DEPARTMENT OF COMMERCE
International Trade Administration

Export Trade Certificate of Review

ACTION: Notice of issuance of an amended Export Trade Certificate of Review to Great Lakes Fruit Exporters Association, LLC ("GLFEA"), Application No. 03–3A007.


FOR FURTHER INFORMATION CONTACT: Joseph Flynn, Director, OTEA, International Trade Administration, by telephone at (202) 482–5131 (this is not a toll-free number) or email at etca@trade.gov.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001–21) ("the Act") authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. An Export Trade Certificate of Review protects the holder and the members identified in the Certificate from State and Federal government antitrust actions and from private treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. The regulations implementing Title III are found at 15 CFR part 325. OTEA is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Secretary of Commerce to publish a summary of the certification in the Federal Register.

Under Section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary’s determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

Description of Certified Conduct

GLFEA’s Export Trade Certificate of Review was amended as follows:

1. Added the following entities as new Members of the Certificate within the meaning of section 325.2(1) of the Regulations (15 CFR 325.2(1)):
   - Applewood Fresh Growers, LLC, Sparta, Michigan
   - Michigan Fresh Marketing, LLC, Comstock Park, Michigan

2. Removed the following entities as Members of the Certificate:
   - Jack Brown Produce, Inc., Sparta, Michigan
   - All Fresh GPS, LLC, Comstock Park, Michigan

Updated List of Members (Within the Meaning of Section 325.2(l) of the Regulations (15 CFR 325.2(l))

Applewood Fresh Growers, LLC, Sparta, Michigan
BelleHarvest Sales, Inc., Belding, Michigan
Greenridge Fruit, Inc., Grand Rapids, Michigan
Michigan Fresh Marketing, LLC, Comstock Park, Michigan
North Bay Produce, Inc., Traverse City, Michigan
Riveridge Produce Marketing, Inc., Sparta, Michigan

The effective date of the amended certificate is April 22, 2021, the date on which GLFEA’s application to amend was deemed submitted.

Dated: July 22, 2021.

Joseph Flynn,
Director, Office of Trade and Economic Analysis, International Trade Administration, U.S. Department of Commerce.

BILLING CODE 3510–05–P

DEPARTMENT OF COMMERCE
International Trade Administration

Export Trade Certificate of Review

ACTION: Notice of issuance of an Amended Export Trade Certificate of Review to Florida Citrus Exports, L.C. ("FCE"), Application No. 94–7A007.


FOR FURTHER INFORMATION CONTACT: Joseph Flynn, Director, OTEA, International Trade Administration, by telephone at (202) 482–5131 (this is not a toll-free number) or email at etca@trade.gov.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001–21) ("the Act") authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. An Export Trade Certificate of Review protects the holder and the members identified in the Certificate from State and Federal government antitrust actions and from private treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. The regulations implementing Title III are found at 15 CFR part 325. OTEA is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Secretary of Commerce to publish a summary of the certification in the Federal Register.

Under Section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary’s determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

Description of Certified Conduct

FCE’s Export Trade Certificate of Review was amended as follows:

1. Added the following entity as a new Member of the Certificate within the meaning of section 325.2(1) of the Regulations (15 CFR 325.2(1)):
   - Hogbin and Sons, Inc., Vero Beach, Florida
   - Leroy E. Smith’s Sons, Inc., Vero Beach, Florida
   - Seald Sweet LLC, Vero Beach, Florida

Dated: June 10, 2021.

Joseph Flynn,
Director, Office of Trade and Economic Analysis, International Trade Administration, U.S. Department of Commerce.

BILLING CODE 3510–05–P
Updated list of Members (within the meaning of section 325.2(l) of the Regulations (15 CFR 325.2(l)):
Egan Fruit Packing, LLC, Ft. Pierce, Florida
Golden River Fruit Co., Vero Beach, Florida
Heller Brothers Packing Corp., Winter Garden, Florida
Indian River Exchange Packers, Inc., Vero Beach, Florida
The Packers of Indian River, Ltd., Ft. Pierce, Florida
Premier Citrus Marketing, LLC, Vero Beach, Florida
River One International Marketing, Inc., Vero Beach, Florida
Riverfront Packing Co. LLC, Vero Beach, Florida

The effective date of the amended certificate is April 14, 2021, the date on which FCE's application to amend was deemed submitted.

Joseph Flynn,
Director, Office of Trade and Economic Analysis, International Trade Administration, U.S. Department of Commerce.


Dwayne Meadows, Ph.D., Office of Protected Resources, NMFS, (301) 427–8401.

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB256]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Floating Dry Dock Project at Naval Base San Diego in San Diego, California

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

ACTION: Notice; issuance of incidental harassment authorization.

SUMMARY: NMFS has received a request from the United States Navy for the reissuance of a previously issued incidental harassment authorization (IHA) with the only change being effective dates. The initial IHA authorized take of one species of marine mammals, by Level B harassment, incidental to construction associated with the Floating Dry Dock Project at Naval Base San Diego in San Diego, California. The project has been delayed and none of the work covered in the initial IHA has been conducted. The initial IHA was effective from September 15, 2020, through September 14, 2021. The Navy has requested reissuance with new effective dates of September 15, 2021, through September 14, 2022. The scope of the activities and anticipated effects remain the same, authorized take numbers are not changed, and the required mitigation, monitoring, and reporting remains the same as included in the initial IHA. NMFS is, therefore, issuing a second identical IHA to cover the incidental take analyzed and authorized in the initial IHA.

DATES: This authorization is effective from September 15, 2021, through September 14, 2022.

ADDRESSES: An electronic copy of the final 2020 IHA previously issued to the Navy, the Navy’s application, and the Federal Register notices proposing and issuing the initial IHA may be obtained by visiting www.fisheries.noaa.gov/action/incidental-take-authorization-us-navy-floating-dry-dock-project-naval-base-san-diego. In case of problems accessing these documents, please call the contact listed below (see FOR FURTHER INFORMATION CONTACT).

FOR FURTHER INFORMATION CONTACT: Dwayne Meadows, Ph.D., Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the Marine Mammal Protection Act (MMPA; 16 U.S.C. 1361 et seq.) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth.

NMFS has defined “negligible impact” in 50 CFR 216.103 as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival. The MMPA states that the term “take” means to harass, hunt, capture, kill or attempt to harass, hunt, capture, or kill any marine mammal.

Except with respect to certain activities not pertinent here, the MMPA defines “harassment” as any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Summary of Request

On June 1, 2020, NMFS published final notice of our issuance of an IHA authorizing take of marine mammals incidental to the Floating Dry Dock Project at Naval Base San Diego in San Diego, California (85 FR 33129). The effective dates of that IHA were September 15, 2020, through September 14, 2021. On July 12, 2021, the Navy informed NMFS that the project was delayed. None of the work identified in the initial IHA (e.g., pile driving) has occurred. The Navy submitted a request that we reissue an identical IHA that would be effective from September 15, 2021, through September 14, 2022, in order to conduct the construction work that was analyzed and authorized through the previously issued IHA. Therefore, reissuance of the IHA is appropriate.

Summary of Specified Activity and Anticipated Impacts

The planned activities (including mitigation, monitoring, and reporting), authorized incidental take, and anticipated impacts on the affected stocks are the same as those analyzed and authorized through the previously issued IHA.

The purpose of the Navy’s construction project is to ensure the Naval Base San Diego’s capability to conduct berth-side repair and maintenance of vessels. The need for the proposed action is to construct a floating dry dock by support by installing two mooring dolphins, fender piles, and a concrete ramp wharf and vehicle bridge. The location, timing, and nature of the activities, including the types of equipment planned for use, are identical to those described in the initial IHA. The mitigation and monitoring are also as prescribed in the initial IHA. The only species that is expected to be taken by the planned activity is California sea lions (Zalophus californianus).