

## Background

On March 26, 2009, the Department published a notice of initiation of the administrative reviews of the antidumping duty orders on certain frozen shrimp from the Socialist Republic of Vietnam and the PRC. See *Notice of Initiation of Administrative Reviews and Requests for Revocation in Part of the Antidumping Duty Orders on Certain Frozen Warmwater Shrimp From the Socialist Republic of Vietnam and the People's Republic of China*, 74 FR 13178 (March 26, 2009). On March 12, 2010, the Department published the preliminary results of review. See *Fourth Administrative Review of Certain Frozen Warmwater Shrimp From the People's Republic of China: Preliminary Results, Preliminary Partial Rescission of Antidumping Duty Administrative Review and Intent Not To Revoke, In Part*, 75 FR 11855 (March 12, 2010).

## Statutory Time Limits

In antidumping duty administrative reviews, section 751(a)(3)(A) of the Tariff Act of 1930, as amended ("the Act"), requires the Department to make a final determination in an administrative review of an antidumping duty order within 120 days after the date on which the preliminary results are published. However, if it is not practicable to complete the review within these time periods, section 751(a)(3)(A) of the Act allows the Department to extend the 120 day period to 180 days after the preliminary results if it determines it is not practicable to complete the review within the foregoing time period.

## Extension of Time Limit for Preliminary Results of Review

We determine that it is not practicable to complete the final results of the administrative review of certain frozen warmwater shrimp from the PRC within the 120 day time limit because the Department requires additional time to analyze case and rebuttal briefs.

Therefore, in accordance with section 751(a)(3)(A) of the Act, the Department is extending the time period for completion of the final results of this review, which is currently due on July 10, 2010, by 30 days to 150 days after the date on which the preliminary results were published. Therefore, the final results are now due no later than August 9, 2010.

We are issuing and publishing this notice in accordance with sections 751(a)(3)(A) and 777(i) of the Act.

Dated: May 14, 2010.

**John M. Andersen,**

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

[FR Doc. 2010-12141 Filed 5-19-10; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XK54**

### Marine Mammals; File No. 13602

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

**ACTION:** Notice; receipt of application for permit amendment.

**SUMMARY:** Notice is hereby given that Dr. Terrie Williams, Long Marine Lab, Institute of Marine Sciences, University of California at Santa Cruz, 100 Shaffer Road, Santa Cruz, CA 95060, has applied for an amendment to Scientific Research Permit No. 13602.

**DATES:** Written, telefaxed, or e-mail comments must be received on or before June 21, 2010.

**ADDRESSES:** The application and related documents are available for review by selecting "Records Open for Public Comment" from the Features box on the Applications and Permits for Protected Species home page, <https://apps.nmfs.noaa.gov>, and then selecting File No. 13602 from the list of available applications.

These documents are also available upon written request or by appointment in the following offices:

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713-2289; fax (301)713-0376; and Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213; phone (562)980-4001; fax (562)980-4018.

Written comments on this application should be submitted to the Chief, Permits, Conservation and Education Division, at the address listed above. Comments may also be submitted by facsimile to (301)713-0376, or by email to [NMFS.Pr1Comments@noaa.gov](mailto:NMFS.Pr1Comments@noaa.gov). Please include the File No. 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:

Amy Sloan or Jennifer Skidmore, (301)713-2289.

**SUPPLEMENTARY INFORMATION:** The subject amendment to Permit No. 13602 is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (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).

Permit No. 13602, issued on September 4, 2009 (74 FR 46569), authorizes the permit holder to conduct research on captive and rehabilitating non-listed marine mammals to compare the energetic responses and diving physiology of odontocetes and pinnipeds to determine key physiological factors required for survival and to assist in management decisions for wild populations. The permit expires on September 7, 2014.

The permit holder is requesting authorization to include physiological research on up to 18 captive Hawaiian monk seals (*Monachus schauinslandi*) in facilities in the United States, and opportunistic energetic assessments on stranded ESA-listed marine mammals under NMFS jurisdiction undergoing rehabilitation in California, using methods currently approved in Permit No. 13602. In addition to the energetic assessments, the following research would be conducted on captive Hawaiian monk seals: deuterium oxide and Evan's blue administration, blood sampling, blubber ultrasound; and administration of thyroid stimulating hormone and fecal sampling. The applicant requests the transfer and use of tissues (brain and skeletal muscle) from Hawaiian monk seal carcasses and other dead ESA-listed marine mammal species for assessment of oxygen stores and aerobic dive limits. The amendment is requested for the duration of the permit.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: May 14, 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-570-954]

#### **Certain Magnesia Carbon Bricks From the People's Republic of China: Notice of Preliminary Affirmative Determination of Critical Circumstances**

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

**DATES:** *Effective Date:* May 20, 2010.

**FOR FURTHER INFORMATION CONTACT:** Paul Walker at (202) 482-0413, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

#### **Background**

On March 12, 2010, the Department of Commerce ("Department") published in the **Federal Register** its preliminary determination in the antidumping duty investigation of certain magnesia carbon bricks ("bricks") from the People's Republic of China ("PRC"). See *Certain Magnesia Carbon Bricks From the People's Republic of China: Preliminary Determination of Sales at Less Than Fair Value*, 75 FR 11847 (March 12, 2010) ("*Preliminary Determination*"). On April 21, 2010, the Department published in the **Federal Register** its amended preliminary determination in the antidumping duty investigation of bricks from the PRC. See *Certain Magnesia Carbon Bricks From the People's Republic of China: Amended Preliminary Determination of Sales at Less Than Fair Value*, 75 FR 20813 (April 21, 2010).

On April 15, 2010, Petitioner<sup>1</sup> filed a timely critical circumstances allegation, pursuant to 19 CFR 351.206, alleging that critical circumstances exist with respect to imports of the merchandise under consideration. On April 23, 2010, RHI Refractories Liaoning Co., Ltd ("RHI"), a mandatory respondent in this investigation, submitted comments on Petitioner's critical circumstances allegation. On April 27, 2010, RHI submitted information on its exports

from January 2009 through February 2010, as requested by the Department.

In accordance with 19 CFR 351.206(c)(1), when a critical circumstances allegation is filed 30 days or more before the scheduled date of the final determination (as was done in this case), the Department will issue a preliminary finding whether there is a reasonable basis to believe or suspect that critical circumstances exist. Because the critical circumstances allegation in this case was submitted after the *Preliminary Determination*, the Department will normally issue its preliminary findings of critical circumstances not later than 30 days after the allegation was filed. See 19 CFR 351.206(c)(2)(ii).

#### **Legal Framework**

Section 733(e)(1) of the Tariff Act of 1930, as amended ("Act"), provides that the Department, upon receipt of a timely allegation of critical circumstances, will determine whether there is a reasonable basis to believe or suspect that: (A)(i) There is a history of dumping and material injury by reason of dumped imports in the United States or elsewhere of the subject merchandise, or (ii) the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the subject merchandise at less than its fair value and that there was likely to be material injury by reason of such sales; and, (B) there have been massive imports of the subject merchandise over a relatively short period.

Further, 19 CFR 351.206(h)(1) provides that, in determining whether imports of the subject merchandise have been "massive," the Department normally will examine: (i) The volume and value of the imports; (ii) seasonal trends; and (iii) the share of domestic consumption accounted for by the imports. In addition, 19 CFR 351.206(h)(2) provides that, "{i}n general, unless the imports during the 'relatively short period' \* \* \* have increased by at least 15 percent over the imports during an immediately preceding period of comparable duration, the Secretary will not consider the imports massive." 19 CFR 351.206(i) defines "relatively short period" generally as the period starting on the date the proceeding begins (i.e., the date the petition is filed) and ending at least three months later. This section of the regulations further provides that, if the Department "finds that importers, or exporters or producers, had reason to believe, at some time prior to the beginning of the proceeding, that a proceeding was likely," then the

Department may consider a period of not less than three months from that earlier time. See 19 CFR 351.206(i).

#### **Allegation**

In its allegation, Petitioner contends that, based on the dumping margins assigned by the Department in the *Preliminary Determination*, importers knew or should have known that the merchandise under consideration was being sold at less than fair value ("LTFV"). Petitioner also contends that, based on the preliminary determination of injury by the U.S. International Trade Commission ("ITC"), there is a reasonable basis to impute importers' knowledge that material injury is likely by reason of such imports. In its allegation, Petitioner included import statistics for the four different harmonized tariff subheadings provided in the scope of this investigation for the period February 2009 through December 2009. See letter from Petitioner, regarding "Allegation of Critical Circumstances," dated April 15, 2010 ("Petitioner's Allegation"), at 3-4.

#### **Analysis**

In determining whether the above statutory criteria have been satisfied in this case, we examined: (1) The evidence presented in Petitioner's April 15, 2010, allegation; (2) evidence obtained since the initiation of this investigation; and (3) the ITC's preliminary injury determination.

#### *History of Dumping*

In determining whether a history of dumping and material injury exists, the Department generally has considered current or previous antidumping duty orders on subject merchandise from the country in question in the United States and current orders in any other country.<sup>2</sup> In its April 15, 2010, submission, Petitioner made no statement concerning a history of dumping bricks from the PRC. However, the ITC notes in its preliminary determination that there are antidumping orders in the European Union and Turkey on bricks from the PRC, dated October 6, 2005 and

<sup>2</sup> See, e.g., *Certain Oil Country Tubular Goods From the People's Republic of China: Notice of Preliminary Determination of Sales at Less Than Fair Value, Affirmative Preliminary Determination of Critical Circumstances and Postponement of Final Determination*, 74 FR 59117, 59119 (November 17, 2009) ("OCTG Prelim") unchanged in *Certain Oil Country Tubular Goods From the People's Republic of China: Final Determination of Sales at Less Than Fair Value, Affirmative Final Determination of Critical Circumstances and Final Determination of Targeted Dumping*, 75 FR 20335 (April 19, 2010).

<sup>1</sup> Resco Products, Inc.