

**DEPARTMENT OF COMMERCE****International Trade Administration****Application(s) for Duty-Free Entry of Scientific Instruments**

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, as amended by Pub. L. 106-36; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be postmarked on or before June 25, 2012. Address written comments to Statutory Import Programs Staff, Room 3720, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 a.m. and 5:00 p.m. at the U.S. Department of Commerce in Room 3720.

**Docket Number:** 12-022. **Applicant:** University of Connecticut, 91 N. Eagleville Rd., BSP Bldg Unit 3242, Storrs, CT 06269. **Instrument:** Electron Microscope. **Manufacturer:** FEI Company, Czech Republic. **Intended Use:** The instrument will be used to examine tapeworms of sharks and stingrays, microbial mats, mosses, lichens, algae, diatoms, and other samples. The experiments aim to explore the morphology and anatomy of various plants and animals as a source of information for the assessment of systematics and phylogenetic relationships, as well as other objectives such as investigating the 3-D structure of nanosize films and ceramic fiber composites, and exploring the mechanical properties and arrangement of fibers in heart valves. **Justification for Duty-Free Entry:** There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: April 24, 2012.

**Docket Number:** 12-023. **Applicant:** Howard Hughes Medical Institute, 4000 Jones Bridge Rd., Chevy Chase, MD 20815. **Instrument:** Electron Microscope. **Manufacturer:** FEI Company, the Netherlands. **Intended Use:** The instrument will be used to examine the ultrastructural organization of complex biological specimens such as protein complexes, noninfectious virus and small cells at high resolution to help elucidate their function. **Justification for Duty-Free Entry:** There are no instruments of the same general

category manufactured in the United States. Application accepted by Commissioner of Customs: April 24, 2012.

Dated: May 29, 2012.

**Gregory W. Campbell,**  
*Director of Subsidies Enforcement, Import Administration.*

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**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

**RIN 0648-XA289**

**Takes of Marine Mammals Incidental to Specified Activities; Pile Driving in the Columbia River, WA**

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

**ACTION:** Notice; issuance of an incidental harassment authorization.

**SUMMARY:** In accordance with the Marine Mammal Protection Act (MMPA) regulations, notification is hereby given that NMFS has issued an Incidental Harassment Authorization (IHA) to the Port of Vancouver, USA (Port), allowing the take of small numbers of marine mammals, by Level B harassment only, incidental to pile driving during construction of the Terminal 5 Bulk Potash Handling Facility.

**DATES:** Effective November 1, 2012, through October 31, 2013.

**ADDRESSES:** A copy of the IHA, the application, and the Environmental Assessment are available by writing to Tammy Adams, Acting Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway Silver Spring, MD 20910-3225 or by telephoning the contact listed here (see **FOR FURTHER INFORMATION CONTACT**), or visiting the Internet at: <http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications>. Documents cited in this notice may be viewed, by appointment, during regular business hours, at the aforementioned address.

**FOR FURTHER INFORMATION CONTACT:** Michelle Magliocca, Office of Protected Resources, NMFS, (301) 427-8401.

**SUPPLEMENTARY INFORMATION:****Background**

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce 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 specific 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 published in the **Federal Register** and provided to the public for review.

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" 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."

Section 101(a)(5)(D) of the MMPA established an expedited process by which citizens of the United States can apply for an authorization to incidentally take small numbers of marine mammals by harassment. Section 101(a)(5)(D) further established a 45-day time limit for NMFS' review of an application, followed by a 30-day public notice and comment period on any proposed authorizations for the incidental harassment of marine mammals. Within 45 days of the close of the comment period, NMFS must either issue or deny the authorization.

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 February 22, 2011, NMFS received an application from the Port of Vancouver, USA (Port), requesting an IHA for the take, by Level B harassment, of small numbers of Pacific harbor seals (*Phoca vitulina richardi*), California sea lions (*Zalophus californianus*), and Steller sea lions (*Eumatopius jubatus*)