

reasonable, pursuant to 19 CFR 351.303(f)(3)(ii) of the regulations.

As explained in *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003), the Department has clarified its practice with respect to the collection of final antidumping duties on imports of merchandise where intermediate firms are involved. The public should be aware of this clarification in determining whether to request an administrative review of merchandise subject to antidumping findings and orders. *See also* the Import Administration web site at <http://ia.ita.doc.gov>.

Six copies of the request should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, Room 1870, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230. The Department also asks parties to serve a copy of their requests to the Office of Antidumping/Countervailing Duty Operations, Attention: Sheila Forbes, in room 3065 of the main Commerce Building. Further, in accordance with section 351.303(f)(1)(i) of the Department's regulations, a copy of each request must be served on every party on the Department's service list.

The Department will publish in the **Federal Register** a notice of "Initiation of Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation" for requests received by the last day of April 2010. If the Department does not receive, by the last day of April 2010, a request for review of entries covered by an order, finding, or suspended investigation listed in this notice and for the period identified above, the Department will instruct CBP to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of (or bond for) estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant provisional-measures "gap" period, of the order, if such a gap period is applicable to the POR.

This notice is not required by statute but is published as a service to the international trading community.

Dated: March 26, 2010.

John M. Andersen,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2010-7398 Filed 3-31-10; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-848]

Freshwater Crawfish Tail Meat From the People's Republic of China: Notice of Decision of the Court of International Trade Not in Harmony

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

SUMMARY: On February 9, 2010, the Court of International Trade (CIT or Court) sustained the final results of redetermination made by the Department of Commerce (the Department) regarding the 2005–2006 administrative review of the antidumping duty order on freshwater crawfish tail meat from the People's Republic of China (PRC). *See Washington International Insurance Company v. United States*, Court No. 08–00156, Slip Op. 10–16 (February 9, 2010) (*Wash. Int'l Ins. Co. II*). Pursuant to the Court's remand order, in its redetermination the Department continued to apply to Xuzhou Jinjiang Foodstuffs Co., Ltd. (Xuzhou) a total adverse facts available (AFA) rate, but changed this rate from the 223.01 percent applied in the contested administrative review to 188.52 percent. Consistent with the decision of the United States Court of Appeals for the Federal Circuit (Federal Circuit) in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*), the Department is publishing this notice of the CIT's decision which is not in harmony with the Department's final results in the 2005–2006 antidumping duty administrative review of freshwater crawfish tail meat from the PRC.

FOR FURTHER INFORMATION CONTACT: Jeff Pedersen or Howard Smith at (202) 482–2769 or (202) 482–5193, respectively; AD/CVD Operations, Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

In the final results of the 2005–2006 antidumping duty administrative review

of freshwater crawfish tail meat from the PRC, the Department found that Xuzhou failed to report all of its US sales of subject merchandise and assigned Xuzhou the highest rate in the proceeding as total AFA, *i.e.*, the PRC-wide rate of 223.01 percent. *See Freshwater Crawfish Tail Meat From the People's Republic of China: Final Results and Partial Rescission of the 2005–2006 Antidumping Duty Administrative Review and Rescission of 2005–2006 New Shipper Reviews*, 73 FR 20249 (April 15, 2008).

The surety of certain U.S. imports of subject merchandise from Xuzhou during the 2005–2006 period of review, Washington International Insurance Company, moved for judgment upon the agency record. On July 29, 2009, the CIT remanded the case for the Department to reconsider whether circumstances warranted partial or total AFA and for determination of an AFA rate that more closely reflects Xuzhou's then-current market practices during the period of review. *See Washington International Insurance Company v. United States*, Court No. 08–00156, Slip Op. 09–78 (July 29, 2009).

On October 26, 2009, the Department issued its final results of redetermination, and again found that the extensiveness of the unreported subject merchandise sales necessitated the application of total AFA. The Department then calculated an AFA rate of 188.52 percent using a methodology similar to that employed in the final results of the 2005–2006 administrative review.

On February 9, 2010, the CIT held that substantial evidence supported the Department's application of total AFA. *See Wash. Int'l Ins. Co. II*. Further, the CIT sustained the remand AFA rate as rationally related to the record of Xuzhou's actual trading practices and based on the Department's reasonable interpretation of the record.

Notification

In its decision in *Timken*, 893 F.2d at 341, the Federal Circuit held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended (the Act), the Department must publish a notice of a court decision that is not "in harmony" with the Department's determination. The Court's decision in *Washington Int'l Ins. Co. II*, regarding the appropriate AFA rate to assign to Xuzhou, constitutes a final decision of that court that is not in harmony with the Department's decision to apply an AFA rate of 223.01 percent to Xuzhou in the 2005–2006 administrative review. Therefore, publication of this notice fulfills the Department's obligation

under section 516A(e) of the Act. This notice is effective as of February 19, 2010.

The Department will continue to suspend liquidation pending the expiration of the period to appeal the CIT's February 9, 2010 decision, or, if that decision is appealed, pending a "conclusive" decision by the Federal Circuit. Upon expiration of the period to appeal, or if the CIT's decision is appealed and the Federal Circuit's decision is not in harmony with the Department's determination in the 2005–2006 antidumping duty administrative review of freshwater crawfish tail meat from the PRC, the Department will publish in the **Federal Register** a notice of amended final results of the 2005–2006 administrative review.

This notice is issued and published in accordance with section 516A(c)(1) of the Act.

Dated: March 24, 2010.

Ronald K. Lorentzen,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 2010–7407 Filed 3–31–10; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XV63

Endangered Species; File Nos. 15112 and 13307–02

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

ACTION: Notice; receipt of application and application for modification.

SUMMARY: Notice is hereby given that NMFS Northeast Fisheries Science Center, Woods Hole, MA, has applied in due form for a permit to take loggerhead (*Caretta caretta*), leatherback (*Dermochelys coriacea*), Kemp's ridley (*Lepidochelys kempii*), green (*Chelonia mydas*), and hawksbill (*Eretmochelys imbricata*) sea turtles for purposes of scientific research. Kristen Hart, Ph.D., USGS, Davie, FL has applied for a modification to scientific research Permit No. 13307–01 to take green sea turtles.

DATES: Written, telefaxed, or e-mail comments must be received on or before May 3, 2010.

ADDRESSES: The applications 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 (APPS) home page, <https://apps.nmfs.noaa.gov>, and then selecting File No. 15112 or 13307–02 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

Southeast Region, NMFS, 263 13th Avenue South, Saint Petersburg, Florida 33701; phone (727) 824–5312; fax (727) 824–5309.

Written comments on these applications 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. Please include the File No. in the subject line of the 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 the application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Kate Swails or Amy Hapeman, (301) 713–2289.

SUPPLEMENTARY INFORMATION: The subject permit and modification are 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).

File No. 15112: The purpose of the research is to determine the size and composition of populations of sea turtles found in the commercial fishing areas of the Northwest Atlantic Ocean. The research would contribute to the understanding of the pelagic ecology of these species and allow more reliable assessments of commercial fishery impacts. Annually up to 130 loggerhead, 70 Kemp's ridley, 50 green, 10 hawksbill, and 50 leatherback sea turtles caught in commercial fisheries would be measured, flipper tagged, tissue sampled, and released. The permit would be issued for five years.

File No. 13307–02: Dr. Hart is authorized to capture up to 30 green, 20 hawksbill, and 20 loggerhead sea turtles annually. Turtles may be weighed, measured, flipper tagged, PIT tagged,

blood sampled, tissue sampled, fecal sampled, and lavaged. A subset of turtles may be tagged with a satellite tag or acoustic transmitter or a combination of both. This research addresses fine-scale temporal and spatial patterns of sea turtle habitat use, ecology, and genetic origin within the Dry Tortugas National Park. Dr. Hart proposes to increase the number of green sea turtles that she captures to 80 per year due to the high rate of recent capture success. The modification would be valid until the permit expires on June 30, 2013.

Dated: March 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

[C–552–805]

Polyethylene Retail Carrier Bags from the Socialist Republic of Vietnam: Final Affirmative Countervailing Duty Determination

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

SUMMARY: The Department of Commerce (Department) has determined that countervailable subsidies are being provided to producers and exporters of polyethylene retail carrier bags (PRCBs) from the Socialist Republic of Vietnam (Vietnam). For information on the estimated countervailing duty rates, please see the "Suspension of Liquidation" section, below.

DATES: *Effective Date:* April 1, 2010.

FOR FURTHER INFORMATION CONTACT: Gene Calvert or Jun Jack Zhao, AD/CVD Operations, Office 6, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–3586 and (202) 482–1396, respectively.

Case History

The following events have occurred since the announcement of the preliminary determination, which was published in the **Federal Register** on September 4, 2009. *See Polyethylene Retail Carrier Bags from the Socialist Republic of Vietnam: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Countervailing Duty Determination with*