation of whether Mittal's costs met that test in this case.

4. On the issue of the linkage between changes in costs and prices, this Panel also remands this matter back to Commerce to provide a reasoned description and explanation of its linkage test, to apply that test to the costs and prices in this case, and to

provide a reasoned explanation of whether Mittal has actually met this linkage test in its proposed cost periods in this case.

Commerce is further directed to issue its Final Re-determination on Remand within forty-five days from the date of this Panel Decision or by January 14, 2008.

Dated: December 3, 2007.

**Caratina L. Alston,**

*U.S. Secretary, NAFTA Secretariat.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### North American Free-Trade Agreement, Article 1904 Binational Panel Reviews

**AGENCY:** NAFTA Secretariat, United States Section, International Trade Administration, Department of Commerce.

**ACTION:** Notice of First Request for Panel Review.

**SUMMARY:** On November 21, 2007, The United States Steel Corporation ("U.S. Steel") filed a First Request for Panel Review with the United States section of the NAFTA Secretariat pursuant to Article 1904 of the North American Free Trade Agreement. Panel review was requested of the Final Determination of the Antidumping Duty Review made by the International Trade Commission, respecting Certain Welded Large Diameter Line Pipe from Mexico. This determination was published in the **Federal Register** (72 FR 59551) on October 22, 2007. The NAFTA Secretariat has assigned Case Number USA-MEX-2007-1904-03 to this request.

**FOR FURTHER INFORMATION CONTACT:**

Caratina L. Alston, United States Secretary, NAFTA Secretariat, Suite 2061, 14th and Constitution Avenue, Washington, DC 20230, (202) 482-5438.

**SUPPLEMENTARY INFORMATION:** Chapter 19 of the North American Free-Trade Agreement ("Agreement") establishes a mechanism to replace domestic judicial review of final determinations in antidumping and countervailing duty cases involving imports from a NAFTA country with review by independent binational panels. When a Request for Panel Review is filed, a panel is established to act in place of national courts to review expeditiously the final determination to determine whether it conforms with the antidumping or

countervailing duty law of the country that made the determination.

Under Article 1904 of the Agreement, which came into force on January 1, 1994, the Government of the United States, the Government of Canada and the Government of Mexico established *Rules of Procedure for Article 1904 Binational Panel Reviews* ("Rules"). These Rules were published in the **Federal Register** on February 23, 1994 (59 FR 8686).

A first Request for Panel Review was filed with the United States Section of the NAFTA Secretariat, pursuant to Article 1904 of the Agreement, on November 6, 2007, requesting panel review of the Notice of Final Antidumping Changed Circumstances Review described above.

The Rules provide that:

(a) A Party or interested person may challenge the final determination in whole or in part by filing a Complaint in accordance with Rule 39 within 30 days after the filing of the first Request for Panel Review (the deadline for filing a Complaint is December 21, 2007);

(b) A Party, investigating authority or interested person that does not file a Complaint but that intends to appear in support of any reviewable portion of the final determination may participate in the panel review by filing a Notice of Appearance in accordance with Rule 40 within 45 days after the filing of the first Request for Panel Review (the deadline for filing a Notice of Appearance is January 7, 2008); and

(c) The panel review shall be limited to the allegations of error of fact or law, including the jurisdiction of the investigating authority, that are set out in the Complaints filed in the panel review and the procedural and substantive defenses raised in the panel review.

Dated: December 3, 2007.

**Caratina L. Alston,**

*United States Secretary, NAFTA Secretariat.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XE16**

#### Schedules for Atlantic Shark Identification Workshops and Protected Species Safe Handling, Release, and Identification Workshops

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

**ACTION:** Notice of public workshops.

**SUMMARY:** NMFS announces free Atlantic Shark Identification Workshops and Protected Species Safe Handling, Release, and Identification Workshops to be held in January, February, and March 2008. Fishermen and shark dealers are required to attend a workshop to meet new regulatory requirements and maintain valid permits. The Atlantic Shark Identification Workshops are mandatory for all federally permitted Atlantic shark dealers. The Protected Species Safe Handling, Release, and Identification Workshops are mandatory for vessel owners and operators who use bottom longline, pelagic longline, or gillnet gear, and have also been issued shark or swordfish limited access permits. Additional free workshops will be held in 2008 and announced in the **Federal Register**.

**DATES:** The Atlantic Shark Identification Workshops will be held January 10 and March 13, 2008.

The Protected Species Safe Handling, Release, and Identification Workshops will be held January 9, 16, February 20, and March 19, 2008.

See **SUPPLEMENTARY INFORMATION** for further details.

**ADDRESSES:** The Atlantic Shark Identification Workshops will be held in Fairhope, AL, and South Boston, MA.

The Protected Species Safe Handling, Release, and Identification Workshops will be held in Myrtle Beach, SC; Houston, TX; Key West, FL; and Boston, MA.

See **SUPPLEMENTARY INFORMATION** for further details on workshop locations.

**FOR FURTHER INFORMATION CONTACT:** Greg Fairclough by phone:(727) 824-5399, or by fax: (727) 824-5398.

**SUPPLEMENTARY INFORMATION:**

The workshop schedules, registration information, and a list of frequently asked questions regarding these workshops are posted on the internet at: <http://www.nmfs.noaa.gov/sfa/hms/workshops/>.

**Atlantic Shark Identification Workshop**

Effective December 31, 2007, an Atlantic shark dealer may not receive, purchase, trade, or barter for Atlantic shark unless a valid Atlantic Shark Identification Workshop certificate is on the premises of each business listed under the shark dealer permit (71 FR 58057; October 2, 2006). Dealers who attend and successfully complete a workshop will be issued a certificate for each place of business that is permitted to receive sharks.

Dealers may send a proxy to an Atlantic Shark Identification Workshop,

however, if a dealer opts to send a proxy, the dealer must designate a proxy for each place of business covered by the dealer's permit. Only one certificate will be issued to each proxy. A proxy must be a person who: is currently employed by a place of business covered by the dealer's permit; is a primary participant in the identification, weighing, and/or first receipt of fish as they are offloaded from a vessel; and fills out dealer reports. Additionally, after December 31, 2007, an Atlantic shark dealer may not renew a Federal shark dealer permit unless a valid Atlantic Shark Identification Workshop certificate for each business location has been submitted with the permit renewal application. Sixteen free Atlantic Shark Identification Workshops were held in 2007.

*Workshop Dates, Times, and Locations*

1. January 10, 2008, from 9:30 a.m. – 3 p.m. Fairhope Public Library, 501 Fairhope Avenue, Fairhope, AL 36532.

2. March 13, 2008, from 12:30 p.m. – 5 p.m. South Boston Public Library, 646 East Broadway, South Boston, MA 02127.

*Registration*

To register for a scheduled Atlantic Shark Identification Workshop, please contact Eric Sander by email at [esander@peoplepc.com](mailto:esander@peoplepc.com) or by phone at (386) 852-8588.

*Registration Materials*

To ensure that workshop certificates are linked to the correct permits, participants will need to bring the following items to the workshop:

Atlantic shark dealer permit holders must bring proof that the individual is an agent of the business (such as articles of incorporation), a copy of the applicable permit, and proof of identification.

Atlantic shark dealer proxies must bring documentation from the shark dealer acknowledging that the proxy is attending the workshop on behalf of the Atlantic shark dealer, a copy of the appropriate permit, and proof of identification.

*Workshop Objectives*

The shark identification workshops are designed to reduce the number of unknown and improperly identified sharks reported in the dealer reporting form and increase the accuracy of species-specific dealer-reported information. Reducing the number of unknown and improperly identified sharks will improve quota monitoring and the data used in stock assessments. These workshops will train shark dealer

permit holders or their proxies to properly identify Atlantic shark carcasses.

**Protected Species Safe Handling, Release, and Identification Workshop**

Effective January 1, 2007, shark limited access and swordfish limited access permit holders must submit a copy of their Protected Species Safe Handling, Release, and Identification Workshop certificate in order to renew either permit (71 FR 58057; October 2, 2006). As such, vessel owners who have not attended a workshop and received a NMFS certificate must attend one of the workshops offered in January, February, or March 2008 to fish with or renew either permit. Additionally, new shark and swordfish limited access permit applicants must attend a Protected Species Safe Handling, Release, and Identification Workshop and must submit a copy of their workshop certificate before such permits will be issued.

In addition to certifying permit holders, all longline and gillnet vessel operators fishing on a vessel issued a limited access swordfish or limited access shark permit are required to attend a Protected Species Safe Handling, Release, and Identification Workshop. Vessels that have been issued a limited access swordfish or limited access shark permit may not fish unless both the vessel owner and operator have valid workshop certificates. Vessel operators must possess on board the vessel valid workshop certificates for both the vessel owner and the operator at all times. Seven free Protected Species Safe Handling, Release, and Identification Workshops were held in 2006, and 34 were held in 2007.

*Workshop Dates, Times, and Locations*

1. January 9, 2008, from 9 a.m. – 5 p.m. Hilton Myrtle Beach Resort, 10000 Beach Club Drive, Myrtle Beach, SC 29572.

2. January 16, 2008, from 9 a.m. – 5 p.m. Houston Airport Marriott, 18700 John F. Kennedy Boulevard, Houston, TX 77032.

3. February 20, 2008, from 9 a.m. – 5 p.m. Doubletree Grand Key Resort, 3990 South Roosevelt Boulevard, Key West, FL 33040.

4. March 19, 2008, from 9 a.m. – 5 p.m. Doubletree Guest Suites Boston, 400 Soldiers Field Road, Boston, MA 02134.

*Registration*

To register for a scheduled Protected Species Safe Handling, Release, and Identification Workshop, please contact

Aquatic Release Conservation ((877) 411-4272), 1870 Mason Ave., Daytona Beach, FL 32117.

#### Registration Materials

To ensure that workshop certificates are linked to the correct permits, participants will need to bring the following items with them to the workshop:

Individual vessel owners must bring a copy of the appropriate permit(s), a copy of the vessel registration or documentation, and proof of identification.

Representatives of a business owned or co-owned vessel must bring proof that the individual is an agent of the business (such as articles of incorporation), a copy of the applicable permit(s), and proof of identification.

Vessel operators must bring proof of identification.

#### Workshop Objectives

The protected species safe handling, release, and identification workshops are designed to teach longline and gillnet fishermen the required techniques for the safe handling and release of entangled and/or hooked protected species, such as sea turtles, marine mammals, and smalltooth sawfish. Identification of protected species will also be taught at these workshops in an effort to improve reporting. Additionally, individuals attending these workshops will gain a better understanding of the requirements for participating in these fisheries. The overall goal for these workshops is to provide participants the skills needed to reduce the mortality of protected species, which may prevent additional regulations on these fisheries in the future.

#### Grandfathered Permit Holders

Participants in the industry-sponsored workshops on safe handling and release of sea turtles that were held in Orlando, FL (April 8, 2005) and in New Orleans, LA (June 27, 2005) were issued a NOAA workshop certificate in December 2006 that is valid for three years. Grandfathered permit holders must include a copy of this certificate when renewing limited access shark and limited access swordfish permits each year. Failure to provide a valid NOAA workshop certificate may result in a permit denial.

Dated: December 3, 2007.

#### Alan D. Risenhoover,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

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## COMMODITY FUTURES TRADING COMMISSION

### Notice of Request for Comment on Exemption Requests

**AGENCY:** Commodity Futures Trading Commission.

Requests to extend, pursuant to the exemptive authority in section 4(c) of the Commodity Exchange Act, the exemption granted under Part 35 of the Commission's regulations to certain over-the-counter swaps that do not otherwise meet certain of the requirements imposed by Commission Regulation 35.2 and to determine that, subject to certain conditions, floor brokers and floor traders are eligible swap participants.

**SUMMARY:** The Commodity Futures Trading Commission ("CFTC" or "Commission") is requesting comment on whether to extend the exemption granted under Part 35 of the Commission's regulations to certain over-the-counter ("OTC") swaps that do not meet certain of the requirements otherwise imposed by Commission Regulation 35.2. This exemption has been requested by ICE Clear U.S., Inc. ("ICE Clear"), a registered derivatives clearing organization. The Commission is also requesting comment on whether ICE Futures U.S., Inc. ("ICE Futures U.S.") floor traders and floor brokers who are registered with the Commission, when trading for their own accounts, may be determined to be eligible swap participants and permitted to enter into certain specified OTC swap transactions. This exemption has been requested by ICE Futures U.S., a designated contract market. Authority for extending this relief is found in Section 4(c) of the Commodity Exchange Act ("CEA" or "Act").<sup>1</sup>

**DATES:** Comments must be received on or before January 7, 2008.

**ADDRESSES:** Comments may be submitted by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov/http://frwebgate.access.gpo/cgi-bin/leaving>. Follow the instructions for submitting comments.

- *E-mail:* [secretary@cftc.gov](mailto:secretary@cftc.gov). Include "ICE Clear Section 4(c) Request" in the subject line of the message.

- *Fax:* 202-418-5521.

- *Mail:* Send to David A. Stawick, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581.

<sup>1</sup> 17 U.S.C. § 6(c).

- *Courier:* Same as mail above.

All comments received will be posted without change to <http://www.CFTC.gov/>.

**FOR FURTHER INFORMATION CONTACT:** Lois J. Gregory, Special Counsel, 816-960-7719, [lgregory@cftc.gov](mailto:lgregory@cftc.gov), or Robert B. Wasserman, Associate Director, 202-418-5092, [rwasserman@cftc.gov](mailto:rwasserman@cftc.gov), Division of Clearing and Intermediary Oversight; or Duane C. Andresen, Special Counsel, 202-418-5492, [dandresen@cftc.gov](mailto:dandresen@cftc.gov), Division of Market Oversight, Commodity Futures Trading Commission, Three Lafayette Centre, 1151 21st Street, NW., Washington, DC 20581.

#### SUPPLEMENTARY INFORMATION:

##### I. The ICE Clear Petition

ICE Clear, the clearing organization for ICE Futures U.S., seeks to offer eligible swap participants who enter into certain bilateral swap transactions involving coffee, sugar, or cocoa the opportunity to submit them to ICE Clear for clearing. ICE Clear has represented that swap transactions in various agricultural products, including coffee, sugar, and cocoa, currently trade in OTC markets exempt from provisions of the CEA pursuant to Part 35 of the Commission's regulations. These are commonly swap agreements entered into by participants exchanging fixed for floating reference prices. Participants in these markets include trade houses, commodity lenders, producers, end users, and large speculators.

Part 35 of the Commission's regulations<sup>2</sup> exempts swap agreements and eligible persons entering into these agreements from most provisions of the Act.<sup>3</sup> The term "swap agreement" is defined to include, among other types of agreements, "a \* \* \* commodity swap,"<sup>4</sup> which latter term includes swaps on agricultural products.<sup>5</sup> Part 35 was promulgated pursuant to authority provided to the Commission in Section 4(c) of the Act to exempt certain transactions in order to promote innovation and competition.<sup>6</sup> Various exemptions and exclusions were subsequently added to the Act by the Commodity Futures Modernization Act

<sup>2</sup> 17 CFR Part 35.

<sup>3</sup> Jurisdiction is retained for, *inter alia*, provisions of the CEA proscribing fraud and manipulation. See Commission Reg. § 35.2, 17 CFR § 35.2 (Commission regulations are hereinafter cited as "Reg. § .").

<sup>4</sup> Reg. § 35.1(b)(1)(i).

<sup>5</sup> "Commodity" is defined in Section 1a(4) of the Act to include a variety of specified agricultural products, "and all other goods and articles, except onions \* \* \* and all services, rights and interests in which contracts for future delivery are presently or in the future dealt in."

<sup>6</sup> See 58 F.R. 5587 (January 22, 1993).