

Suppliers regarding that Supplier's inventories and near-term production schedules for the purpose of determining the availability of Products for export and coordinating exports with distributors.

#### IV. Terms and Conditions of Certificate

1. In engaging in Export Trade Activities and Methods of Operations, XCC, including its officers, employees or agents, will not intentionally disclose, directly or indirectly, to any Supplier (including parent companies, subsidiaries, or other entities related to any Supplier) any information about any other Supplier's costs, production, capacity, inventories, domestic prices, domestic sales, or U.S. business plans, strategies, or methods that is not already generally available to the trade or public.

2. XCC will comply with requests made by the Secretary of Commerce on behalf of the Secretary of Commerce or the Attorney General for information or documents relevant to conduct under the Certificate. The Secretary of Commerce will request such information or documents when either the Attorney General or the Secretary of Commerce believes that the information or documents are required to determine that the Export Trade, Export Trade Activities and Methods of Operation of a person protected by this Certificate of Review continue to comply with the standard of section 303(a) of the Act.

#### V. Definition

"Supplier" means a person who produces, provides, or sells Products, Services, and/or Technology Rights.

#### VI. Protection Provided by Certificate

This Certificate protects XCC and its directors, officers, and employees acting on its behalf, from private treble damage actions and government criminal and civil suits under U.S. federal and state antitrust laws for the export conduct specified in the Certificate and carried out during its effective period in compliance with its terms and conditions.

#### VII. Effective Period of Certificate

This Certificate continues in effect from the effective date indicated below until it is relinquished, modified, or revoked as provided in the Act and the Regulations.

#### VIII. Other Conduct

Nothing in this Certificate prohibits XCC from engaging in conduct not specified in this Certificate, but such conduct is subject to the normal application of U.S. antitrust laws.

#### IX. Disclaimer

The issuance of this Certificate of Review to XCC by the Secretary of Commerce with the concurrence of the Attorney General under the provisions of the Act does not constitute, explicitly or implicitly, an endorsement or opinion of the Secretary of Commerce or the Attorney General concerning either (a) the viability or quality of the business plans of XCC or (b) the legality of such business plans of XCC under the laws of the United States (other than as provided in the Act) or under the laws of any foreign country.

The application of this Certificate to conduct in export trade where the U.S. Government is the buyer or where the U.S. Government bears more than half the cost of the transaction is subject to the limitations set forth in section V.(D.) of the "Guidelines for the Issuance of Export Trade Certificates of Review (Second Edition)," 50 FR 1786 (January 11, 1985).

A copy of the certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility, Room 4100, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

Dated: February 15, 2008.

**Jeffrey Anspacher,**

*Director, Export Trading Company Affairs.*

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#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

**RIN 0648-XF54**

##### Atlantic Coastal Fisheries Cooperative Management Act Provisions; Tautog Fishery

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

**ACTION:** Notice of non-compliance referral.

**SUMMARY:** NMFS announces that on February 7, 2008, the Atlantic States Marine Fisheries Commission (Commission) found the State of New Jersey out of compliance with the Commission's Interstate Fishery Management Plan for Tautog (ISFMP). Subsequently, the Commission referred the matter to NMFS, under delegation of authority from the Secretary of Commerce, for federal non-compliance review under the provisions of the

Atlantic Coastal Fisheries Cooperative Management Act (Atlantic Coastal Act). The Atlantic Coastal Act mandates that NMFS must review the Commission's non-compliance referral and make specific findings within thirty (30) days after receiving the referral. If NMFS determines that New Jersey failed to carry out its responsibilities under the Tautog ISFMP, and if the measures it failed to implement are necessary for conservation, then, according to the Atlantic Coastal Act, NMFS must declare a moratorium on fishing for tautog in New Jersey waters.

**DATES:** NMFS intends to make a determination on this matter by March 11, 2008, and will publish its findings in the **Federal Register** immediately thereafter.

**ADDRESSES:** Harold C. Mears, Director, State, Federal and Constituent Programs Office, NMFS, Northeast Region, One Blackburn Drive, Gloucester, MA 01930.

**FOR FURTHER INFORMATION CONTACT:** Bob Ross, Fishery Management Specialist, NMFS, Northeast Region, (978) 281-9234, fax (978) 281-9117, e-mail [Bob.Ross@noaa.gov](mailto:Bob.Ross@noaa.gov).

**SUPPLEMENTARY INFORMATION:** Tautog (*Tautoga onitis*), often known by the common name "blackfish," is a coastal fish species ranging from Nova Scotia to South Carolina, but most abundant from the southern Gulf of Maine (lower Massachusetts Bay and southern Cape Cod Bay) to Chesapeake Bay. The Commission manages this species according to its Tautog ISFMP. The Commission's Tautog ISFMP can be located at <http://www.asmfc.org>, (select "Interstate Fishery Management," then select "Tautog.")

The Commission Tautog ISFMP—specifically Addendum IV and Addendum V to the ISFMP—indicate that states need to implement measures that would reduce their tautog landings by 25.6% in order to respond to scientific concerns that tautog is being overfished. New Jersey's Marine Fishery Council, however, in November 2007 refused to implement any further measures causing the Commission on February 7, 2008, to vote that New Jersey was out of compliance with the Tautog ISFMP. The Commission subsequently referred its non-compliance finding to NMFS.

Federal response to a Commission non-compliance referral is governed by the Atlantic Coastal Act. Under the Atlantic Coastal Act, the Secretary of Commerce must make two (2) findings within 30 days after receiving the non-compliance referral. First, the Secretary of Commerce must determine whether

the state in question (in this case, New Jersey) has failed to carry out its responsibilities under the ISFMP. Second, the Secretary of Commerce must determine whether the measures that the State has failed to implement or enforce are necessary for the conservation of the fishery in question. If the Secretary of Commerce makes affirmative findings on both criteria, then the Secretary must implement a moratorium on fishing in the fishery in question (in this case tautog) within the waters of the noncomplying state (in this case New Jersey). Further, the moratorium must become effective within six (6) months of the date of the Secretary's non-compliance determination. To the extent that the allegedly offending state later implements the involved measure, the Atlantic Coastal Act allows the state to petition the Commission that it has come back into compliance, and if the Commission concurs, the Commission will notify the Secretary of Commerce and, if the Secretary concurs, the moratorium will be withdrawn. The Secretary of Commerce has delegated Atlantic Coastal Act authorities to the Assistant Administrator for Fisheries at NMFS.

NMFS has notified the State of New Jersey, the Commission, the Mid-Atlantic Fishery Management Council, and the New England Fishery Management Council, in separate letters, of its receipt of the Commission's non-compliance referral. In the letters, NMFS solicits commentary from the Commission and Councils to the extent either entity is interested in providing such. NMFS also indicates to the State of New Jersey that the State is entitled to meet with and present its comments directly to NMFS if the State so desires.

NMFS intends to make its non-compliance determination on or about March 11, 2008, which is 30 days after receipt of the Commission's non-compliance referral. NMFS will announce its determination by **Federal Register** notice immediately thereafter. To the extent that NMFS makes an affirmative non-compliance finding, NMFS will announce the effective date of the moratorium in that **Federal Register** notice.

**Authority:** 16 U.S.C. 5101 *et seq.*

Dated: February 15, 2008.

**Alan D. Risenhoover,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Science Advisory Board

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

**ACTION:** Notice of open meeting.

**SUMMARY:** The Science Advisory Board (SAB) was established by a Decision Memorandum dated September 25, 1997, and is the only Federal Advisory Committee with responsibility to advise the Under Secretary of Commerce for Oceans and Atmosphere on strategies for research, education, and application of science to operations and information services. SAB activities and advice provide necessary input to ensure that National Oceanic and Atmospheric Administration (NOAA) science programs are of the highest quality and provide optimal support to resource management.

**Time and Date:** The meeting will be held Wednesday, March 12, 2008, from 8:30 a.m. to 5:15 p.m. and Thursday, March 13, 2008, from 8:30 a.m. to 5:30 p.m. These times and the agenda topics described below are subject to change. Please refer to the Web page: <http://www.sab.noaa.gov/Meetings/meetings.html> for the most up-to-date meeting agenda.

**Place:** The meeting will be held both days at the Hilton Washington DC/Silver Spring, 8727 Colesville Road, Silver Spring, MD 20910. Please check the SAB Web site <http://www.sab.noaa.gov> for confirmation of the venue.

**Status:** The meeting will be open to public participation with a 30-minute public comment period on March 12 (check Web site to confirm time). The SAB expects that public statements presented at its meetings will not be repetitive of previously submitted verbal or written statements. In general, each individual or group making a verbal presentation will be limited to a total time of five (5) minutes. Written comments should be received in the SAB Executive Director's Office by March 7, 2008 to provide sufficient time for SAB review. Written comments received by the SAB Executive Director after March 7, 2008, will be distributed to the SAB, but may not be reviewed prior to the meeting date. Seats will be available on a first-come, first-served basis.

**Matters To Be Considered:** The meeting will include the following

topics: (1) Draft Report from the Working Group to Examine Advisory Options for Improving Communications among NOAA's Partners (Partnerships WG or PWG); (2) Final Report from the Extension, Outreach & Education Working Group (EOEWG); (3) Report on the Final Results from the Ocean Exploration Advisory Working Group workshops; (4) NOAA Response to the SAB High-Performance Computing Recommendations and the Way Forward; (5) Discussion of a proposed SAB standing working group on ecosystems; (6) NOAA Monitoring Research Committee process updates and SAB Benchmark Review Discussion; (7) Discussion of SAB Strategic Planning; (8) the Census of Marine Life (CoML) Program; (9) the NOAA Hydrographic Services Review Panel; (10) results of the Review of the NOAA Coral Reef Conservation Program; (11) Report on NOAA Activities in Support of the International Year of the Reef (IYR); (12) Report on NOAA Activities in Support of the International Polar Year (IPY); and (13) the National Academy of Sciences (NAS) Board on Atmospheric Sciences and Climate (BASC).

**FOR FURTHER INFORMATION CONTACT:** Dr. Cynthia Decker, Executive Director, Science Advisory Board, NOAA, Rm. 11230, 1315 East-West Highway, Silver Spring, Maryland 20910. (Phone: 301-734-1156, Fax: 301-713-1459, E-mail: [Cynthia.Decker@noaa.gov](mailto:Cynthia.Decker@noaa.gov)); or visit the NOAA SAB Web site at: <http://www.sab.noaa.gov>.

Dated: February 13, 2008.

**Mark Brown,**

*Chief Financial Officer, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XF59**

#### Endangered Species; File No. 10115

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

**ACTION:** Notice; receipt of application.

**SUMMARY:** Notice is hereby given that Dr. Douglas Peterson, University of Georgia, Warnell School of Forest Resources, Athens, GA 30602, has applied in due form for a permit to take shortnose