

facsimile to (301)713-0376, or by email to [NMFS.Pr1Comments@noaa.gov](mailto:NMFS.Pr1Comments@noaa.gov). Please include the File No. 15596 in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits, Conservation and Education Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

**FOR FURTHER INFORMATION CONTACT:** Colette Cairns or Jennifer Skidmore, (301)713-2289.

**SUPPLEMENTARY INFORMATION:** The subject permit is requested under the authority of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222-226).

The North Carolina Aquarium at Fort Fisher is requesting a permit to continue enhancement activities previously authorized under Permit No. 1273. Activities would include the continued maintenance and educational display of five captive-bred, non-releaseable adult shortnose sturgeon. This display would be used to increase public awareness of the shortnose sturgeon and its status by educating the public on shortnose sturgeon life history and the reasons for the species decline. The proposed project to display endangered cultured shortnose sturgeon responds directly to a recommendation from the NMFS recovery plan outline for this species. The permit would not authorize any takes from the wild, nor would it authorize any release of captive sturgeon into the wild. The permit is requested for a duration of 5 years.

Dated: September 29, 2010.

**P. Michael Payne,**

*Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-922]

#### Raw Flexible Magnets from the People's Republic of China: Rescission of New Shipper Review

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

**EFFECTIVE DATE:** October 5, 2010.

**SUMMARY:** In response to a request from Jingzhou Meihou Flexible Magnet

Company, Ltd. ("Jingzhou Meihou") the Department of Commerce (the "Department") published on April 30, 2010, a **Federal Register** notice announcing the initiation of a new shipper review of the antidumping duty order on raw flexible magnets from the People's Republic of China ("PRC") covering the period of September 1, 2009, through February 28, 2010. On August 27, 2010, Jingzhou Meihou withdrew its request for a new shipper review. Therefore, we are rescinding this new shipper review.

**FOR FURTHER INFORMATION CONTACT:** Maisha Cryor, AD/CVD Operations, Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-5831.

#### SUPPLEMENTARY INFORMATION:

##### Background

On March 29, 2010, we received a timely request for a new shipper review from Jingzhou Meihou in accordance with 19 CFR 351.214(c) and 351.214(d)(2). On April 30, 2010, the Department found that the request for review with respect to Jingzhou Meihou met all of the regulatory requirements set forth in 19 CFR 351.214(b) and initiated an antidumping duty new shipper review. *See Raw Flexible Magnets From the People's Republic of China: Initiation of Antidumping Duty New Shipper Review*, 75 FR 22740 (April 30, 2010).

On August 27, 2010, Jingzhou Meihou withdrew its request for a new shipper review. On September 2, 2010, we placed on the record and served to parties a memorandum stating that the Department intended to rescind the above-referenced new shipper review, allowing parties to comment on the intended rescission by no later than September 9, 2010. *See Memorandum to the File from Maisha Cryor, Case Analyst, through Robert Bolling, Program Manager, regarding: Withdrawal of Request for NSR from Jingzhou Meihou*, dated September 2, 2010. The Department did not receive comments from any party. *See Memorandum to the File from Maisha Cryor, Case Analyst, through Robert Bolling, Program Manager, regarding: Comments on Jingzhou Meihou's Withdrawal of Request for NSR*, dated September 15, 2010.

##### Rescission of New Shipper Review

19 CFR 351.214(f)(1) provides that the Department may rescind a new shipper review if the party that requested the

review withdraws its request for review within 60 days of the date of publication of the notice of initiation of the requested review. Although Jingzhou Meihou withdrew its request after the 60-day deadline, we find it reasonable to extend the deadline. *See* 19 CFR 351.302(b). In this instance, no other company would be affected by a rescission, and we have received no objections from any party to Jingzhou Meihou's withdrawal of its request for this new shipper review. Based upon the above, we are rescinding the new shipper review of the antidumping duty order on raw flexible magnets from the PRC with respect to Jingzhou Meihou. *See Certain Steel Nails From the People's Republic of China: Rescission of New Shipper Review*, 75 FR 38080 (July 1, 2010) (rescinding the new shipper review after the 60-day deadline). As the Department is rescinding this new shipper review, we are not making a determination as to whether Jingzhou Meihou qualifies for a separate rate. Therefore, Jingzhou Meihou will remain part of the PRC entity.

##### Notifications

We intend to instruct U.S. Customs and Border Protection, 15 days from the date of publication of this notice, to liquidate any entries by Jingzhou Meihou during the period of review at the cash deposit rate in effect at the time of entry.

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as the only reminder to parties subject to administrative protective orders ("APO") of their responsibility concerning the return or destructions of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing this determination and notice in accordance with section 777(i) of the Act and 19 CFR 351.214(f)(3).

Dated: September 28, 2010.

**Susan H. Kuhbach,**

*Acting Deputy Assistant Secretary for  
Antidumping and Countervailing Duty  
Operations.*

[FR Doc. 2010-24996 Filed 10-4-10; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XW81**

#### **Takes of Marine Mammals Incidental to Specified Activities; Installation of Meteorological Data Collection Facilities in the Mid-Atlantic Outer Continental Shelf**

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

**ACTION:** Notice; issuance of incidental harassment authorization.

**SUMMARY:** In accordance with regulations implementing section the Marine Mammal Protection Act (MMPA), as amended, notification is hereby given that an Incidental Harassment Authorization (IHA) to take marine mammals, by harassment, incidental to pile driving associated with installation of two meteorological data collection facilities (MDCF's); one each off the coast of Delaware and New Jersey, has been issued to Bluewater Wind, LLC (Bluewater).

**DATES:** This authorization is effective from October 1- November 15, 2010.

**ADDRESSES:** A copy of the application, IHA, and a list of references used in this document may be obtained by writing to P. Michael Payne, Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910-3225. A copy of the application may be obtained by writing to this address or by telephoning the contact listed here and is also available at: <http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications>.

**FOR FURTHER INFORMATION CONTACT:** Jaelyn Daly, Office of Protected Resources, NMFS, (301) 713-2289, ext 151.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not

intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined "negligible impact" in 50 CFR 216.103 as "...an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival."

Section 101(a)(5)(D) of the MMPA established an expedited process by which citizens of the United States can apply for an authorization to incidentally take small numbers of marine mammals by harassment. Section 101(a)(5)(D) establishes a 45-day time limit for NMFS review of an application followed by a 30-day public notice and comment period on any proposed authorizations for the incidental harassment of marine mammals. Within 45 days of the close of the comment period, NMFS must either issue or deny the authorization.

Except with respect to certain activities not pertinent here, the MMPA defines "harassment" as:

any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].

##### **Summary of Request**

On May 5, 2010, NMFS received two applications from Bluewater for the taking, by Level B harassment, of marine mammals incidental to pile driving associated with installation of a MDCF in Federal waters approximately 16.5 miles off the coast of Delaware and one approximately 20 miles off the coast of New Jersey during October 2010. Bluewater provided supplemental information to NMFS on June 8, 2010, completing the applications. In

summary, to build each MDCF, Bluewater must drive, via an impact hammer, a single 3-meter pile into the seabed which will act as the foundation to elevate and support the data collection device. Pile driving has the potential to result in the take, by Level B harassment, of eight species marine mammals within the action area as it elevates underwater noise levels. Since pile driving has the potential to take marine mammals, a marine mammal take authorization under the MMPA is required.

##### **Description of the Specified Activity**

In November 2009, the Bureau of Ocean Energy Management (BOEM), formerly the Mineral Management Service, issued a lease to Bluewater for construction and operation of MDCF's designed to support future development of, among other companies, Bluewater's planned Delaware and New Jersey Offshore Wind Parks. The purpose of installing the MDCF's is to determine the feasibility of a commercial-scale offshore wind energy park at the proposed project site. Bluewater will collect and analyze at least one full year of meteorological data inclusive of wind speed and direction at multiple heights, information on other seasonal meteorological conditions (e.g., turbulence, temperature, pressure, and atmospheric stability), the marine environment (e.g., ocean currents, tides, and waves), and avian and bat activity (e.g., activity within the potential rotor swept area, flight altitude). The IHA authorizes the take, by Level B harassment only, of marine mammals incidental to pile driving the monopole foundation required to support the wind data collection devices, not future installation of wind turbines.

Bluewater will install a single 3-meter diameter pile foundation to elevate and stabilize a data collection device at two locations; one located in the Outer Continental Shelf (OCS) Official Protraction Diagram (OPD) lease block Salisbury, NJ 18-05 Lease Block 6325 (approximately 16 miles off Delaware) and one at OCS OPD lease block Wilmington, NJ 18-02 Block 6936 (approximately 20 miles off NJ). The mean lower low water depth (MLLW) at the Delaware and New Jersey site is approximately 69 feet (21 m) and 82 feet (25 m), respectively. Pile driving is scheduled to occur in October 2010; however, given unforeseen construction or weather related delays, NMFS has made the IHA effective until November 15, 2010.

To install the monopole foundation, Bluewater will use an IHC-S 900 Hydraulic Impact Hammer (or equal)