

## 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]

**BILLING CODE 3510-DS-P**

## 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.