

of the Act, the Department shall use facts otherwise available in reaching the applicable determination.

Because Meghmani did not respond to our June 3, 2010, questionnaire, pursuant to sections 776(a)(2)(A) and (B) of the Act, we must rely entirely on facts available.

#### *B. Application of Adverse Inferences for Facts Available*

In selecting among the facts otherwise available, section 776(b) of the Act provides that, if the Department finds that an interested party has failed to cooperate by not acting to the best of its ability to comply with a request for information, the Department may use an inference adverse to the interests of that party. In addition, the Statement of Administrative Action accompanying the Uruguay Round Agreements Act, H.R. Rep. 103-316, Vol. 1, 103d Cong. (1994), reprinted in 1994 U.S.C.A.N. 4040 (SAA), establishes that the Department may employ an adverse inference “to ensure that the party does not obtain a more favorable result by failing to cooperate than if it had cooperated fully.” See SAA at 870. The SAA also instructs the Department to consider, in employing adverse inferences, “the extent to which a party may benefit from its own lack of cooperation.” *Id.* Moreover, “affirmative evidence of bad faith on the part of a respondent is not required before the Department may make an adverse inference.” See *Antidumping Duties; Countervailing Duties, Final Rule*, 62 FR 27296, 27340 (May 19, 1997).

We find that, by failing completely to respond to our questionnaire in the changed-circumstances review concerning its name change, Meghmani withheld requested information and thus failed to cooperate to the best of its ability and, therefore, we may use an inference that is adverse to the interests of Meghmani.

#### *C. Selection of Information Used as Facts Available*

Where the Department applies an adverse inference because a respondent failed to cooperate by not acting to the best of its ability to comply with a request for information, section 776(b) of the Act authorizes the Department to rely on information derived from the petition, a final determination, a previous administrative review, or other information placed on the record. See also 19 CFR 351.308(c) and the SAA at 870.

Because we are making an adverse inference with regard to Meghmani based on the most recent information at our disposal, we preliminarily find that

Meghmani is the successor-in-interest to Alpanil. In making the adverse inference, we have relied on the information placed on the record by Meghmani to determine that Meghmani is the successor-in-interest to Alpanil. See section 776(b) of the Act.<sup>2</sup> If we were to find that Meghmani is not the successor-in-interest to Alpanil, that would ensure that Meghmani would “obtain a more favorable result by failing to cooperate” because the all-others rate of 27.48 percent for the antidumping duty order would apply to Meghmani which is significantly lower than Alpanil’s current rate of 58.90 percent. Accordingly, we preliminarily determine that Meghmani is the successor-in-interest to Alpanil and will assign to Meghmani the same treatment as Alpanil with respect to the antidumping duty proceeding.

#### **Public Comment**

Case briefs from interested parties may be submitted not later than 15 days after the date of publication of this notice of preliminary results of changed-circumstances review. See 19 CFR 351.309(c)(1)(ii). Rebuttal briefs from interested parties, limited to the issues raised in the case briefs, may be submitted not later than five days after the time limit for filing the case briefs or comments. Parties who submit case briefs or rebuttal briefs in this proceeding are requested to submit with each argument a statement of the issue, a summary of the arguments not exceeding five pages, and a table of statutes, regulations, and cases cited.

Interested parties who wish to request a hearing or to participate in a hearing if a hearing is requested must submit a written request to the Assistant Secretary for Import Administration within 15 days of the date of publication of this notice. See 19 CFR 351.310(c). Such requests should contain the following information: (1) The party’s name, address, and telephone number; (2) the number of participants; (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those discussed in the case briefs. If requested, any hearing will be held two days after the scheduled date for submission of rebuttal briefs.

The Department will publish in the **Federal Register** a notice of the final results of this changed-circumstances review, including the results of its analysis of issues raised in any written briefs or at the hearing if requested.

<sup>2</sup> Because the information upon which we are relying was obtained in the course of the review and is not secondary information, corroboration of this information is not necessary. See section 776(c) of the Act.

As indicated in the *Initiation*, during the course of this changed-circumstances review we will not change any cash-deposit requirements on entries of merchandise subject to the antidumping duty order unless a change is determined to be warranted pursuant to the final results of this changed-circumstances review.

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

Dated: August 23, 2010.

**Ronald K. Lorentzen,**

*Deputy Assistant Secretary for Import Administration.*

[FR Doc. 2010-21577 Filed 8-27-10; 8:45 am]

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## **DEPARTMENT OF COMMERCE**

### **Foreign-Trade Zones Board**

[Order No. 1703]

#### **Reorganization of Foreign-Trade Zone 126 Under Alternative Site Framework; Reno, NV**

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

*Whereas*, the Board adopted the alternative site framework (ASF) in December 2008 (74 FR 1170, 01/12/09; correction 74 FR 3987, 01/22/09) as an option for the establishment or reorganization of general-purpose zones;

*Whereas*, the Economic Development Authority of Western Nevada, grantee of Foreign-Trade Zone 126, submitted an application to the Board (FTZ Docket 26-2010, filed 4/19/2010) for authority to reorganize under the ASF with a service area of Carson City, Douglas and Storey Counties as well as portions of Churchill, Lyon and Washoe Counties, Nevada, in and adjacent to the Reno Customs and Border Protection port of entry, FTZ 126’s existing Sites 1, 4-14 and 17 would be categorized as magnet sites, existing Sites 2, 3, 15 and 16 would be categorized as usage-driven sites, and the grantee proposes two additional usage-driven sites (Sites 18 and 19);

*Whereas*, notice inviting public comment was given in the **Federal Register** (75 FR 21594-21595, 4/26/10) and the application has been processed pursuant to the FTZ Act and the Board’s regulations; and,

*Whereas*, the Board adopts the findings and recommendations of the examiner’s report, and finds that the

requirements of the FTZ Act and Board's regulations are satisfied, and that the proposal is in the public interest;

Now, therefore, the Board hereby orders:

The application to reorganize FTZ 126 under the alternative site framework is approved, subject to the FTZ Act and the Board's regulations, including Section 400.28, to the Board's standard 2,000-acre activation limit for the overall general-purpose zone project, to a five-year ASF sunset provision for magnet sites that would terminate authority for Sites 1, 4, 5, 7-14 and 17 if not activated by August 31, 2015, and to a three-year ASF sunset provision for usage-driven sites that would terminate authority for Sites 2, 3, 15-16 and 18-19 if no foreign-status merchandise is admitted for a bona fide customs purpose by August 31, 2013.

Signed at Washington, DC, this 19th day of August 2010.

**Ronald K. Lorentzen,**

*Deputy Assistant Secretary for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.*

Attest:

**Andrew McGilvray,**

*Executive Secretary.*

[FR Doc. 2010-21573 Filed 8-27-10; 8:45 am]

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## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

#### Foreign-Trade Zone 43—Battle Creek, MI; Site Renumbering Notice

Foreign-Trade Zone 43 was approved by the FTZ Board on October 19, 1978 (Board Order 138, 43 FR 50233, 10/27/78), and expanded on December 27, 1990 (Board Order 496, 56 FR 675, 1/8/91), January 3, 1992 (Board Order 554, 57 FR 1143, 1/10/92 and Board Order 555, 57 FR 1143, 1/10/92), and June 20, 1997 (Board Order 897, 62 FR 36044, 7/3/97 and Board Order 898, 62 FR 36043, 7/3/97).

FTZ 43 currently consists of 5 "sites" totaling 1,820 acres in the Battle Creek, Michigan area. The current update does not alter the physical boundaries that have previously been approved, but instead involves an administrative renumbering that separates certain non-contiguous sites for record-keeping purposes.

Under this revision, the site list for FTZ 43 will be as follows: Site 1 (1,710 acres)—within the Fort Custer Industrial Park, Battle Creek; Site 2 (21 acres)—Columbia West Industrial Park, Battle Creek; Site 3 (23 acres)—6677 Beatrice

Drive in Texas Township (Kalamazoo County); Site 4 (22 acres)—8250 Logistic Drive, Zeeland Township (Ottawa County), some 20 miles southwest of Grand Rapids; Site 5 (30 acres)—located within the 120-acre St. Joseph River Harbor Development Area adjacent to Lake Michigan in Benton Harbor (Berrien County), some 50 miles east of Battle Creek; Site 7 (14 acres)—72100 Highway M-40 South, Lawton (Van Buren County); and Site 8 (50,000 sq. ft.)—located at 1609 Parnall Road, Jackson (approved on a temporary basis until 1/31/11).

For further information, contact Elizabeth Whiteman at *Elizabeth.Whiteman@trade.gov* or (202) 482-0473.

Dated: August 25, 2010.

**Andrew McGilvray,**

*Executive Secretary.*

[FR Doc. 2010-21572 Filed 8-27-10; 8:45 am]

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## DEPARTMENT OF DEFENSE

### National Security Agency

#### Notice of Intent To Grant an Exclusive License; Doar, Pekuin, Sall Limited Liability Company

**AGENCY:** National Security Agency, DoD.

**ACTION:** Notice.

**SUMMARY:** The National Security Agency hereby gives notice of its intent to grant Doar, Pekuin, Sall Limited Liability Company a revocable, non-assignable, exclusive, license to practice the following Government-Owned invention as described in U.S. Patent No. 6,404,407 entitled "Ridge laser with oxidized strain-compensated superlattice of group III-V semiconductor." The invention is assigned to the United States Government as represented by the National Security Agency.

**DATES:** Anyone wishing to object to the grant of this license has fifteen (15) days from the publication date of this notice to file written objections along with any supporting evidence, if any.

**ADDRESSES:** Written objections are to be filed with the National Security Agency Technology Transfer Program, 9800 Savage Road, Suite 6541, Fort George G. Meade, MD 20755-6541.

**FOR FURTHER INFORMATION CONTACT:** Marian T. Roche, Director, Technology Transfer Program, 9800 Savage Road, Suite 6541, Fort George G. Meade, MD 20755-6541, telephone (443) 479-9569.

Dated: August 25, 2010.

**Mitchell S. Bryman,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2010-21540 Filed 8-27-10; 8:45 am]

**BILLING CODE 5001-06-P**

## DELAWARE RIVER BASIN COMMISSION

### Notice of Commission Meeting and Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold an informal conference followed by a public hearing on Wednesday, September 15, 2010. The hearing will be part of the Commission's regular business meeting. The conference session and business meeting both are open to the public and will be held at the West Trenton Volunteer Fire Company, located at 40 West Upper Ferry Road, West Trenton, New Jersey.

The conference among the commissioners and staff will begin at 10:30 a.m. and will consist of: A report by staff on the year's progress in implementing the 2004 Basin Plan; a report by a representative of the U.S. Army Corps of Engineers on the regional sediment management planning process; and a presentation by a representative of the U.S. Environmental Protection Agency on the Delaware Basin Source Water Collaborative Forum to take place on March 10, 2011.

The subjects of the public hearing to be held during the 1:30 p.m. business meeting include the dockets listed below:

1. *Upper Southampton Municipal Authority, D-1965-023 CP-2.* An application for the renewal of a groundwater withdrawal project to supply the docket holder's water supply distribution system from existing Wells Nos. 3, 7, and 9. The docket holder requests an allocation of 13.53 million gallons per month (mgm). The project wells were constructed in the Stockton Formation and are located in the Southampton and Mill Creek Watersheds in Upper Southampton Township, Bucks County, Pennsylvania, in the Southeastern Pennsylvania Ground Water Protected Area (GWPA).

2. *Abington Township, D-1973-191 CP-4.* An application for renewal of the Abington Township Wastewater Treatment Plant (WWTP). The existing WWTP will continue to discharge treated effluent at an annual average flow of 3.91 million gallons per day (mgd) to Sandy Run, a tributary of the Wissahickon Creek, which drains to the