

TAMSA's exports. In its evaluation of TAMSA's "other factors," the Department is directed to utilize the actual financial expense ratio established in the record of this proceeding. The Department is also directed to provide an explanation supported by sunset review law indicating why TAMSA's zero margin calculation have no predictive value.

Further, the panel stated that they will not affirm the Department's Fourth Re-determination if the Department continues to be disrespectful of the Panel's review authority under Chapter 19 of the NAFTA by issuing affirmative remand determinations which cannot be supported by the record and that continue to rely on evidence that the Panel has already held to be insufficient.

The Department was directed to issue its Final Re-determination on Remand within twenty days from the date of the decision or not later than February 6, 2007.

Dated: January 17, 2007.

Caratina L. Alston,

U.S. Secretary, NAFTA Secretariat.

[FR Doc. E7-822 Filed 1-19-07; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 121106D]

Endangered Species; File No. 1557-01

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

ACTION: Notice; issuance of permit modification.

SUMMARY: Notice is hereby given that Molly Lutcavage, Department of Zoology, 177 A Spaulding Hall, University of New Hampshire, Durham, NH 03824-2617, has been issued a modification to File No. 1557.

ADDRESSES: The permit 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 Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930-2298; phone (978)281-9200; fax (978)281-9371.

FOR FURTHER INFORMATION CONTACT: Patrick Opay or Kate Swails, (301)713-2289.

SUPPLEMENTARY INFORMATION: On October 20, 2006, notice was published in the **Federal Register** (71 FR 61959) that a request for a scientific research permit to take leatherback sea turtles had been submitted by the above-named individual. The requested permit has been issued under the authority of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222-226).

The primary purpose of the proposed research is to investigate leatherback sea turtle regional behavior and movements in near-shore waters of the Atlantic Ocean off the United States and to identify their dispersal in relation to oceanographic conditions and fishing activities. The research will also help establish baseline health assessments, genetic identities, sex ratios, and stable isotope composition of leatherback sea turtle tissues and prey. Researchers will conduct research on up to 12 leatherback sea turtles annually. Researchers will use animals that have been captured using a breakaway hoopnet. Turtles will be measured, weighed, photographed and video taped, flipper and passive integrated transponder tagged, blood sampled, cloacal swabbed, nasal swabbed, skin sampled, tagged with electronic instruments (e.g., satellite transmitters), and released. The research permit is issued for 5 years.

The permit modification authorizes the permit holder to work in the area between Cape Canaveral, Florida to Savannah, Georgia. The permit holder currently conducts research June to October and the modification provides authorization to conduct research during February and March as well. No increase in take numbers is requested and all other aspects of the research remain the same.

Issuance of this permit, as required by the ESA, was based on a finding that such permit (1) was applied for in good faith, (2) will not operate to the disadvantage of any endangered or threatened species, and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: January 16, 2007.

P. Michael Payne,

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

[FR Doc. E7-740 Filed 1-19-07; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 011107E]

Endangered and Threatened Species; Initiation of 5-year Reviews for Fin, Sperm and Southern Right Whales

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

ACTION: Notice of initiation of a 5-year review; request for information.

SUMMARY: The National Marine Fisheries Service (NMFS) announce 5-year reviews of the fin whale (*Balaenoptera physalus*), sperm whale (*Physeter macrocephalus*) and southern right whale (*Eubalaena australis*) under the Endangered Species Act of 1973 (ESA). A 5-year review is a periodic process conducted to ensure that the listing classification of a species is accurate. A 5-year review is based on the best scientific and commercial data available at the time of the review; therefore, we are requesting submission of any such information on the fin whale, sperm whale and southern right whale that has become available since their last status review in 1999 (Perry, S., D. DeMaster and G. Silber, 1999. The Great Whales: History and Status of Six Species Listed as Endangered Under the U.S. Endangered Species Act of 1973. Marine Fisheries Review. Department of Commerce 61:1). Based on the results of this 5-year review, we will make the requisite findings under the ESA.

DATES: To allow us adequate time to conduct these reviews, we must receive your information no later than March 23, 2007. However, we will continue to accept new information about any listed species at any time.

ADDRESSES: You may submit information by any of the following methods:

- **Mail:** Susan Pultz, National Marine Fisheries Service, 1315 East-West Highway #13661, Silver Spring, MD 20910.

- **E-mail:** whale.review@noaa.gov. Include in the subject line of the e-mail the following identifier: "Comments on 5-year review for the fin, sperm and southern right whales."

- **Fax:** 301-427-2523, attention: Susan Pultz.

Information received in response to this notice and review will be available for public inspection, by appointment, during normal business hours, at the above address.