

a review of the application, NMFS determined that the application was incomplete and requested further information. The applicant submitted a revised application on January 19, 2010. The application is for incidental take of ESA-listed species that may result from proposed research. The proposed research activity will consist of annual horseshoe crab abundance monitoring trawl surveys along the coastal mid-Atlantic and Delaware Bay. The coastal mid-Atlantic survey will consist of two regional surveys; (1) The Coastal Delaware Bay Area survey, which extends from shore out 22.2 kilometers (12 nautical miles), and from the Eastern Shore of Virginia (37° 10' N) north to Atlantic City, New Jersey (39° 20' N), and (2) The New York Apex survey, which extend from shore out 22.2 kilometers (12 nautical miles), and from 39° 20' N north along the New Jersey coast and east along the southern coast of Long Island to Montauk Point, New York (71° 50' W). The Delaware Bay survey will be conducted in Delaware and New Jersey state jurisdictional waters deeper than three meters (10 feet) in Delaware Bay west of the territorial sea demarcation line. The annual trawl surveys will provide abundance, distribution and demographic information in support of the horseshoe crab Fishery Management Plan of the Atlantic States Marine Fisheries Commission. Sampling will consist of approximately 27 days at sea annually, for a total of 140 tows deploying flounder and whelk trawls intended to capture horseshoe crabs for examination and enumeration. Tows will be no longer than 15 minutes of bottom time and will be conducted at night, when horseshoe crabs are more susceptible to the gear. However, boat traffic and the presence of fixed fishing gear may restrict sampling to daylight hours, depending on the location. The proposed activity will be conducted in the fall, between early September and mid-November. Turtle excluder devices will not be installed in the trawl gear because these devices may hinder capture of horseshoe crabs. Thus, it is anticipated that fish and sea turtles will be captured by the unmodified gears.

The application anticipates that the coastal trawl survey effort will annually capture 24 loggerhead, 21 Kemp's ridley, and 4 green sea turtles, with up to one sea turtle mortality each year. Additionally, the application anticipates 7 loggerhead, 6 Kemp's ridley, and 1 green sea turtle will be captured in the Delaware Bay trawl survey, with no mortalities expected. The tow times described in the application will not

exceed a 15 minute bottom time -- a submergence period that sea turtles are able to survive. Thus, the mortality estimates are low. Based on available data, the application does not anticipate the capture of shortnose sturgeon in the coastal or Delaware Bay trawl survey effort. The application anticipates the annual capture of 11 Atlantic sturgeon, in the coastal trawl survey effort and 9 Atlantic sturgeon in the Delaware Bay trawl survey, with near 100% survival.

#### Conservation Plan

The conservation plan prepared by the applicant describes measures designed to monitor, minimize, and mitigate the incidental takes of ESA-listed sea turtles. The conservation plan includes limiting sampling effort in areas and times where sea turtles are likely to be present; avoiding coral and rock habitats associated with hawksbills and areas of submerged aquatic vegetation associated with green turtles; using minimal tow durations; avoiding areas of high fishing vessel activity which may attract foraging sea turtles and may increase the chance of multiple captures.

All activities will be conducted under the direct supervision of scientific parties from Virginia Tech. Sampling will not be conducted when sea turtles are observed in the area. If a sea turtle is captured, all efforts will be made to release the turtle as quickly as possible with minimal trauma. If necessary, resuscitation will be attempted as proscribed by 50 CFR 223.206. Scientific parties will be familiarized with resuscitation techniques prior to surveys, and a copy of the resuscitation guidelines will be carried aboard the vessel during survey activities. In the event resuscitation is unsuccessful, the sea turtle will be transferred to the sea turtle stranding network of the appropriate jurisdiction. Other monitoring or mitigation actions will be undertaken as required.

The applicant considered and rejected three other alternatives, not applying for a permit, conducting the research in an area where ESA-listed species do not occur, or using different sampling gear when developing their conservation plan.

This notice is provided pursuant to section 10(c) of the ESA and the National Environmental Policy Act (NEPA) regulations (40 CFR 1506.6). NMFS will evaluate the application, associated documents, and comments submitted thereon to determine whether the application meets the requirements of the NEPA regulations and section 10(a) of the ESA. If it is determined that the requirements are met, a permit will

be issued for incidental takes of ESA-listed sea turtles under the jurisdiction of NMFS. The final NEPA and permit determinations will not be completed until after the end of the 30-day comment period and will fully consider all public comments received during the comment period. NMFS will publish a record of its final action in the **Federal Register**.

Dated: March 11, 2010.

**David Cottingham,**

*Chief, Marine Mammal and Sea Turtle Conservation Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 2010-5982 Filed 3-18-10; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XV28

#### Endangered Species; File No. 14176

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

**ACTION:** Notice; receipt of application.

**SUMMARY:** Notice is hereby given that the United States Fish and Wildlife Service (USFWS), Maryland Fishery Resources Office, 177 Admiral Cochrane Drive, Annapolis, MD 21401 (Michael Mangold, Responsible Party), has applied in due form for a permit to take shortnose sturgeon (*Acipenser brevirostrum*) for purposes of scientific research.

**DATES:** Written, telefaxed, or e-mail comments must be received on or before April 19, 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 (APPS) home page, <https://apps.nmfs.noaa.gov/>, and then selecting File No. 14176 from the list of available applications. The application and related documents are available for review 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
- Northeast Region, NMFS, Protected Resources Division, 55 Great Republic Drive, Gloucester, MA 01930; phone (978) 281-9328; fax (978) 281-9394.

Written comments or requests for a public hearing on this application should be mailed to the Chief, Permits, Conservation and Education Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate.

Comments may also be submitted by facsimile at (301) 713-0376, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period.

Comments may also be submitted by e-mail. The mailbox address for providing e-mail comments is [NMFS.Pr1Comments@noaa.gov](mailto:NMFS.Pr1Comments@noaa.gov). Include in the subject line of the e-mail comment the following document identifier: File No. 14176.

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

**SUPPLEMENTARY INFORMATION:** The subject permit is 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).

The applicant is seeking a five year permit to assess biological and life history information on shortnose sturgeon in the Potomac River. Primary objectives of the study would be: (1) capturing and tracking acoustically tagged sturgeon to determine seasonal movements, habitat selection, spawning success and spawning periodicity; and (2) characterizing the genetics of Potomac River shortnose sturgeon. To accomplish these goals, up to 30 fish annually would be non-lethally sampled with gill nets, measured, weighed, PIT and Floy tagged, and tissue sampled. Of these, up to 10 adult shortnose sturgeon each year would be acoustically tagged five internally and five externally and released. Additionally, researchers propose to use D-nets to collect up to 20 shortnose sturgeon in early life stages annually to estimate spawning success and periodicity.

Dated: March 15, 2010.

**P. Michael Payne,**

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

[FR Doc. 2010-6084 Filed 3-18-10; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XS13**

#### Marine Mammals; File No. 87-1743

**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 Daniel P. Costa, Ph.D., Long Marine Laboratory, University of California at Santa Cruz, 100 Shaffer Road, Santa Cruz, California 95060, has applied for an amendment to Scientific Research Permit No. 87-1743-05.

**DATES:** Written, telefaxed, or e-mail comments must be received on or before April 19, 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. 87-1743 from the list of available applications.

These documents are also available 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.

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 Dr. Tammy Adams, (301)713-2289.

**SUPPLEMENTARY INFORMATION:** The subject amendment to Permit No.87-1743-05 is requested 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).

Permit No. 87-1743-05, issued on September 29, 2009 (74 FR 52184), authorizes the permit holder to conduct long-term behavioral, physiological, and life history research studies on northern elephant seals (*Mirounga angustirostris*) in California. The permit expires on September 30, 2010. The permit holder is requesting an amendment to increase the number of weaned elephant seal pups weighed, measured, and flipper tagged by 100 animals in order to study the effects of a current El Nino event on weaned pup size and survival. The amendment would be valid for the duration of the permit.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), a supplemental environmental assessment (SEA) was prepared to analyze the effects of issuing Permit No. 87-1743-05, and a finding of no significant impact was signed on September 30, 2009. Based on the analysis in the SEA, NMFS has determined that issuance of Permit No. 87-1743-06 would not significantly impact the quality of the human environment and that preparation of an environmental impact statement is not required.

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: March 15, 2010.

**P. Michael Payne,**

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

[FR Doc. 2010-6083 Filed 3-18-10; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-533-839]

#### Carbazole Violet Pigment 23 from India: Final Results of the Expedited Five-year (Sunset) Review of the Countervailing Duty Order

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

**SUMMARY:** On November 2, 2009, the Department of Commerce (the Department) initiated a sunset review of the countervailing duty (CVD) order on Carbazole Violet Pigment 23 (CVP-23)