

The cash deposit requirement, when imposed, shall remain in effect until further notice.

#### Reimbursement of Duties

This notice also 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 POR. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties has occurred and the subsequent assessment of doubled antidumping duties.

#### Administrative Protective Order

In accordance with 19 CFR 351.305(a)(3), this notice also serves as a reminder to parties subject to administrative protective order ("APO") of their responsibility concerning the return or destruction of proprietary information disclosed under the APO, which continues to govern business proprietary information in this segment of the proceeding. 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 subject to sanction.

We are issuing and publishing this administrative review and notice in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: March 29, 2012.

**Paul Piquado,**

Assistant Secretary for Import Administration.

[FR Doc. 2012-8110 Filed 4-3-12; 8:45 am]

BILLING CODE 3510-DS-P

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Application(s) for Duty-Free Entry of Scientific Instruments

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, as amended by Pub. L. 106-36; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be postmarked on or before April 24,

2012. 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: 12-008. Applicant: Stevens Institute of Technology, Castle Point on Hudson, Hoboken, NJ 07030. Instrument: Electron Microscope. Manufacturer: FEI Company, Czech Republic. Intended Use: The instrument will be used to study the interfacial wetting phenomena and develop robust superhydrophobic surfaces for anti-corrosion and anti-icing surfaces. The experiments will involve the examination of evaporation, condensation, and icing of water droplets on nanostructured surfaces.*

*Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: March 8, 2012.*

*Docket Number: 12-009. Applicant: Humboldt State University Sponsored Programs Foundation, 1 Harpst St., Arcata, CA 95521. Instrument: Electron Microscope. Manufacturer: FEI Company, Czech Republic. Intended Use: The instrument will be used in research activities including olfactory epithelium of amphibians, plant gravitropism, analyses of high temperature and high pressure mineralogy and petrology experiments, analyses of the microstructures and rock textures formed in active fault zones, and the weathering properties of minerals and formation of soils.*

*Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: March 5, 2012.*

*Docket Number: 12-010. Applicant: Howard Hughes Medical Institute, 4000 Jones Bridge Rd., Chevy Chase, MD 20815. Instrument: Electron Microscope. Manufacturer: FEI Company, The Netherlands. Intended Use: The instrument will be used for medical research; the proteins to be studied are often malfunctioning in diseases such as diabetes, cancer and health disease, and understanding how the proteins are built can help in understanding what goes wrong and help to design pharmaceuticals to correct the problem. The instrument will also be used to teach students in the use of electron microscopy for protein structure determination.*

*Justification for Duty-Free Entry: There are no instruments of the same general category manufactured*

in the United States. *Application accepted by Commissioner of Customs: March 19, 2012.*

*Docket Number: 12-012. Applicant: Alliance for Sustainable Energy, 1617 Cole Blvd. Golden, CO 80401-3305. Manufacturer: FEI Company, Czech Republic. Intended Use: The instrument will be used in part as rapid feedback for synthesis of inorganic solution fabricated nanocrystals. By allowing a user to image their sample immediately following synthesis, the tool will allow development of new material with better monodispersity, size and shape control. The main experiments to be conducted are imaging at low and high resolution, with additional capabilities such as material identification using EDAX and electron diffraction.*

*Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: March 19, 2012.*

*Docket Number: 12-014. Applicant: California Institute of Technology, 1200 E. California Blvd. Pasadena, CA 91125. Manufacturer: FEI Company, Czech Republic. Intended Use: The instrument will be used to study semiconductors and heterogeneous catalysts in order to accelerate the rate of discovery of Earth-abundant, robust materials that can capture and convert the energy of sunlight into chemical fuels. The objective is to quantitatively characterize material morphology, conductivity and composition, which will aid in analyzing results from performance testing via electrochemistry and other techniques. The instrument will enable higher-precision nano-micro scale images of the materials, and it will also allow elemental analysis and current mapping.*

*Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: March 19, 2012.*

*Docket Number: 12-015. Applicant: University of Nebraska-Lincoln, 1700 Y St., Lincoln, NE 68588. Manufacturer: FEI Company, Czech Republic. Intended Use: The instrument will be used for detailed characterization of surface and near-surface topography, dimensions, and elemental composition of chiral nanostructured hybrid materials, novel low work function and semiconducting materials, nanoscale hard magnet materials, as well as many other metals, ceramics, and composite materials. The properties to be studied are magnetic, electronic, mechanical, optical, and other properties that are enhanced or*

attained because the materials are nanoscale or novel in structure.

**Justification for Duty-Free Entry:** There are no instruments of the same general category manufactured in the United States. **Application accepted by Commissioner of Customs:** March 21, 2012.

**Docket Number:** 12-016. **Applicant:** University of Nebraska-Lincoln, 1700 Y St., Lincoln, NE 68588-0645.

**Manufacturer:** FEI Company, the Netherlands. **Intended Use:** The instrument will be used for detailed characterization of surface and near-surface topography, dimensions, and elemental composition of chiral nanostructured hybrid materials, novel low work function and semiconducting materials, nanoscale hard magnet materials, as well as many other metals, ceramics, and composite materials. The properties to be studied are magnetic, electronic, mechanical, optical, and other properties that are enhanced or attained because the materials are nanoscale or novel in structure.

**Justification for Duty-Free Entry:** There are no instruments of the same general category manufactured in the United States. **Application accepted by Commissioner of Customs:** March 21, 2012.

Dated: March 28, 2012.

**Gregory Campbell,**  
Director, IA Subsidies Enforcement Office.  
[FR Doc. 2012-8117 Filed 4-3-12; 8:45 am]  
**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XA865**

### Takes of Marine Mammals Incidental to Specified Activities; Pier 36/Brannan Street Wharf Project in the San Francisco Bay, CA

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

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

**SUMMARY:** In accordance with the Marine Mammal Protection Act (MMPA) implementing regulations, notification is hereby given that NMFS has issued an Incidental Harassment Authorization (IHA) to the Port of San Francisco (Port), allowing the take of small numbers of marine mammals, by

Level B harassment only, incidental to pile driving during construction of the Brannan Street Wharf.

**DATES:** Effective May 1, 2012, through April 30, 2013.

**ADDRESSES:** A copy of the IHA, the application, and the Environmental Assessment are available by writing to Tammy C. Adams, Acting Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910 or by telephoning the contact listed here (see **FOR FURTHER INFORMATION CONTACT**), or visiting the Internet at: <http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications>. Documents cited in this notice may be viewed, by appointment, during regular business hours, at the aforementioned address.

**FOR FURTHER INFORMATION CONTACT:** Michelle Magliocca, Office of Protected Resources, NMFS, (301) 427-8401.

#### 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 United States citizens who engage in a specified activity (other than commercial fishing) within a specific 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 published in the **Federal Register** and 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" 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) further established 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 6, 2011, NMFS received an application from the USACE, on behalf of the Port, requesting an IHA for the take, by Level B harassment, of small numbers of Pacific harbor seals (*Phoca vitulina*), California sea lions (*Zalophus californianus*), gray whales (*Eschrichtius robustus*), and Pacific harbor porpoises (*Phocoena phocoena*) incidental to pile driving activities during construction of the Brannan Street Wharf in San Francisco, California. In accordance with the MMPA and implementing regulations, NMFS issued a notice in the **Federal Register** on October 26, 2011 (76 FR 66274), requesting comments from the public on the proposed IHA.

#### Description of the Specified Activity

A complete description of the specified activity may be found in NMFS' proposed IHA notice in the **Federal Register** (76 FR 66274, October 26, 2011) and a summary is provided here. The project will involve construction of a pile-supported park that will be known as the "Brannan Street Wharf" and will replace the existing Pier 36 and provide recreational space for the public. The project will require installation of 261 steel and concrete piles and 57,000 square feet (ft<sup>2</sup>) of new decking. Installation of the 261 steel and concrete piles will require in-water pile driving that could produce high-intensity sound and has the potential to harass marine mammals. A breakdown of pile size and type is shown in Table 1.