

The Spricks will avoid conducting activities that could adversely affect the Oregon chub's habitat within 100 feet of the pond's perimeter during the 10-year term of the Agreement. The permit duration is 30 years, which would allow up to an additional 20 years for the terms of the Agreement to remain in effect before a return to baseline conditions may occur.

Without the regulatory assurances provided through the Agreement and permit, landowners may otherwise be unwilling or reluctant to engage in activities that would place federally-listed species such as the Oregon chub onto their properties. The proposed Agreement is expected to provide a net conservation benefit to the Oregon chub by creating a protected refugia, increasing the population, and translocating individuals, beyond those needed to maintain the refugia population, to other suitable locations.

The Oregon chub was listed as an endangered species by the Service in 1993 (58 FR 53800). At the time of listing, there were only five known populations and they were restricted to an 18.6 mile stretch of the Middle Fork Willamette River drainage, representing approximately two percent of the species' historic range. In 2006, there were 18 populations totaling 500 or more individuals. Oregon chub remain at risk due to the loss of suitable habitat and the continued threats posed by the proliferation of non-native fishes, water withdrawals, accelerated sedimentation due to land management activities, and potential chemical spills or careless pesticide applications. Their status has improved in recent years, resulting primarily from successful introductions and the discovery of previously undocumented populations.

The Service has made a preliminary determination that the proposed Agreement and permit application are eligible for a categorical exclusion under the National Environmental Policy Act of 1969 (NEPA). We explain the basis for this determination in an Environmental Action Statement that is also available for public review (*see ADDRESSES*).

The Service will evaluate the permit application, associated documents, and comments submitted thereon to determine whether the permit application meets the requirements of section 10(a) of the Act and NEPA regulations. All comments received, including names and addresses, will become part of the administrative record and will be available for review pursuant to section 10(c) of the Act. Individual respondents may request that we withhold their home address from the record, which we will honor to the extent allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. Anonymous comments will not be considered. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, are available for public inspection in their entirety.

If we determine that all requirements are met, we will sign the Agreement and issue an enhancement of survival permit under section 10(a)(1)(A) of the Act to Mr. and Mrs. Sprick for the take of Oregon chub, incidental to otherwise lawful activities in accordance with the terms of the Agreement. This notice is provided pursuant to section 10(c) of

the Act and NEPA regulations (40 CFR 1506.6).

Dated: August 29, 2007.

**Kemper M. McMaster,**

*State Supervisor, Fish and Wildlife Service,  
Oregon Fish and Wildlife Office, Portland,  
Oregon.*

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**BILLING CODE 4310-55-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Issuance of Permits

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of issuance of permit for marine mammals.

**SUMMARY:** The following permit was issued.

**ADDRESSES:** Documents and other information submitted with this application are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203; fax 703/358-2281.

**FOR FURTHER INFORMATION CONTACT:** Division of Management Authority, telephone 703/358-2104.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that on the dates below, as authorized by the provisions of the Fish and Wildlife Service issued the requested permits subject to certain conditions set forth therein.

#### Marine Mammals

Permit number	Applicant	Receipt of application Federal Register notice	Permit issuance date
154919 .....	Scott A. Hanan	72 FR 33242; June 15, 2007 July 16, 2007.	

Dated: August 10, 2007.

**Michael L. Carpenter,**

*Senior Permit Biologist, Branch of Permits,  
Division of Management Authority.*

[FR Doc. E7-17502 Filed 9-4-07; 8:45 am]

BILLING CODE 4310-55-P

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-550]

### **In the Matter of Certain Modified Vaccinia Ankara ("MVA") Viruses and Vaccines and Pharmaceutical Compositions Based Thereon; Notice of a Commission Determination Not To Review an Initial Determination Terminating the Investigation in Its Entirety Based on a Consent Order; Issuance of Consent Order**

**AGENCY:** U.S. International Trade  
Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination ("ID") (Order No. 54) of the presiding administrative law judge ("ALJ") in the above-captioned investigation terminating the investigation in its entirety on the basis of a consent order.

#### **FOR FURTHER INFORMATION CONTACT:**

Clint A. Gerdine, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 708-2310. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** This investigation was instituted on September 23, 2005, based on a complaint filed by Bavarian Nordic A/S of Denmark ("Bavarian Nordic"). The complaint alleged violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) ("section 337") in the

importation into the United States, the sale for importation, and the sale within the United States after importation of certain Modified Vaccinia Ankara ("MVA") viruses and vaccines and pharmaceutical compositions based thereon by reason of infringement of various claims of United States Patent Nos. 6,761,893 and 6,913,752. The complaint also alleged violations of section 337 in the importation of certain MVA viruses and vaccines and pharmaceutical compositions based thereon or in the sale of such articles by reason of misappropriation of trade secrets, the threat or effect of which is to destroy or substantially injure an industry in the United States. The complaint named a single respondent, Acambis PLC of the United Kingdom ("Acambis"). Only the patent allegations remain in this investigation.

After a hearing and post-hearing briefing, the then-presiding ALJ issued a final initial determination ("final ID") on September 6, 2006, finding no violation of section 337. The ALJ held that the patents were infringed but invalid.

Bavarian Nordic, Acambis, and the Commission investigative attorney filed petitions for review of the final ID. On November 22, 2006, the Commission determined to review the final ID in its entirety, and to ask the parties for briefing on the issues on review and on remedy, the public interest, and bonding. On February 21, 2007, the Commission determined to remand the final ID to the ALJ and to extend the target date for completion of the investigation to October 19, 2007. The target date was subsequently extended to February 20, 2008.

On July 27, 2007, complainant and respondent filed a joint motion to terminate the investigation on the basis of a consent order. The Commission investigative attorney filed a response in support of the motion. The consent order includes a provision vacating the final ID of September 6, 2006.

The ALJ issued the subject ID on August 9, 2007, granting the motion for termination. He found that the consent order stipulation satisfies Commission rule 210.21(c)(3)(i), and that the termination of the investigation by consent order is not contrary to the public interest. No party petitioned for review of the ID. The Commission has determined not to review the ID. The investigation is terminated in its entirety and the final ID of September 6, 2006, is vacated.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in

sections 210.21(c) and 210.42(h) of the Commission's Rules of Practice and Procedure (19 CFR 210.21(c), 210.42(h)).

Issued: August 29, 2007.

By order of the Commission.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E7-17465 Filed 9-4-07; 8:45 am]

BILLING CODE 7020-02-P

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-577]

### **In the Matter of Certain Wireless Communications Equipment, Articles Therein, and Products Containing the Same; Notice of Commission Decision Not To Review an Initial Determination Terminating the Investigation Based on Settlement**

**AGENCY:** U.S. International Trade  
Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination ("ID") (Order No. 59) issued by the presiding administrative law judge ("ALJ") terminating the above-captioned investigation based on a settlement agreement.

#### **FOR FURTHER INFORMATION CONTACT:**

Paul M. Bartkowski, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 708-5432. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** This investigation was instituted on June 29, 2006, based on a complaint filed by Samsung Telecommunications America, LLP and Samsung Electronics Co., Ltd. ("Complainants"). The complaint alleged violations of section 337 of the