

arriving for the meeting, please enter the South Agriculture Building through the Second Wing entrance on C Street, SW.

*For Further Information About the 39th Session of the CCFH Contact:* Rebecca Buckner, Alternate to the U.S. Delegate to the CCFH, FDA, Center for Food Safety and Applied Nutrition, Harvey W. Wiley Federal Building, 5100 Paint Branch Parkway, College Park, MD 20740-3835, Phone: (301) 436-1486, Fax: (301) 436-2632. E-mail: [Rebecca.Buckner@fda.hhs.gov](mailto:Rebecca.Buckner@fda.hhs.gov).

*For Further Information About the Public Meeting Contact:* Amjad Ali, International Issues Analyst, U.S. Codex Office, Food Safety and Inspection Service, Room 4861, South Agriculture Building, 1400 Independence Avenue, SW., Washington, DC 20250, Phone: (202) 205-7760, Fax: (202) 720-3157.

#### SUPPLEMENTARY INFORMATION:

##### Background

The Codex Alimentarius (Codex) was established in 1963 by two United Nations organizations, the Food and Agriculture Organization and the World Health Organization. Through adoption of food standards, codes of practice, and other guidelines developed by its committees, and by promoting their adoption and implementation by governments, Codex seeks to protect the health of consumers and ensure fair practices are used in trade.

The Codex Committee on Food Hygiene was established to elaborate codes, standards and related texts for food hygiene. The Committee is hosted by the United States.

##### Issues To Be Discussed at the Public Meeting

The following items on the agenda for the 39th Session of the CCFH will be discussed during the public meeting:

- Matters Referred to the Committee on Food Hygiene from the other Codex bodies.
- Proposed Draft Code of Hygienic Practice for Powdered Formulae for Infants and Young Children.
- Proposed Draft Guidelines for the Validation of Food Safety Control Measures.
- Microbiological Criteria for *Listeria monocytogenes* in Ready-to-Eat Foods.
- Discussion Paper on the Proposed Draft Guidelines for the Control of *Campylobacter* and *Salmonella* spp. in Broiler (Young Bird) Chicken Meat.
- Principles and Guidelines for the Conduct of Microbiological Risk Management: Annex II: Guidance on Microbiological Risk Management Metrics.

- Discussion of the Report of the *Ad Hoc* Working Group for Establishment of CCFH Work Priorities.

Each issue listed will be fully described in documents distributed, or to be distributed, by the Secretariat prior to the meeting. Members of the public may access or request copies of these documents (see **ADDRESSES**).

##### Public Meeting

At the September 26, 2007, public meeting, draft U.S. positions on the agenda items will be described and discussed, and attendees will have the opportunity to pose questions and offer comments. Written comments may be offered at the meeting or sent to the U.S. Delegate for the 39th Session of the CCFH, Dr. Robert Buchanan (see **ADDRESSES**). Written comments should state that they relate to activities of the 39th Session of the CCFH.

##### Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, in an effort to ensure that minorities, women, and persons with disabilities are aware of this notice, FSIS will announce it online through the FSIS Web page located at [http://www.fsis.usda.gov/regulations/2007\\_Notices\\_Index/](http://www.fsis.usda.gov/regulations/2007_Notices_Index/). FSIS will also make copies of this **Federal Register** publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to constituents and stakeholders. The Update is communicated via Listserv, a free electronic mail subscription service for industry, trade groups, consumer interest groups, health professionals, and other individuals who have asked to be included. The Update is also available on the FSIS Web page. Through Listserv and the Web page, FSIS is able to provide information to a much broader and more diverse audience. In addition, FSIS offers an electronic mail subscription service which provides automatic and customized access to selected food safety news and information. This service is available at [http://www.fsis.usda.gov/news\\_and\\_events/email\\_subscription/](http://www.fsis.usda.gov/news_and_events/email_subscription/). Options range from recalls to export information to regulations, directives and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

Done at Washington, DC, on: September 24, 2007.

**F. Edward Scarbrough,**

*U.S. Manager for Codex Alimentarius.*

[FR Doc. 07-4757 Filed 9-24-07; 12:06 pm]

**BILLING CODE 3410-DM-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-475-824]

#### Implementation of the Findings of the WTO Panel in US-Zeroing (EC); Notice of Determination Under Section 129 of the Uruguay Round Agreements Act: Antidumping Duty Order on Stainless Steel Sheet and Strip in Coils From Italy

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

**SUMMARY:** On August 31, 2007, the U.S. Trade Representative instructed the Department of Commerce (the Department) to implement the Department's findings under section 129 of the Uruguay Round Agreements Act (URAA) regarding the offsetting of dumped sales with non-dumped sales in the above-referenced investigation involving average-to-average transactions. The Department issued its finding on August 20, 2007, for stainless steel sheet and strip in coils from Italy (Italy SSSS) for ThyssenKrupp Acciai Speciali Terni S.P.A. and ThyssenKrupp AST USA, Inc. (collectively "TKAST").<sup>1</sup> The Department hereby implements that finding.

**DATES:** The effective date of this determination is August 31, 2007.

**FOR FURTHER INFORMATION CONTACT:** Daniel O'Brien, William Kovatch, or Michael Rill, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW., Washington, DC 20230; telephone: (202) 482-1376, (202) 482-5052, or (202) 482-3058, respectively.

#### SUPPLEMENTARY INFORMATION:

<sup>1</sup> On April 30, 2007, the Department implemented the findings of the World Trade Organization (WTO) with respect to eleven investigations challenged by the European Communities. For the reasons detailed below, the final determination for stainless steel sheet and strip in coils from Italy was not included in the April 30, 2007, final determinations. See *Implementation of the Findings of the WTO Panel in US-Zeroing (EC); Notice of Determinations Under Section 129 of the Uruguay Round Agreements Act and Revocations and Partial Revocations of Certain Antidumping Duty Orders*, 72 FR 25261 (May 4, 2007) (*Implementation Notice*).

## Background

On February 22, 2007, the Department initiated twelve proceedings under section 129 of the URAA to implement the WTO dispute settlement panel's report in United States—Laws, Regulations and Methodology for Calculating Dumping Margins (“Zeroing”) (WT/DS294). *See Implementation of the Findings of the WTO Panel in U.S. Zeroing (EC): Notice of Initiation of Proceedings Under Section 129 of the URAA; Opportunity to Request Administrative Protective Orders; and Proposed Timetable and Procedures*, 72 FR 9306 (March 1, 2007). In each proceeding, the Department recalculated the weighted-average dumping margin, applying the calculation methodology described in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin During an Antidumping Investigation; Final Modification*, 71 FR 77722 (December 27, 2006).

On February 26, 2007, the Department issued its preliminary determinations and requested comments. *See* Memorandum from Stephen J. Claeys, Deputy Assistant Secretary, to David M. Spooner, Assistant Secretary, Regarding Section 129 Determinations: Calculation of the Weighted-Average Margins dated February 26, 2007 (Preliminary Determination). TKAST, Allegheny Ludlum Corporation, Armco Inc., J&L Specialty Steel, Inc., Washington Steel Division of Bethlehem Steel Corporation, the United Steelworkers of America, AFL-CIO/CLC, the Butler Armco Independent Union, and the Zanesville Armco Independent Organization, Inc., (collectively, “petitioners”) and the European Union submitted case briefs with respect to Italy SSSS. TKAST and petitioners submitted rebuttal briefs. In its comments to the Department, TKAST alleged clerical errors in the Department's margin calculation in the less-than-fair-value investigation and Preliminary Determination. Because of these allegations, we placed the original less-than-fair-value investigation record onto the record of this 129 proceeding and invited interested parties to provide comments on computational errors that may have been present in the Department's recalculation of the weighted-average dumping margin with respect to TKAST. *See* the Department's Memo to the File from Angelica Mendoza, Program Manager, and Stephen Bailey, Case Analyst, through Richard Weible, Office Director, AD/CVD Operations/OFC 7, to the File, titled Placement of Record from the Less-Than-Fair-Value Investigation onto

the Record of the Section 129 Determination, dated April 19, 2007. The Department also held two public hearings at the request of TKAST. Because of the two hearings, and the placement of the original less-than-fair-value investigation record onto the record of this 129 proceeding, the Department was delayed in issuing its final determination with respect to Italy SSSS.

On August 20, 2007, the Department issued its final results for the Section 129 Determination with respect to Italy SSSS. *See* the Department's Memo to David M. Spooner, Assistant Secretary for Import Administration from Gary Taverman, Acting Deputy Assistant Secretary for Import Administration, titled Issues and Decision Memorandum for the Final Results of the Section 129 Determination, dated August 20, 2007 (Issues and Decision Memorandum). On August 28, 2007, TKAST submitted an allegation of ministerial errors and on August 31, 2007, petitioners filed their response to TKAST's ministerial error submission. The Department intends to address all ministerial error comments in a subsequent memorandum.

On August 24, and August 28, 2007, consistent with section 129(b)(3) of the URAA, the U.S. Trade Representative held consultations with the Department and the appropriate congressional committees with respect to this determination. On August 31, 2007, in accordance with sections 129(b)(4) and 129(c)(1)(B) of the URAA, the U.S. Trade Representative directed the Department to implement this determination.

## 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 U.S.C. 3538(b)(2). The Statement of Administrative Action accompanying the Uruguay Round Agreements Act, H.R. Rep. No. 103–316, Vol. 1, 103d Cong. (1994) (SAA), reprinted in 1994 U.S.C.C.A.N. 4040, variously refers to such a determination by the Department as a “new,” “second,” and “different” determination. *See* SAA at 1025, 1027; 19 U.S.C.C.A.N. at 4313–14. 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 U.S.C. 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 U.S.C. 3538(c). The new determination is subject to judicial review separate and apart from judicial review of the Department's original determination. *See* 19 U.S.C. 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, 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/frn>. 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 Dumping Margins

The margin for TKAST decreases from 11.23 percent to 2.11 percent. The all-others rate changes from 11.23 percent to 2.11 percent.

## Cash Deposit and Continuation of the Suspension of Liquidation

On August 31, 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.

Therefore, we will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all entries of subject merchandise from all exporters or producers. CBP shall continue to require a cash deposit equal to the estimated amount by which the normal value exceeds the U.S. price. The suspension of liquidation instructions will remain in effect until further notice. The Section 129 Determination all-others rate will be the new cash deposit rate for all exporters of subject merchandise for whom the Department has not calculated an

individual rate, which is 2.11 percent. The cash deposit rates will remain unchanged for those companies whose cash deposit rates since the original investigation have been superseded by administrative reviews.

This Section 129 Determination is issued and published in accordance with section 129(c)(2)(A) of the URAA. See 19 U.S.C. 3538(c)(2)(A).

Dated: September 20, 2007.

**Stephen J. Claeys,**

*Deputy Assistant Secretary for Import Administration.*

#### **Appendix I—Issues Raised in the Issues and Decision Memorandum**

Comment 1: Clerical Error Allegations.

Comment 2: Whether the Department Has the Authority to Implement the WTO Appellate Body Decision.

Comment 3: The Court of International Trade Remand.

[FR Doc. E7-18991 Filed 9-25-07; 8:45 am]

**BILLING CODE 3510-DS-P**

### **DEPARTMENT OF COMMERCE**

#### **National Oceanic and Atmospheric Administration**

##### **Federal Consistency Appeal by Mill River Pipeline, LLC**

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

**ACTION:** Notice of appeal.

**SUMMARY:** This announcement provides notice that Mill River Pipeline, LLC (Mill River) has filed an administrative appeal with the Department of Commerce asking that the Secretary override the Commonwealth of Massachusetts' objection to Mill River's proposed natural gas pipeline, which is part of a proposed liquefied natural gas terminal to be constructed in Fall River, Massachusetts.

**ADDRESSES:** Materials from the appeal record will be available at the NOAA Office of General Counsel for Ocean Services, 1305 East-West Highway, Room 6111, Silver Spring, MD 20910 and on the following Web site: <http://www.ogc.doc.gov/czma.htm>.

**FOR FURTHER INFORMATION CONTACT:** Brett Grosko, Attorney-Advisor, NOAA Office of General Counsel, 301-713-7384.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Notice of Appeal**

Mill River Pipeline, LLC (Mill River) filed a notice of appeal with the Secretary of Commerce pursuant to the Coastal Zone Management Act of 1972

(CZMA), 16 U.S.C. 1451 *et seq.*, and implementing regulations found at 15 CFR part 930, subpart H. Mill River appealed an objection raised by the Commonwealth of Massachusetts, relative to the proposed construction of a liquefied natural gas pipeline, which is part of a proposed liquefied natural gas terminal to be constructed in Fall River, Massachusetts.

Under the CZMA, the Secretary may override Massachusetts' objection on grounds that the project is consistent with the objectives or purposes of the CZMA, or necessary in the interest of national security. To make the determination that the proposed activity is "consistent with the objectives or purposes" of the CZMA, the Secretary must find that: (1) The proposed activity furthers the national interest as articulated in sections 302 or 303 of the CZMA, in a significant or substantial manner; (2) the adverse effects of the proposed activity do not outweigh its contribution to the national interest, when those effects are considered separately or cumulatively; and (3) no reasonable alternative is available that would permit the activity to be conducted in a manner consistent with the enforceable policies of Massachusetts' coastal management program. 15 CFR 930.121. To make the determination that the proposed activity is "necessary in the interest of national security," the Secretary must find that a national defense or other national security interest would be significantly impaired were the proposed activity not permitted to go forward as proposed. 15 CFR 930.122.

##### **II. Appeal Documents**

NOAA intends to provide the public with access to all publicly available materials and related documents comprising the appeal record during business hours, at the NOAA Office of General Counsel for Ocean Services.

For additional information about this appeal contact Brett Grosko, 301-713-7384.

[Federal Domestic Assistance Catalog No. 11.419 Coastal Zone Management Program Assistance.]

Dated: September 21, 2007.

**Joel La Bissonniere,**

*Assistant General Counsel for Ocean Services.*

[FR Doc. E7-19047 Filed 9-25-07; 8:45 am]

**BILLING CODE 3510-08-P**

### **DEPARTMENT OF COMMERCE**

#### **National Oceanic and Atmospheric Administration**

##### **Federal Consistency Appeal by Weaver's Cove Energy, LLC**

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

**ACTION:** Notice of appeal.

**SUMMARY:** This announcement provides notice that Weaver's Cove Energy, LLC (Weaver's Cove) has filed an administrative appeal with the Department of Commerce asking that the Secretary override the Commonwealth of Massachusetts' objection to Weaver's Cove's proposed liquefied natural gas terminal in Fall River, Massachusetts.

**ADDRESSES:** Materials from the appeal record will be available at the NOAA Office of General Counsel for Ocean Services, 1305 East-West Highway, Room 6111, Silver Spring, MD 20910 and on the following Web site: <http://www.ogc.doc.gov/czma.htm>.

**FOR FURTHER INFORMATION CONTACT:** Brett Grosko, Attorney-Advisor, NOAA Office of the General Counsel, 301-713-7384.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Notice of Appeal**

Weaver's Cove Energy, LLC (Weaver's Cove) filed a notice of appeal with the Secretary of Commerce pursuant to the Coastal Zone Management Act of 1972 (CZMA), 16 U.S.C. 1451 *et seq.*, and implementing regulations found at 15 CFR part 930, subpart H. Weaver's Cove appealed an objection raised by the Commonwealth of Massachusetts, relative to the proposed construction of a liquefied natural gas terminal in Fall River, Massachusetts.

Under the CZMA, the Secretary may override Massachusetts' objection on grounds that the project is consistent with the objectives or purposes of the CZMA, or necessary in the interest of national security. To make the determination that the proposed activity is "consistent with the objectives or purposes" of the CZMA, the Secretary must find that: (1) The proposed activity furthers the national interest as articulated in sections 302 or 303 of the CZMA, in a significant or substantial manner; (2) the adverse effects of the proposed activity do not outweigh its contribution to the national interest, when those effects are considered separately or cumulatively; and (3) no reasonable alternative is available that would permit the activity to be