be postmarked on or before November 24, 2010. Address written comments to
Statutory Import Programs Staff, Room 3720, U.S. Department of Commerce,
Washington, DC 20230. Applications may be examined between 8:30 a.m. and
5 p.m. at the U.S. Department of Commerce in Room 3720.

Docket Number: 10–064. Applicant: The University of Texas at Austin,
Center for Electromechanics, Pickle Research Campus 10100 Burnet Road,
Manufacturer: ADS International, S.r.l., Italy. Intended Use: The instrument will
be used on the Hobby-Eberly Telescope for the study of "Dark Energy." The
instrument is unique because of its ability to achieve the desired accuracy
of +/- 2 microns, the stiffness of 400 N/micron, the end mounts ability to rotate
up to +/- 20 degrees in two axes and a stiffness of 250 N/micron, is actively
cooled, and is able to generate 30kN of continuous force for extended periods of
time. Justification for Duty-Free Entry: There are no instruments of the same
general category being manufactured in the United States. Application accepted
by Commissioner of Customs: October 20, 2010.

Gregory Campbell,
Acting Director, IA Subsidies Enforcement
Office.

DEPARTMENT OF COMMERCE
International Trade Administration

National Institutes of Health, et al.; Notice of Consolidated Decision on
Applications for Duty-Free Entry of Electron Microscopes

This is a decision consolidated pursuant to Section 6(c) of the
Related records can be viewed between 8:30 a.m. and 5 p.m. in Room 3720, U.S.
Department of Commerce, 14th and Constitution Avenue, NW., Washington,
DC.

Docket Number: 10–057. Applicant: JEOL

Docket Number: 10–058. Applicant: SUNY Upstate Medical University,
Syracuse, NY 13210. Instrument: Electron Microscope. Manufacturer:
JEOL, Ltd., Japan. Intended Use: See notice at 75 FR 57738, September 22,
2010.

Comments: None received. Decision: Approved. No instrument of equivalent
scientific value to the foreign instrument, for such purposes as these instruments
are intended to be used, was being manufactured in the United States at the
time the instruments were ordered. Reasons: Each foreign instrument is an
electron microscope and is intended for research or scientific educational uses
requiring an electron microscope. We know of no electron microscope, or any other
instrument suited to these purposes, which was being manufactured in the United
States at the time of order of each instrument.

Gregory W. Campbell,
Acting Director, Subsidies Enforcement
Office, Import Administration.

DEPARTMENT OF COMMERCE
International Trade Administration

The University of Georgia (UGA), et al.; Notice of Decision on Applications for
Duty-Free Entry of Scientific Instruments

This is a decision pursuant to Section 6(c) of the Educational, Scientific, and
L. 106–36; 80 Stat. 897; 15 CFR part 301). Related records can be viewed
between 8:30 a.m. and 5 p.m. in Room 3720, U.S. Department of Commerce,
14th and Constitution Ave., NW., Washington, DC.

Docket Number: 10–054. Applicant: The University of Georgia (UGA),
Monitor with 1404 Quad Current Integrator. Manufacturer: FMB Oxford
Limited, United Kingdom. Intended Use: See notice at 75 FR 57738,
September 22, 2010. Comments: None received. Decision: Approved. Reasons:
The instrument must meet the following specifications: an 11 mm diameter beam
aperture, a He leak rate of $2 \times 10^{-5}$ mbar I/sec, HV compatible to $5 \times 10^{-4} – 7$mbar vacuum, an operational range of 2 bar to 7 bar, a 6 mm pneumatic
air connection, and a 24 VCD (1.2W) at 50m A solenoid with flying leads. We
know of no instruments of equivalent scientific value to the foreign
instruments described below, for such purposes as this is intended to be used,
that was being manufactured in the United States at the time of its order.

Docket Number: 10–059. Applicant: University of Chicago, LLC, Lemont, IL
Consulting Services Limited, United Kingdom. Intended Use: See notice at 75

Comments: None received. Decision: Approved. Reasons: The instrument has
capabilities that are tailored for the specific micropitting analysis, specifically
the accelerometer measurement to monitor for onset of fatigue failure. The instrument also has three points of contact which will increase the speed at which tests
are made. We know of no instruments of equivalent scientific value to the foreign
instruments described below, for such purposes as this is intended to be used,
that was being manufactured in the United States at the time of its order.

Gregory W. Campbell,
Acting Director, Subsidies Enforcement
Office, Import Administration.

DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

Notice of Designation of the Lake Superior National Estuarine Research
Reserve in Wisconsin

AGENCY: Estuarine Reserves Division, Office of Ocean and Coastal Resource
Management, National Ocean Service, National Oceanic and Atmospheric
Administration, U.S. Department of Commerce.

ACTION: Notice of Designation and availability of Notice of Record of
Decision.

SUMMARY: Notice is hereby given that the National Oceanic and Atmospheric
Administration (NOAA), U.S. Department of Commerce, has
On October 19, 2010, Under Secretary of Commerce for Oceans and Atmosphere Dr. Jane Lubchenco signed a record of decision pursuant to the National Environmental Policy Act and a findings of designation for the Lake Superior National Estuarine Research Area, Wisconsin as the Lake Superior National Estuarine Research Reserve.

Information: 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, by telephoning the contact listed here, or visiting NMFS Web site at http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications.

FOR FURTHER INFORMATION CONTACT: Ben Laws, Office of Protected Resources, NMFS, (301) 713–2289.

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.

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 June 9, 2010, NMFS received an application from the WA DNR requesting authorization to take, by harassment, small numbers of marine mammals incidental to derelict creosote piling and structure removal associated with a habitat restoration project within the Woodard Bay NRCA, Washington. The specified activity includes removal of approximately 615 timber pilings and a trestle located in Woodard Bay and a portion of pier superstructure located at the mouth of Chapman Bay. Pilings will be removed by vibratory hammer extraction methods and structures will be removed via cable lifting. In addition, approximately 25 nest boxes for purple martins will be relocated from removed pilings to pilings that are retained for seal habitat and buffer, using a small boat if necessary and will require a battery powered drill.

Habor seals have been utilizing the remnant log boom structures at Woodard Bay NRCA as haul-out habitat for resting, pupping and molting for more than 30 years. These booms are situated among the piles and structure planned for removal. The WA DNR anticipates harbor seals will flush into the water upon crew arrival and onset of pile and structure removal activities; hence, harbor seals may be harassed during pile removal activities. Since the activity has the potential to take marine mammals, a marine mammal take authorization under the MMPA is warranted.

Description of the Specified Activity

The Woodard Bay NRCA, located within Henderson Inlet in southern Puget Sound, was designated by the Washington State Legislature in 1987 to

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RIN 0648–X7Z8]

Takes of Marine Mammals Incidental to Specified Activities; Piling and Structure Removal in Woodard Bay Natural Resources Conservation Area, Washington

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 the Marine Mammal Protection Act (MMPA), as