

has been exported from the United States;

D. Obtain from the Denied Persons in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Persons, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Persons if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, that in accordance with the provisions of Section 766.23(c) of the Export Administration Regulations, any of the Related Persons may, at any time, make an appeal related to this Order by filing a full written statement in support of the appeal with the Office of the Administrative Law Judge, U.S. Coast Guard ALJ Docketing Center, 40 South Gay Street, Baltimore, Maryland 21202-4022.

Fourth, that this Order does not prohibit any export, reexport, or other transaction subject to the Regulations where the only items involved that are subject to the Regulations are the foreign-produced direct product of U.S.-origin technology.

Fifth, that this Order shall be published in the **Federal Register** and a copy provided to each of the Related Persons.

This Order is effective upon publication in the **Federal Register**.

Entered this 23d day of January 2007.

Wendy L. Wysong,

Acting Assistant Secretary of Commerce for Export Enforcement.

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DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Acting Affecting Export Privileges; Fernando Sero, a/k/a Ferdie Resada; Order Denying Export Privileges

A. Denial of Export Privileges of Fernando Sero, a/k/a Ferdie Resada

On December 15, 2005, in the U.S. District Court for the Southern District of New York, following a plea of guilty, Fernando Sero, a/k/a Ferdie Resada

(“Sero”) was convicted of violating Section 38 of the Arms Export Control Act (22 U.S.C. §§ 2778 (2000)) (“AECA”). Sero pled guilty to knowingly and willfully causing to be exported from the United States to a location on the Island of Mindanao, in the Southern Philippines, U.S. defense articles to wit, weapons parts, which were designated as defense articles on the United States Munitions List, without having first obtained a valid license from the Department of State for such export, or written authorization for such an export. Sero was sentenced to 40 months imprisonment followed by three years of supervised release.

Section 11(h) of the Export Administration Act of 1979, as amended (currently codified at 50 U.S.C. app. §§ 2401-2420 (2000)) (“Act”) ¹ and Section 766.25 of the Export Administration Regulations² (“Regulations”) provide, in pertinent part, that “[t]he Director of Exporter Services, in consultation with the Director of the Office of Export Enforcement, may deny the export privileges of any person who has been convicted of a violation of * * * Section 38 of the Arms Export Control Act (22 U.S.C. 2778),” for a period not to exceed 10 years from the date of conviction. 15 CFR §§ 766.25(a) and (d). In addition, Section 750.8 of the Regulations states that BIS’s Office of Exporter Services may revoke any BIS licenses previously issued in which the person had an interest in at the time of his conviction.

I have received notice of Sero’s conviction for violating the AECA, and have provided notice and an opportunity for Sero to make a written submission to the Bureau of Industry and Security as provided in Section 766.25 of the Regulations. I have also received a written submission from Sero explaining why he does not believe a 10 year denial is appropriate and have decided, following consideration of his submission and consultations with the Export Enforcement, including the Director, Office of Export Enforcement, to deny Sero’s conviction.

Accordingly, it is hereby ordered:

I. Until December 15, 2015, Fernando Sero, a/k/a Ferdie Resada, Inmate No. 84301-054, FCI Loretto, Federal

¹ Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), as extended by the Notice of August 3, 2006 (71 FR 44551, Aug. 7, 2006), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. §§ 1701-1706 (2000)) (“IEEPA”).

² The Regulations are currently codified at 15 CFR Parts 730-774 (2006).

Correction Institute, P.O. Box 1000, Loretto, PA 15940, and with an address at: 37 Rugby Road, Yonkers, NY 10710, and when acting for or on behalf of Sero, his representatives, assigns, agents, or employees, (collectively referred to hereinafter as the “Denied Person”) may not, directly or indirectly, participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as “item”) exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations.

II. No person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned,

possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

III. After notice and opportunity for comment as provided in section 766.23 of the Regulations, any other person, firm, corporation, or business organization related to Fernando Sero by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be made subject to the provisions of this Order.

IV. This Order does not prohibit any export, reexport, or other transaction subject to the Regulations where the only items involved that are subject to the Regulations are the foreign-produced direct product of U.S.-origin technology.

V. This Order is effective immediately and shall remain in effect until December 15, 2015.

VI. In accordance with Part 756 of the Regulations, Sero may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of Part 756 of the Regulations.

VII. A copy of this Order shall be delivered to Sero. This Order shall be published in the **Federal Register**.

Dated: January 22, 2007.

Eileen M. Albanese,

Director, Office of Exporter Services.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 121406B]

Marine Mammals; Pinniped Removal Authority

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

ACTION: Notice; request for comments.

SUMMARY: NMFS received an application under Section 120 of the Marine Mammal Protection Act (MMPA) from the states of Oregon,

Washington, and Idaho requesting authorization to intentionally take, by lethal methods, individually identifiable California sea lions (*Zalophus californianus*) that prey on Pacific salmon and steelhead (*Onchorhynchus* spp.) listed as threatened or endangered under the Endangered Species Act (ESA) in the Columbia River in Washington and Oregon. This authorization is requested as part of a larger effort to protect and recover listed salmonid stocks in the river. NMFS has determined that the application contains sufficient information to warrant convening a Pinniped-Fishery Interaction Task Force (Task Force), which will be established after the close of the public comment period. NMFS solicits public comments on the application, other information related to pinniped predation on salmonids at Bonneville Dam, and nominations for potential members of the Task Force.

DATES: Comments and information must be received by April 2, 2007.

ADDRESSES: Comments on the application should be addressed to Assistant Regional Administrator, Protected Resources Division, NMFS, 1201 NE Lloyd Blvd., Suite 1100, Portland, OR 97232. Comment may also be submitted by email to SeaLion.Predation@noaa.gov or by fax to 301-427-2527.

FOR FURTHER INFORMATION CONTACT:

Garth Griffin, (503) 231-2005, or Tom Eagle, (301) 713-2322, ext. 105.

SUPPLEMENTARY INFORMATION:

Electronic Access

The states' application and background information on pinniped predation on listed salmonids, and non-lethal efforts to address the predation, are available via the Internet at the following address: <http://www.nwr.noaa.gov>.

Statutory Authority

Section 120 of the MMPA (16 U.S.C. 1361, *et seq.*) allows the Secretary of Commerce, acting through the Assistant Administrator for Fisheries (Assistant Administrator), NMFS, to authorize the intentional lethal taking of individually identifiable pinnipeds that are having a significant negative impact on the decline or recovery of salmonids that are listed as threatened or endangered under the Endangered Species Act (ESA). The authorization applies only to pinnipeds that are not listed under the ESA, or designated as a depleted or strategic stock under the MMPA. Pursuant to section 120(b) and (c), applicants may request authorization to

lethally remove pinnipeds, and the Assistant Administrator is required to:

(1) Review the application to determine whether the applicant has produced sufficient evidence to warrant establishing a Pinniped-Fishery Interaction Task Force (Task Force);

(2) Establish the Task Force and publish a notice in the **Federal Register** requesting public comment on the application if sufficient evidence has been produced;

(3) Consider any recommendations made by the Task Force in making a determination whether to approve or deny the application; and

(4) If approved, immediately takes steps to implement the intentional lethal taking, which shall be performed by Federal or state agencies, or qualified individuals under contract to such agencies.

The Task Force is required to be comprised of the following: (1) NMFS/NOAA staff, (2) scientists who are knowledgeable about the pinniped interaction, (3) representatives of affected conservation and fishing community organizations, (4) treaty Indian tribes, (5) the states, and (6) such other organizations as NMFS deems appropriate. The Task Force reviews the application, other background information, and public comments and, as required by statute, recommends to NMFS whether to approve or deny the application. The Task Force is also required to submit with its recommendation, a description of the specific pinniped individual or individuals, the proposed location, time, and method of such taking, criteria for evaluating the success of the action, the duration of the intentional lethal taking authority, and a suggestion for non-lethal alternatives, if available and practicable, including a recommended course of action.

Background

On December 5, 2006, NMFS received an application co-signed by the Washington Department of Fish and Wildlife (WDFW), the Oregon Department of Fish and Wildlife (ODFW) and the Idaho Department of Fish and Game (IDFG) requesting authorization to intentionally take, by lethal methods, individually identifiable California sea lions in the Columbia River, which are having a significant negative impact on the recovery of threatened and endangered Pacific salmon and steelhead. According to the states' application, impacted salmon and steelhead include Lower Columbia River Chinook (threatened), Lower Columbia River steelhead (threatened), Middle Columbia River steelhead