

Nature of the Proceedings

Section 129 of the URAA governs the nature and effect of determinations issued by the Department to implement findings by WTO dispute settlement panels and the Appellate Body. Specifically, section 129(b)(2) provides that “notwithstanding any provision of the Tariff Act of 1930,” within 180 days of a written request from the U.S. Trade Representative, the Department shall issue a determination that would render its actions not inconsistent with an adverse finding of a WTO panel or the Appellate Body. *See* 19 USC 3538(b)(2). The Statement of Administrative Action, URAA, H. Doc. 316, Vol. 1, 103d Cong. (1994) (SAA), variously refers to such a determination by the Department as a “new,” “second,” and “different” determination. *See* SAA at 1025, 1027. After consulting with the Department and the appropriate congressional committees, the U.S. Trade Representative may direct the Department to implement, in whole or in part, the new determination made under section 129. *See* 19 USC 3538(b)(4). Pursuant to section 129(c), the new determination shall apply with respect to unliquidated entries of the subject merchandise that are entered, or withdrawn from warehouse, for consumption on or after the date on which the U.S. Trade Representative directs the Department to implement the new determination. *See* 19 USC 3538(c). The new determination is subject to judicial review separate and apart from judicial review of the Department’s original determination. *See* 19 USC 1516a(a)(2)(B)(vii).

Analysis of Comments Received

The issues raised in the case and rebuttal briefs submitted by interested parties to this proceeding are addressed in the Issues and Decision Memorandum for the Final Results of Proceeding Under Section 129 of the Uruguay Round Agreements Act (URAA): Antidumping Measures on Frozen Warmwater Shrimp from Ecuador from Stephen J. Claeys to David M. Spooner, dated July 26, 2007 (Issues and Decision Memorandum), which is hereby adopted by this notice. The Issues and Decision Memorandum is on file in the Central Records Unit (CRU), room B-099 of the Department of Commerce main building and can be accessed directly at http://ia.ita.doc.gov/download/section129/ecuador-shrimp_sec129-final-072607.pdf. The paper copy and electronic version of the Issues and Decision Memorandum are identical in content. A list of the issues addressed in

the Issues and Decision Memorandum is appended to this notice.

Final Antidumping Margins

The recalculated margins, unchanged from the preliminary results, are as follows:

- The margin for Exporklore, S.A., decreases from 2.48 percent to zero.
- The margin for Promarisco, S.A. decreases from 4.42 percent to *de minimis*.
- Expalsa, S.A. was excluded from the order and that does not change as a result of this proceeding.
- Because there are no above *de minimis* margins remaining, the all-others rate is based on a simple average of the zero and *de minimis* margins. Therefore, the all-others rate changes from 3.58 percent to *de minimis*.
- As a result of the recalculations, all of the margins are either zero or *de minimis*. Accordingly, we are now revoking this order effective August 15, 2007 (the effective date).

Revocation of the Antidumping Duty Order

On August 15, 2007, in accordance with sections 129(b)(4) and 129(c)(1)(B) of the URAA, the U.S. Trade Representative, after consulting with the Department and Congress, directed the Department to implement this determination. We will instruct U.S. Customs and Border Protection to liquidate without regard to antidumping duties entries of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after August 15, 2007 (the effective date), and to discontinue collection of cash deposits of antidumping duties.

This determination is issued and published in accordance with section 129(c)(2)(A) of the URAA.

Dated: August 17, 2007.

David M. Spooner,

Assistant Secretary for Import Administration.

Appendix I

Issued Raised in the Issues and Decision Memorandum

Comment 1: Whether the Department Has Authority to, and Should, Issue a Determination Pursuant to section 129 of the URAA

Comment 2: Whether the Preliminary Results Are Consistent with U.S. Law

Comment 3: Calculation Methodology

Comment 4: Scope of the Proceeding

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DEPARTMENT OF COMMERCE

International Trade Administration

North Carolina State University; Notice of Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, as amended by Pub. L. 106-36; 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5 p.m. in Room 2104, U.S. Department of Commerce, 14th and Constitution Ave, NW., Washington, DC.

Comments: None received. Decision: Approved. Potential domestic manufacturers declined to bid on producing the scientific instrument. No domestic instrument of equivalent scientific value to the foreign instruments described below, for such purposes as each is intended to be used, was being manufactured in the United States at the time of its order. Docket Number: 07-001. Applicant: North Carolina State University. Instrument: Cryogen-Free Magnetic System. Manufacturer: Cryogenic Limited, UK. Intended Use: See notice at 71 FR 4895, January 30, 2006 (Comparable case). Reasons: The foreign instrument, the first of its kind, provides complete superconducting magnet operation in a cryogen-free mode using a dilution refrigerator and a persistent superconducting switch which provides long-term magnetic field stability of at least 1 ppm/hr and can maintain the sample in the millikelvin range. Domestic magnets operating in cryogen-free mode do not provide long term field stability better than 10ppm/hr, nor do they offer a devoted cryo-cooler and cryogen-free dewar, thus providing a room temperature bore. Three potential domestic manufacturers of similar equipment declined to bid.

Dated: August 20, 2007.

Faye Robinson,

*Director, Statutory Import Programs Staff
Import Administration.*

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DEPARTMENT OF COMMERCE

International Trade Administration

University of Georgia, et al.; Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

This is a decision consolidated pursuant to Section 6(c) of the Educational,