

from the provisions relating to public meetings found in 5 U.S.C. App. §§ (10)(a)(1) and 10(a)(3). The portion of the meeting dealing with matters requiring disclosure of trade secrets and commercial or financial information as described in 5 U.S.C. 552b(c)(4) shall be exempt from the provisions relating to public meetings found in 5 U.S.C. App. §§ (10)(a)(1) and 10(a)(3). The remaining portions of the meeting will be open to the public.

Copies of CINTAC meeting minutes will be available within 90 days of the meeting.

**Man K. Cho,**

*Acting Director, Office of Energy and Environmental Industries.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-821-811]

#### Termination of the Suspension Agreement on Solid Fertilizer Grade Ammonium Nitrate From the Russian Federation and Notice of Antidumping Duty Order

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

**SUMMARY:** On March 3, 2011, the Department of Commerce (“the Department”) received a letter from the Ministry of Economic Development (“MED”) of the Russian Federation (“Russia”) dated February 22, 2011, that had been sent to the United States Embassy in Moscow for transmittal to the Department concerning the Agreement Suspending the Antidumping Duty (“AD”) Investigation on Solid Fertilizer Grade Ammonium Nitrate from the Russian Federation (“the Agreement”). In that letter, the MED stated that it was withdrawing from the Agreement. In accordance with Section X.C. of the Agreement, termination of the Agreement shall be effective 60 days after notice of termination of the Agreement is given to the Department. Pursuant to section 734(g) of the Tariff Act of 1930, as amended (“the Act”), the underlying investigation was continued following the signature of the Agreement, resulting in an affirmative determination of dumping resulting in material injury to a domestic industry. Therefore, the Department is terminating the Agreement and issuing an AD order, effective May 2, 2011 (60 days from when the Department

received notice of MED’s request for termination). The Department also will direct suspension of liquidation to begin on that date.

**DATES:** *Effective Date:* May 2, 2011.

**FOR FURTHER INFORMATION CONTACT:**

Judith Wey Rudman or Julie Santoboni, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; *telephone:* (202) 482-0192 or (202) 482-3063, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

On August 12, 1999, the Department initiated an AD investigation under section 732 of the Act to determine whether imports of solid fertilizer grade ammonium nitrate (“ammonium nitrate”) from Russia were being, or were likely to be, sold in the United States at less than fair value. *See Initiation of Antidumping Duty Investigation: Solid Fertilizer Grade Ammonium Nitrate from the Russian Federation*, 64 FR 45236 (August 19, 1999). On September 15, 1999, the International Trade Commission (“ITC”) published its affirmative preliminary injury determination. (*See Certain Ammonium Nitrate from Russia*, Investigation No. 731-TA-856 (Preliminary), 64 FR 50103 (September 15, 1999)). On January 7, 2000, the Department published its preliminary determination that ammonium nitrate was being, or was likely to be, sold in the United States at less than fair value. *See Notice of Preliminary Determination of Sales at Less Than Fair Value: Solid Fertilizer Grade Ammonium Nitrate from the Russian Federation*, 65 FR 1139 (January 7, 2000).

The Department suspended the AD investigation on ammonium nitrate from Russia, effective May 19, 2000 (*See Suspension of Antidumping Duty Investigation: Solid Fertilizer Grade Ammonium Nitrate from the Russian Federation*, 65 FR 37759 (June 16, 2000)). The basis for this action was an agreement between the Department and the Ministry of Trade of the Russian Federation (“MOT”) (the MOT was the predecessor to the MED) accounting for substantially all imports of ammonium nitrate from Russia, wherein the MOT agreed to restrict exports of ammonium nitrate from all Russian producers/exporters to the United States and to ensure that such exports were sold at or above the agreed reference price. Thereafter, pursuant to a request by the petitioner, the Committee for Fair Ammonium Nitrate Trade (“COFANT”), the Department completed its

investigation and published its final determination of sales at less than fair value. *See Notice of Final Determination of Sales at Less Than Fair Value: Solid Fertilizer Grade Ammonium Nitrate From the Russian Federation*, 65 FR 42669 (July 11, 2000) (“*Final Determination*”). In its *Final Determination*, the Department calculated weighted-average dumping margins of 253.98 percent for Nevinnomysky Azot, a respondent company in the investigation, and as the Russia-wide rate. The ITC published its final affirmative injury determination on August 21, 2000 (*See Certain Ammonium Nitrate from Russia*, Investigation No. 731-TA-856 (Final), 65 FR 50179 (August 21, 2000) (“*ITC Final Injury Determination*”).

On March 31 and April 1, 2005, respectively, the ITC instituted, and the Department initiated, a five-year sunset review of the suspended AD investigation on ammonium nitrate from Russia. The Department concluded that termination of the suspended AD investigation would likely lead to continuation or recurrence of dumping and the ITC concluded that termination of the suspended investigation would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. *See Final Results of Five-Year Sunset Review of Suspended Antidumping Duty Investigation on Ammonium Nitrate from the Russian Federation*, 71 FR 11177 (March 6, 2006) and *Ammonium Nitrate from Russia*, Investigation No. 731-TA-856 (Review), 71 FR 16177 (March 30, 2006), respectively. On March 1, 2011, the Department initiated and the ITC instituted a (second) five-year sunset review of the ammonium nitrate suspended investigation. *See Notice of Initiation of Five-Year (“Sunset”) Reviews*, 76 FR 11202 (March 1, 2011) and *Ammonium Nitrate from Russia*, Investigation No. 731-TA-856 (Second Review), 76 FR 11273 (March 1, 2011).

On March 3, 2011, the Department received a letter from MED dated February 22, 2011, that had been sent to the United States Embassy in Moscow for transmittal to the Department concerning the Agreement. In that letter, the MED stated that it was withdrawing from the Agreement, effective 60 days after notice of termination.

**Scope of the Order**

The products covered by the order include solid, fertilizer grade ammonium nitrate products, whether prilled, granular or in other solid form, with or without additives or coating,

and with a bulk density equal to or greater than 53 pounds per cubic foot. Specifically excluded from this scope is solid ammonium nitrate with a bulk density less than 53 pounds per cubic foot (commonly referred to as industrial or explosive grade ammonium nitrate). The merchandise subject to this order is classified in the Harmonized Tariff Schedule of the United States (“HTSUS”) at subheading 3102.30.00.00. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise within the scope is dispositive.

### Termination of Suspended Investigation and Issuance of AD Order

Article X.C of the Agreement states:

MOT or DOC may terminate this Agreement at any time upon written notice to the other party. Termination shall be effective 60 days after such notice is given. Upon termination of this Agreement, the provisions of U.S. antidumping law and regulations shall apply.

As noted above, the underlying investigation in this proceeding was continued pursuant to section 734(g) of the Act, following the acceptance of the Agreement. The Department made a final affirmative AD determination, and the ITC found material injury. *See Final Determination and ITC Final Injury Determination*. Therefore, in accordance with section 735(c) of the Act, the Department will issue an antidumping duty order and instruct U.S. Customs and Border Protection (“CBP”) to suspend liquidation of entries of subject merchandise, effective May 2, 2011, which is 60 days from the date the Department received the letter from MED stating its withdrawal from the Agreement.

### Antidumping Duty Order

In accordance with section 736(a)(1) of the Act, the Department will direct CBP to assess, beginning on May 2, 2011, an antidumping duty equal to the weighted-average AD margins listed below.

We will instruct CBP to require a cash deposit for each entry equal to the AD weighted-average margin rates found in the Department’s July 11, 2000, *Final Determination*, as listed below. These suspension-of-liquidation instructions will remain in effect until further notice. The “Russia-wide” rate applies to all producers and exporters of subject merchandise not specifically listed. The final AD ad valorem rates are as follows:

Manufacturer/exporter	Weighted-average margin (percent)
JSC Nevinnomyssky Azot ....	253.98
Russia-wide .....	253.98

This notice constitutes the AD order with respect to ammonium nitrate from Russia, pursuant to section 736(a) of the Act. Interested parties may contact the Department’s Central Records Unit, room 7046 of the main Commerce building, for copies of an updated list of AD orders currently in effect. This order is issued and published in accordance with section 736(a) of the Act and 19 CFR 351.211(b).

Dated: April 21, 2011.

**Ronald K. Lorentzen,**

*Deputy Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648–XA356**

### Incidental Taking of Marine Mammals; Taking of Marine Mammals Incidental to the Explosive Removal of Offshore Structures in the Gulf of Mexico

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

**ACTION:** Notice; issuance of letters of authorization.

**SUMMARY:** In accordance with the Marine Mammal Protection Act (MMPA) and implementing regulations, notification is hereby given that NMFS has issued six one-year Letters of Authorization (LOA) to take marine mammals incidental to the explosive removal of offshore oil and gas structures (EROS) in the Gulf of Mexico.

**DATES:** These authorizations are effective from May 1, 2011 through April 30, 2012, and June 1, 2011, through May 31, 2012.

**ADDRESSES:** The application and LOAs are available for review by writing to P. Michael Payne, Chief, Permits, Conservation, and Education Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910–3235 or by telephoning the contact listed here (*see FOR FURTHER INFORMATION CONTACT*), or online at: <http://www.nmfs.noaa.gov/pr/permits/>

*incidental.htm*. Documents cited in this notice may be viewed, by appointment, during regular business hours, at the aforementioned address.

**FOR FURTHER INFORMATION CONTACT:** Howard Goldstein or Jolie Harrison, Office of Protected Resources, NMFS, 301–713–2289.

**SUPPLEMENTARY INFORMATION:** Section 101(a)(5)(A) of the MMPA (16 U.S.C. 1361 *et seq.*) directs the Secretary of Commerce (who has delegated the authority to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by United States citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region, if certain findings are made and regulations are issued. Under the MMPA, the term “take” means to harass, hunt, capture, or kill or to attempt to harass, hunt, capture, or kill any marine mammal.

Authorization for incidental taking, in the form of annual LOAs, may be granted by NMFS for periods up to five years if NMFS finds, after notice and opportunity for public comment, that the taking will have a negligible impact on the species or stock(s) of marine mammals, and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant). In addition, NMFS must prescribe regulations that include permissible methods of taking and other means of effecting the least practicable adverse impact on the species and its habitat (i.e., mitigation), and on the availability of the species for subsistence uses, paying particular attention to rookeries, mating rounds, and areas of similar significance. The regulations also must include requirements pertaining to the monitoring and reporting of such taking.

Regulations governing the taking of marine mammals incidental to EROS were published on June 19, 2008 (73 FR 34875), and remain in effect through July 19, 2013. For detailed information on this action, please refer to that **Federal Register** notice. The species that applicants may take in small numbers during EROS activities are bottlenose dolphins (*Tursiops truncatus*), Atlantic spotted dolphins (*Stenella frontalis*), pantropical spotted dolphins (*Stenella attenuata*), Clymene dolphins (*Stenella clymene*), striped dolphins (*Stenella coeruleoalba*), spinner dolphins (*Stenella longirostris*), rough-toothed dolphins (*Steno bredanensis*), Risso’s dolphins (*Grampus griseus*), melon-headed whales (*Peponocephala electra*), short-