

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Issuance of permit.

**SUMMARY:** Notice is hereby given the Delaware Department of Natural Resources and Environmental Control-Division of Fish and Wildlife, Dover, DE, has been issued a permit to take shortnose sturgeon (*Acipenser brevirostrum*) for purposes of scientific research.

**ADDRESSES:** The permit and related documents are available for review upon written request or by appointment in the following office(s):

- 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
- Northeast Region, NMFS, Protected Resources Division, 55 Great Republic Drive, Gloucester, MA 01930; phone (978) 281-9300; fax (978) 281-9333.

**FOR FURTHER INFORMATION CONTACT:** Malcolm Mohead or Kate Swails, (301) 713-2289.

**SUPPLEMENTARY INFORMATION:** On August 25, 2009, notice was published in the *Federal Register* (74 FR 42861) that a request for a scientific research permit to take shortnose sturgeon had been submitted by the above-named organization. The requested permit has been issued 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 parts 222-226).

The applicant is authorized to conduct a five-year scientific study of shortnose sturgeon in the Delaware River where primary study objectives are to locate and document nursery areas, individual movement patterns, seasonal movements, home ranges, and habitats of juvenile shortnose sturgeon using telemetry. The project will be coordinated with an ongoing Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*) study having similar research objectives. Annually, up to 100 shortnose sturgeon will be weighed, measured, examined for tags, marked with Passive Integrated Transponder (PIT) tags and Floy tags, photographed and released. Additionally, a subset of up to 15 juvenile shortnose sturgeon will be anesthetized and implanted with acoustic transmitters. One unintentional mortality is authorized over the five year term of the project where sampling is scheduled from March 1 to December 15 each year.

Issuance of this permit, as required by the ESA, was based on a finding that such permit (1) was applied for in good faith, (2) will not operate to the disadvantage of such endangered or threatened species, and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: January 19, 2010.

**Tammy C. Adams,**

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

[FR Doc. 2010-1493 Filed 1-25-10; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-351-825]

#### **Stainless Steel Bar From Brazil: Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review**

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

**FOR FURTHER INFORMATION CONTACT:** Catherine Cartos, AD/CVD Operations, Office 5, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-1757.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

At the request of interested parties, the Department of Commerce (the Department) initiated an administrative review of the antidumping duty order on certain stainless steel bar from Brazil for the period February 1, 2008, through January 31, 2009. See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part*, 74 FR 12310 (March 24, 2009). On October 29, 2009, we extended the time period for issuing the preliminary results of the review by 90 days until January 29, 2010. See *Stainless Steel Bar From Brazil: Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review*, 74 FR 55812 (October 29, 2009).

#### **Extension of Time Limit for Preliminary Results**

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), requires the Department to make a preliminary determination within 245 days after the last day of the anniversary month of an

order for which a review is requested and a final determination within 120 days after the date on which the preliminary determination is published. 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 time limit for the preliminary determination to a maximum of 365 days after the last day of the anniversary month of the order. See also 19 CFR 351.213(h).

We determine that it is not practicable to complete the preliminary results of this review by the current deadline of January 29, 2010, for several reasons. Specifically, the Department has granted the respondent, Villares Metals S.A. (Villares), several extensions to respond to the original and supplemental questionnaires. Thus, the Department needs additional time to review and analyze the responses submitted by Villares. Further, the Department requires additional time to review issues such as corporate affiliations and steel grades of products reported by Villares as they will affect the Department's matching methodology in this case. Finally, in response to the petitioners' cost allegation submitted on September 9, 2009, we initiated a cost investigation on October 28, 2009, and received Villares's cost information on November 23, 2009. As a result, the Department requires additional time not only to review and analyze Villares's cost information but also collect additional cost information. Therefore, we are extending the time period for issuing the preliminary results of this review by 30 days until March 1, 2010.

This notice is published in accordance with sections 751(a)(3)(A) and 777(i)(1) of the Act and 19 CFR 351.213(h)(2).

Dated: January 19, 2010.

**John M. Andersen,**

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

[FR Doc. 2010-1513 Filed 1-25-10; 8:45 am]

**BILLING CODE 3510-DS-S**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-583-833]

#### **Polyester Staple Fiber From Taiwan: Initiation and Preliminary Results of Changed-Circumstances Antidumping Duty Administrative Review**

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

**SUMMARY:** In response to a request from Far Eastern New Century Corporation, the Department of Commerce is initiating a changed-circumstances review of the antidumping duty order on polyester staple fiber from Taiwan. We have preliminarily concluded that Far Eastern New Century Corporation is the successor-in-interest to Far Eastern Textile Limited and, as a result, should be accorded the same treatment previously accorded to Far Eastern Textile Limited with regard to the antidumping duty order on polyester staple fiber from Taiwan. Interested parties are invited to comment on these preliminary results.

**DATES:** *Effective Date:* January 26, 2010.

**FOR FURTHER INFORMATION CONTACT:**

Michael A. Romani or Richard Rimlinger, AD/CVD Operations, Office 5, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-0198, or (202) 482-4477, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

On May 25, 2000, the Department of Commerce (the Department) published in the *Federal Register* an antidumping duty order on polyester staple fiber from Taiwan. See *Notice of Amended Final Determination of Sales at Less Than Fair Value: Certain Polyester Staple Fiber From the Republic of Korea and Antidumping Duty Orders: Certain Polyester Staple Fiber From the Republic of Korea and Taiwan*, 65 FR 33807 (May 25, 2000) (*Antidumping Order*). One of the companies subject to the investigation was Far Eastern Textile Limited (FET).<sup>1</sup>

FET has participated in several administrative reviews of the *Antidumping Order*. On December 4, 2009, FET notified the Department that on October 13, 2009, it had legally changed its name to Far Eastern New Century Corporation (FENC). At that time FET requested that the Department conduct a changed-circumstances review to determine whether FENC is the successor-in-interest to FET.

**Scope of the Order**

The product covered by the order is certain polyester staple fiber (PSF). PSF is defined as synthetic staple fibers, not

carded, combed or otherwise processed for spinning, of polyesters measuring 3.3 decitex (3 denier, inclusive) or more in diameter. This merchandise is cut to lengths varying from one inch (25 mm) to five inches (127 mm). The merchandise subject to the order may be coated, usually with a silicon or other finish, or not coated. PSF is generally used as stuffing in sleeping bags, mattresses, ski jackets, comforters, cushions, pillows, and furniture. Merchandise of less than 3.3 decitex (less than 3 denier) currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) at subheading 5503.20.00.20 is specifically excluded from the order. Also specifically excluded from the order are PSF of 10 to 18 denier that are cut to lengths of 6 to 8 inches (fibers used in the manufacture of carpeting). In addition, low-melt PSF is excluded from the order. Low-melt PSF is defined as a bi-component fiber with an outer sheath that melts at a significantly lower temperature than its inner core.

The merchandise subject to the order is currently classifiable in the HTSUS at subheadings 5503.20.00.45 and 5503.20.00.65. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise subject to the order is dispositive.

**Initiation of Changed-Circumstances Review**

Pursuant to section 751(b)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.216, the Department will conduct a changed-circumstances review upon receipt of information concerning, or a request from an interested party for a review of, an antidumping duty order which shows changed circumstances sufficient to warrant a review of the order. The information submitted by FENC claiming that FENC is the successor-in-interest to FET demonstrates changed circumstances sufficient to warrant such a review. See 19 CFR 351.216(d). Therefore, we are initiating a changed-circumstances review.

**Analysis of Changed Circumstances**

In determining whether one company is the successor to another for purposes of applying the antidumping duty law, the Department examines a number of factors including, but not limited to, changes in management, production facilities, supplier relationships, and customer base. See *Notice of Final Results of Changed Circumstances Antidumping Duty Administrative Review: Polychloroprene Rubber From Japan*, 67 FR 58 (January 2, 2002) (*Japan*

*Rubber*), citing *Brass Sheet and Strip From Canada; Final Results of Antidumping Duty Administrative Review*, 57 FR 20460 (May 13, 1992) (*Canada Brass*). Although no single or even several of these factors will necessarily provide a dispositive indication of succession, generally the Department will consider one company to be a successor to another company if its resulting operation is similar to that of its predecessor. See, e.g., *Industrial Phosphoric Acid From Israel; Final Results of Antidumping Duty Changed Circumstances Review*, 59 FR 6944 (February 14, 1994); see also *Canada Brass*, 57 FR at 20460. Thus, if the evidence demonstrates that, with respect to the production and sale of the subject merchandise, the new company operates as the same business entity as the prior company, the Department will assign the new company the cash-deposit rate of its predecessor. See *Japan Rubber*, 67 FR at 59; see also *Circular Welded Non-Alloy Steel Pipe From Korea; Final Results of Antidumping Duty Changed Circumstances Review*, 63 FR 20572 (April 27, 1998) (finding successorship where the company only changed its name and did not change its operations).

In its December 4, 2009, submission, FENC provided the following information to demonstrate that it is the successor-in-interest to FET: (1) A press release dated October 13, 2009, announcing the name change; (2) two disclosures to the Taiwan Stock Exchange dated October 13, 2009, and October 20, 2009, announcing the name change and government approval thereof; (3) a certificate issued from the Bureau of Foreign Trade, Ministry of Economic Affairs, that states that the new English (and Chinese) names have been registered with the Bureau; (4) a letter from the Ministry of Economic Affairs approving the name change and amendment of Articles of Incorporation; (5) a letter from the Ministry of Economic Affairs approving FET's application to register the issuance of new shares (under the old name). See FENC's December 4, 2009, submission at Exhibits 1–5.

FENC's December 4, 2009, submission states that the only change is the name and that there have been no changes regarding FET's organization, ownership, management, production facilities, supplier relationships and customer base. See FENC's December 4, 2009, submission at 1–2. The press release at Exhibit 1 of FENC's December 4, 2009, submission shows that the company publicly announced the fact that its shareholders had voted to

<sup>1</sup> Although the Department referred to FET as Far Eastern Corporation in the *Antidumping Order* and in a subsequent sunset review, in all other segments of the proceeding the Department has referred to FET as Far Eastern Textile Limited. See, e.g., *Certain Polyester Staple Fiber From Taiwan: Final Results of Antidumping Duty Administrative Review*, 74 FR 18348 (April 22, 2009).

rename the company at a shareholder's meeting held on October 13, 2009. Operational changes mentioned in this announcement signaled that FENC would not only continue production but would expand and modernize operations for the production of subject merchandise. This conclusion is supported by the following three statements made by Chairman Hsu regarding his intentions toward the PSF industry: (1) "to accelerate growth through internal expansions, technology innovations, as well as mergers and acquisitions;" (2) "to scale up its production of recyclable and/or biodegradable products" including "recycled chips and recycled fibers," two inputs used in the production of PSF; 3) the dedication of staff "to the upgrade of facilities in order to reduce the energy consumed in the production process." See FENC's December 4, 2009, submission at Exhibit 1, at 1. These statements made in its press release support the contention that FENC operates as FET did. FENC's announced plans for expansion of production and investment in modernizing plant and equipment indicates that the company does not plan to divest itself of its current production facilities.

Exhibit 2 of FENC's December 4, 2009, submission demonstrates FENC's disclosure of its name change and the government's approval thereof to the Taiwanese Stock Exchange on October 13, 2009, and October 20, 2009, respectively. Exhibit 3 of FENC's December 4, 2009, submission demonstrates certification of FENC's Chinese and English language name changes by the Taiwanese Bureau of Foreign Trade, Ministry of Economic Affairs, in a certification letter dated October 28, 2009.

Exhibit 4 of FENC's December 4, 2009, submission demonstrates that the government of Taiwan approved the name change and related changes to FET/FENC's Articles of Incorporation. In this exhibit, FENC submitted an approved request for the application for name change containing a "Company Limited by Shares—Change Registration Form" dated October 15, 2009. Taiwan's Ministry of Economic Affairs approved the name change and amendments to FENC's Articles of Incorporation on October 19, 2009 (reference number 09801241180). See FENC's December 4, 2009, submission at Exhibit 4, at 8. Exhibit 5 demonstrates that the government of Taiwan registered the issuance of new shares of stock while the company was still named FET on September 16, 2009. Both exhibits include "Company Limited by Shares—Change Registration Forms" and these

forms from before and after the name change include identical unified business numbers, addresses, legal representatives, capital, directors, managers, officers, and business scope. See FENC's December 4, 2009, submission at Exhibit 4, at 9–14; see also FENC's December 4, 2009, submission at Exhibit 5, at 9–14. According to FENC's December 4, 2009, submission, the legal status of companies incorporated in Taiwan is substantiated by the "Company Limited by Shares—Change Registration Form" issued by the Ministry of Economic Affairs. See FENC's December 4, 2009, submission at 2.

#### Preliminary Results of the Review

When it concludes that expedited action is warranted, the Department may publish the notice of initiation and preliminary results for a changed-circumstances review concurrently. See 19 CFR 351.221(c)(3)(ii). See also *Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review: Canned Pineapple Fruit From Thailand*, 69 FR 30878 (June 1, 2004). Based on the information on the record, we have determined that expedition of this changed-circumstances review is warranted. In this case, based on the analysis discussed above, we preliminarily find that FENC is the successor-in-interest to FET and, as such, is entitled to FET's cash-deposit rate with respect to entries of subject merchandise.

#### Public Comment

Any interested party may request a hearing within 14 days of publication of this notice. See 19 CFR 351.310(c). Any hearing, if requested, will be held 28 days after the date of publication of this notice or the first working day thereafter. Interested parties may submit case briefs and/or written comments not later than 14 days after the date of publication of this notice. Rebuttal briefs and rebuttals to written comments, which must be limited to issues raised in such briefs or comments, may be filed not later than 21 days after the date of publication of this notice. Parties who submit case briefs or rebuttal briefs in this changed-circumstances review are requested to submit with each argument (1) a statement of the issue and (2) a brief summary of the argument with an electronic version included. Consistent with 19 CFR 351.216(e), we will issue the final results of this changed-circumstances review no later than 270 days after the date on which this review was initiated or within 45 days of

publication of these preliminary results if all parties agree to our preliminary finding.

We are issuing and publishing this notice of initiation and preliminary results in accordance with sections 751(b)(1) and 777(i)(1) of the Act and 19 CFR 351.216 and 351.221(c)(3).

Dated: January 19, 2010.

**Ronald K. Lorentzen,**

*Deputy Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648–XT82

#### Marine Mammals; File No. 14676

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

**ACTION:** Notice; issuance of permit.

**SUMMARY:** Notice is hereby given that Paul Ponganis, Ph.D., University of California at San Diego, La Jolla, CA, 92093 has been issued a permit to conduct research on California sea lions (*Zalophus californianus*).

**ADDRESSES:** The permit and related documents are available for review upon written request or by appointment in the following office(s):

- 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.

**FOR FURTHER INFORMATION CONTACT:** Kate Swails or Tammy Adams, (301) 713-2289.

**SUPPLEMENTARY INFORMATION:** On October 15, 2009, notice was published in the **Federal Register** (74 FR 52949) that a request for a permit to conduct research had been submitted by the above-named applicant. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*) and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

The purpose of this research is to determine the role of blood oxygen store depletion in the dive behavior and