

**DEPARTMENT OF COMMERCE****International Trade Administration**

[A-823-810]

**Antidumping Duty Order: Solid Agricultural Grade Ammonium Nitrate From Ukraine**

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

**ACTION:** Notice of antidumping duty order.

**EFFECTIVE DATE:** September 12, 2001.

**FOR FURTHER INFORMATION CONTACT:** Jarrod Goldfeder, Melani Miller, or Anthony Grasso, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-0189, (202) 482-0116, or (202) 482-3853, respectively.

**The Applicable Statute and Regulations**

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended ("the Act"), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department of Commerce ("the Department") regulations are to the regulations at 19 CFR part 351 (April 2000).

**Scope of Order**

The products covered by this antidumping duty order are solid, fertilizer grade ammonium nitrate ("ammonium nitrate" or "subject merchandise") 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 investigation 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 for purposes of the Customs Service, the written description of the merchandise under investigation is dispositive.

**Antidumping Duty Order**

On July 25, 2001, the Department published in the **Federal Register** the

*Notice of Final Determination of Sales At Less Than Fair Value: Solid Agricultural Grade Ammonium Nitrate From Ukraine*, 66 FR 38632 (July 25, 2001) ("*Final Determination*").

On August 31, 2001, in accordance with section 735(d) of the Act, the U.S. International Trade Commission ("ITC") notified the Department that a U.S. industry is "materially injured," within the meaning of section 735(b)(1)(A)(i) of the Act, by reason of less-than-fair-value imports of ammonium nitrate from Ukraine.

Therefore, in accordance with section 736(a)(1) of the Act, the Department will direct the Customs Service to assess, upon further advice by the Department, antidumping duties equal to the amount by which the normal value of the subject merchandise exceeds the export price or constructed export price of the subject merchandise for all entries of ammonium nitrate from Ukraine.

Antidumping duties will be assessed on all unliquidated entries of ammonium nitrate from Ukraine entered, or withdrawn from warehouse, for consumption on or after March 5, 2001, the date of publication of the Department's preliminary determination in the **Federal Register**. See *Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Solid Agricultural Grade Ammonium Nitrate From Ukraine*, 66 FR 13286 (March 5, 2001).

The ITC further found that critical circumstances do not exist with respect to imports of the subject merchandise from Ukraine. As a result, the Department will direct Customs officers to refund any cash deposits made, or bonds posted, pursuant to the Department's affirmative determination of critical circumstances for all merchandise produced/exported by all Ukrainian companies which were entered on or after December 5, 2000 (which is 90 days prior to the Department's preliminary determination publication date of March 5, 2001) and before March 5, 2001.

On or after the date of publication of this notice in the **Federal Register**, Customs officers must require, at the same time as importers would normally deposit estimated duties, cash deposits for the subject merchandise equal to the weighted-average antidumping duty margins as noted below. The "Ukraine-wide Rate" applies to all exporters of ammonium nitrate not specifically listed below:

Exporter/manufacturer	Weighted-average margin percentage
J.S.C. "Concern" Stirol .....	156.29
Ukraine-wide Rate .....	156.29

This notice constitutes the antidumping duty order with respect to ammonium nitrate from Ukraine, pursuant to section 735(a) of the Act. Interested parties may contact the Central Records Unit, Room B-099 of the Main Commerce Building for copies of an updated list of antidumping duty orders currently in effect.

This order is published in accordance with sections 736(a) and 19 CFR 351.211.

Dated: September 6, 2001.

**Richard W. Moreland,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 01-22934 Filed 9-11-01; 8:45 am]

**BILLING CODE 3510-DS-P**

**DEPARTMENT OF COMMERCE****National Institute of Standards and Technology****Judges Panel of the Malcolm Baldrige National Quality Award**

**AGENCY:** National Institute of Standards and Technology, Department of Commerce.

**ACTION:** Notice of closed meeting.

**SUMMARY:** Pursuant to the Federal Advisory Committee Act, 5 U.S.C. app. 2, notice is hereby given that there will be a closed meeting of the Judges Panel of the Malcolm Baldrige National Quality Award on Thursday, September 20, 2001. The Judges Panel is composed of nine members prominent in the field of quality management and appointed by the Secretary of Commerce. The purpose of this meeting is to review the consensus process, select applicants for site visits, determine possible conflict of interest for site visited companies, begin stage III of the judging process, review feedback to first stage applicants, a debriefing on the State and Local Workshop, an E-Baldrige Demonstration, and 2001 Regionals Sign-Up. The applications under review contain trade secrets and proprietary commercial information submitted to the Government in confidence.

**DATES:** The meeting will convene September 20, 2001 at 9 a.m. and adjourn at 4:30 p.m. on September 20, 2001. The entire meeting will be closed.

**ADDRESSES:** The meeting will be held at the National Institute of Standards and

Technology, Red Training Room, Chemistry Building, Gaithersburg, Maryland 20899.

**FOR FURTHER INFORMATION CONTACT:** Dr. Harry Hertz, Director, National Quality Program, National Institute of Standards and Technology, Gaithersburg, Maryland 20899, telephone number (301) 975-2361.

**SUPPLEMENTARY INFORMATION:** The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on February 12, 2001, that the meeting of the Judges Panel will be closed pursuant to Section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. app. 2, as amended by Section 5(c) of the Government in the Sunshine Act, Pub. L. 94-409. The meeting, which involves examination of records and discussion of Award applicant data, may be closed to the public in accordance with Section 552b(c)(4) of Title 5, United States Code, since the meeting is likely to disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential.

Dated: September 4, 2001.

**Karen H. Brown,**

*Deputy Director.*

[FR Doc. 01-22857 Filed 9-11-01; 8:45 am]

**BILLING CODE 3510-13-M**

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 090501A]

#### Endangered and Threatened Species; Take of Anadromous Fish

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

**ACTION:** Notice of availability and request for comment.

**SUMMARY:** Notice is hereby given that the Oregon Department of Fish and Wildlife (ODFW) has submitted a Fisheries Management and Evaluation Plan (FMEP) pursuant to the protective regulations promulgated for Lower Columbia River (LCR) chum salmon under the Endangered Species Act (ESA). The FMEP specifies the future management of inland fisheries potentially affecting the LCR chum salmon in the State of Oregon. This document serves to notify the public of the availability of the FMEP for review and comment before a final approval or disapproval is made by NMFS.

**DATES:** Written comments on the draft FMEP must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Pacific standard time on October 12, 2001.

**ADDRESSES:** Written comments and requests for copies of the draft FMEP should be addressed to Richard Turner, Sustainable Fisheries Division, Hatchery and Inland Fisheries Branch, 525 N.E. Oregon Street, Suite 510, Portland, OR 97232 or faxed to 503-872-2737. The documents are also available on the Internet at <http://www.nwr.noaa.gov/>. Comments will not be accepted if submitted via e-mail or the Internet.

**FOR FURTHER INFORMATION CONTACT:** Richard Turner, Portland, OR at phone number 503-736-4737 or e-mail: [rich.turner@noaa.gov](mailto:rich.turner@noaa.gov).

**SUPPLEMENTARY INFORMATION:** This notice is relevant to the Lower Columbia River chum salmon (*Oncorhynchus keta*) Evolutionarily Significant Unit (ESU).

#### Background

ODFW has submitted to NMFS an FMEP for inland recreational and commercial fisheries potentially affecting listed adults and juveniles of the LCR chum salmon ESU. These include all freshwater fisheries managed under the sole jurisdiction of the State of Oregon occurring within the boundaries of the LCR chum salmon ESU including the anadromous portions of the Lower Columbia River mainstem and tributaries, from the mouth upstream to Bonneville Dam. The objective of the fisheries is to harvest hatchery-origin salmon and steelhead, and other fish species in a manner that does not jeopardize the survival and recovery of the listed LCR chum salmon ESU. All Oregon tributaries to the Columbia River are closed to the retention of chum salmon but chum salmon may be handled during fisheries for steelhead, salmon and other species in these tributaries. Impact levels to the listed LCR chum salmon ESU are specified in the FMEP. Population risk assessments in the FMEP indicate the extinction risk for the listed ESU under the proposed fishery impact levels to be low. A variety of monitoring and evaluation tasks are specified in the FMEP to assess the abundance of LCR chum salmon, determine fishery effort, and angler compliance. ODFW will annually conduct a population status and a review of the fisheries within the provisions of the FMEP. ODFW will conduct, at a minimum of every 5 years, a comprehensive review to evaluate the effectiveness of the FMEP.

As specified in the July 10, 2000, ESA 4 (d) rule for salmon and steelhead (65 FR 42422), NMFS may approve an FMEP if it meets criteria set forth in § 223.203 (b)(4)(i)(A) through (I). Prior to final approval of an FMEP, NMFS must publish notification announcing its availability for public review and comment.

#### Authority

Under section 4 of the ESA, the Secretary of Commerce is required to adopt such regulations as he deems necessary and advisable for the conservation of species listed as threatened. The ESA salmon and steelhead 4 (d) rule (65 FR 42422, July 10, 2000) specifies categories of activities that contribute to the conservation of listed salmonids and sets out the criteria for such activities. The rule further provides that the prohibitions of paragraph (a) of the rule do not apply to activities associated with fishery harvest provided that an FMEP has been approved by NMFS to be in accordance with the salmon and steelhead 4 (d) rule.

Dated: September 6, 2001.

**Phil Williams,**

*Acting Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 01-22932 Filed 9-11-01; 8:45 am]

**BILLING CODE 3510-22-S**

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. No. 082301A]

#### Endangered and Threatened Wildlife and Plants; Recovery Plan Preparation for the Gulf of Maine Distinct Population Segment of Atlantic Salmon

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

**ACTION:** Notice; request for information.

**SUMMARY:** The National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (FWS)(the Services) are developing a recovery plan for the Gulf of Maine Distinct Population Segment of Atlantic Salmon. The Services are required by the Endangered Species Act (ESA) to develop plans for the conservation and survival of federally listed species, i.e., recovery plans.

**FOR FURTHER INFORMATION CONTACT:** Mark Minton, NMFS, telephone 978-