

Republic. Intended Use: This instrument will be used to study the size, shape and elemental compositions of nanoparticles to determine the effect on biological interactions at the nano scale. Justification for Duty-Free Entry: There are no instruments of the same general category as this instrument being produced in the United States. Application accepted by Commissioner of Customs: April 15, 2010.

Dated: April 28, 2010.

**Gregory W. Campbell,**

*Acting Director, IA Subsidies Enforcement Office.*

[FR Doc. 2010-10487 Filed 5-3-10; 8:45 am]

**BILLING CODE 3510-DS-S**

## DEPARTMENT OF COMMERCE

### International Trade Administration (C-552-805)

#### **Polyethylene Retail Carrier Bags from the Socialist Republic of Vietnam: Countervailing Duty Order**

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

**SUMMARY:** Based on affirmative final determinations by the Department of Commerce (the Department) and the U.S. International Trade Commission (ITC), the Department is issuing a countervailing duty order on polyethylene retail carrier bags (PRCBs) from the Socialist Republic of Vietnam (Vietnam).

**EFFECTIVE DATE:** May 4, 2010.

**FOR FURTHER INFORMATION CONTACT:** Gene Calvert or Jun Jack Zhao, AD/CVD Operations, Office 6, Import Administration, International Trade Administration, U.S. Department of Commerce, 14<sup>th</sup> Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-3586 and (202) 482-1396, respectively.

**SUPPLEMENTARY INFORMATION:**

#### **Background**

In accordance with section 705(d) of the Tariff Act of 1930, as amended (the Act), on April 1, 2010, the Department published its final determination in the countervailing duty investigation of PRCBs from Vietnam. See *Polyethylene Retail Carrier Bags from the Socialist Republic of Vietnam: Final Affirmative Countervailing Duty Determination*, 75 FR 16428 (April 1, 2010).

On April 26, 2010, the ITC notified the Department of its final determination, pursuant to sections 705(b)(1)(A)(ii) and 705(d) of the Act, that a U.S. industry is threatened with

material injury by reason of subsidized imports of subject merchandise from Vietnam. See *Polyethylene Retail Carrier Bags from Indonesia, Taiwan, and Vietnam*, USITC Publication 4144, Investigation Nos. 701-TA-462 and 731-TA-1156-1158 (Final) (April 2010). Pursuant to section 706(a) of the Act, the Department is publishing a countervailing duty order on the subject merchandise.

#### **Scope of the Order**

The scope of this order covers polyethylene retail carrier bags, which also may be referred to as t-shirt sacks, merchandise bags, grocery bags, or checkout bags. The subject merchandise is defined as non-sealable sacks and bags with handles (including drawstrings), without zippers or integral extruded closures, with or without gussets, with or without printing, of polyethylene film having a thickness no greater than 0.035 inch (0.889 mm) and no less than 0.00035 inch (0.00889 mm), and with no length or width shorter than 6 inches (15.24 cm) or longer than 40 inches (101.6 cm). The depth of the bag may be shorter than 6 inches but not longer than 40 inches (101.6 cm).

PRCBs are typically provided without any consumer packaging and free of charge by retail establishments, e.g., grocery, drug, convenience, department, specialty retail, discount stores, and restaurants to their customers to package and carry their purchased products. The scope of this order excludes (1) polyethylene bags that are not printed with logos or store names and that are closeable with drawstrings made of polyethylene film and (2) polyethylene bags that are packed in consumer packaging with printing that refers to specific end-uses other than packaging and carrying merchandise from retail establishments, e.g., garbage bags, lawn bags, trash-can liners.

Imports of merchandise included within the scope of this order are currently classifiable under statistical category 3923.21.0085 of the Harmonized Tariff Schedule of the United States (HTSUS). This subheading may also cover products that are outside the scope of this order. Furthermore, although the HTSUS subheading is provided for convenience and customs purposes, the written description of the scope of this order is dispositive.

#### **Countervailing Duty Order**

In accordance with section 706(a)(1) of the Act, the Department will direct U.S. Customs and Border Protection (CBP) to assess, upon further instruction by the Department, countervailing

duties equal to the amount of the net countervailable subsidy for all relevant entries of PRCBs from Vietnam.

According to section 706(b)(2) of the Act, duties shall be assessed on subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of the ITC's notice of final determination if that determination is based upon threat of material injury. Section 706(b)(1) of the Act states, "If the Commission, in its final determination under section 705(b), finds material injury or threat of material injury which, but for the suspension of liquidation under section 703(d)(2), would have led to a finding of material injury, then entries of the merchandise subject to the countervailing duty order, the liquidation of which has been suspended under section 703(d)(2), shall be subject to the imposition of countervailing duties under section 701(a)." In addition, section 706(b)(2) of the Act requires CBP to refund any cash deposits or bonds of estimated countervailing duties posted since the Department's preliminary countervailing duty determination, if the ITC's final determination is threat-based. Because the ITC's final determination in this case is based on the threat of material injury and is not accompanied by a finding that injury would have resulted but for the imposition of suspension of liquidation of entries since the Department's *Preliminary Determination*<sup>1</sup> was published in the **Federal Register**, section 706(b)(2) of the Act is applicable.

Therefore, the Department will direct CBP to reinstitute suspension of liquidation,<sup>2</sup> and to assess, upon further instruction from the Department, countervailing duties on all unliquidated entries of PRCBs from Vietnam entered, or withdrawn from warehouse, for consumption on or after the date of publication of the ITC's

<sup>1</sup> See *Polyethylene Retail Carrier Bags from the Socialist Republic of Vietnam: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Countervailing Duty Determination with Final Antidumping Duty Determination*, 74 FR 45811 (September 4, 2009) (*Preliminary Determination*).

<sup>2</sup> The Department instructed CBP to discontinue the suspension of liquidation on January 2, 2010, in accordance with section 703(d) of the Act. Section 703(d) states that suspension of liquidation pursuant to a preliminary determination may not remain in effect for more than four months. Entries of PRCBs from Vietnam made on or after January 2, 2010, and prior to the date of publication of the ITC's final determination in the **Federal Register**, are not liable for the assessment of countervailing duties because of the Department's discontinuation of the suspension of liquidation, effective January 2, 2010.

notice of final determination of threat of material injury in the **Federal Register**.

### Cash Deposit Requirements

Pursuant to section 706(a)(3) of the Act, effective on the date of publication of the ITC's notice of final determination in the **Federal Register**, CBP will require, at the same time as importers would normally deposit estimated duties, cash deposits for the subject merchandise equal to the net subsidy rates listed below, except for subject merchandise entered by Chin Sheng Company, Ltd., whose net subsidy rate is *de minimis* and, hence, is excluded from this order. This exclusion applies only to subject merchandise both produced and exported by Chin Sheng Company, Ltd. The all-others rate applies to all producers and exporters of subject merchandise not specifically listed.

Producer/Exporter	Net Subsidy Rate
Advance Polybag Co., Ltd. ...	52.56%
Chin Sheng Company, Ltd. ..	0.44%
	( <i>de minimis</i> )
Fotai Vietnam Enterprise Corp. And Fotai Enterprise Corporation .....	5.28%
All Others .....	5.28%

### Termination of the Suspension of Liquidation

Pursuant to the ITC's determination of threat of injury to a U.S. industry, the Department will instruct CBP to terminate the suspension of liquidation for entries of PRCBs from Vietnam entered, or withdrawn from warehouse, for consumption prior to the publication of the ITC's notice of final determination. The Department will also instruct CBP to refund any cash deposits made, and to release any bonds posted between September 4, 2009 (*i.e.*, the date of publication of the Department's *Preliminary Determination*) and on or before January 2, 2010, the date on which the Department discontinued the suspension of liquidation pursuant to section 703(d) of the Act.

This notice constitutes the countervailing duty order with respect to PRCBs from Vietnam, pursuant to section 706(a) of the Act. Interested parties may contact the Department's Central Records Unit, Room 1117 of the main Commerce Building, for copies of an updated list of countervailing duty orders currently in effect.

This order is issued and published in accordance with section 706(a) of the Act, and 19 CFR 351.211(b).

Dated: April 27, 2010.

**Ronald K. Lorentzen,**

*Deputy Assistant Secretary for Import Administration.*

[FR Doc. 2010-10245 Filed 5-3-10; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XW23**

### Endangered and Threatened Species; Take of Anadromous Fish; Research Permit Applications

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

**ACTION:** Applications for three new scientific research permits, one permit modification, and one permit renewal.

**SUMMARY:** Notice is hereby given that NMFS has received five scientific research permit application requests relating to Pacific salmon. The proposed research is intended to increase knowledge of species listed under the Endangered Species Act (ESA) and to help guide management and conservation efforts. The applications may be viewed online at: [https://apps.nmfs.noaa.gov/preview/preview\\_open\\_for\\_comment.cfm](https://apps.nmfs.noaa.gov/preview/preview_open_for_comment.cfm)

**DATES:** Comments or requests for a public hearing on the applications must be received at the appropriate address or fax number (see ADDRESSES) no later than 5 p.m. Pacific standard time on June 3, 2010.

**ADDRESSES:** Written comments on the applications should be sent to the Protected Resources Division, NMFS, 1201 NE Lloyd Blvd., Suite 1100, Portland, OR 97232-1274. Comments may also be sent via fax to 503-230-5441 or by e-mail to [nmfs.nwr.apps@noaa.gov](mailto:nmfs.nwr.apps@noaa.gov).

**FOR FURTHER INFORMATION CONTACT:** Garth Griffin, Portland, OR (ph.: 503-231-2005, Fax: 503-230-5441, e-mail: [garth.griffin@noaa.gov](mailto:garth.griffin@noaa.gov). Permit application instructions are available from the address above, or online at [apps.nmfs.noaa.gov](https://apps.nmfs.noaa.gov).

### SUPPLEMENTARY INFORMATION:

#### Species Covered in This Notice

The following listed species are covered in this notice:

Chinook salmon (*Oncorhynchus tshawytscha*): threatened lower Columbia River (LCR), threatened upper Willamette River (UWR), endangered

upper Columbia River (UCR), threatened Snake River (SR) spring/summer (spr/sum), threatened SR fall, threatened Puget Sound (PS).

Chum salmon (*O. keta*): threatened Columbia River (CR).

Steelhead (*O. mykiss*): threatened LCR, threatened UWR, threatened middle Columbia River (MCR), threatened SR, threatened UCR, threatened PS.

Coho salmon (*O. kisutch*): threatened LCR, threatened Oregon Coast (OC).

Sockeye salmon (*O. nerka*): endangered SR.

Green Sturgeon (*Acipenser medirostris*)

Eulachon: Southern Distinct Population Segment (DPS) (*Thaleichthys pacificus*)

### Authority

Scientific research permits are issued in accordance with section 10(a)(1)(A) of the ESA (16 U.S.C. 1531 *et seq.*) and regulations governing listed fish and wildlife permits (50 CFR 222-226). NMFS issues permits based on findings that such permits: (1) are applied for in good faith; (2) if granted and exercised, would not operate to the disadvantage of the listed species that are the subject of the permit; and (3) are consistent with the purposes and policy of section 2 of the ESA. The authority to take listed species is subject to conditions set forth in the permits.

Anyone requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see ADDRESSES). Such hearings are held at the discretion of the Assistant Administrator for Fisheries, NMFS.

### Applications Received

#### Permit 1548 - 2R

The Yakima Training Center - US Army (YTC) is seeking to renew its permit to annually take listed salmonids while conducting research designed to determine fish abundance and distribution on the YTC lands and describe habitat conditions throughout the 500-square mile reservation. The research will also give regional fish managers previously unavailable data on fish presence. The YTC researchers would capture the fish using backpack electrofishing gear, seines, and minnow traps. Once captured, the fish would be measured, allowed to recover, and released. Some of the steelhead may have scale samples taken. The YTC does not intend to kill any of the fish being taken, but some may die as an unintended result of the activities.