

under sections 771(9)(C) and (F) of the Act, as domestic producers and packagers of fresh garlic and a trade association whose members produce and process a domestic like product in the United States. We received complete substantive responses only from the domestic interested parties within the 30-day deadline specified in section 351.218(d)(3)(i) of the Department's regulations. We received no responses from the respondent interested parties. As a result, pursuant to section 751(c)(5)(A) of the Act and section 351.218(e)(1)(ii)(C)(2) of the Department's regulations, the Department conducted an expedited (120-day) sunset review of this order.

#### Scope of the Order:

The products subject to the antidumping duty order are all grades of garlic, whole or separated into constituent cloves, whether or not peeled, fresh, chilled, frozen, provisionally preserved, or packed in water or other neutral substance, but not prepared or preserved by the addition of other ingredients or heat processing. The differences between grades are based on color, size, sheathing, and level of decay.

The scope of this order does not include the following: (a) garlic that has been mechanically harvested and that is primarily, but not exclusively, destined for non-fresh use; or (b) garlic that has been specially prepared and cultivated prior to planting and then harvested and otherwise prepared for use as seed.

The subject merchandise is used principally as a food product and for seasoning. The subject garlic is currently classifiable under subheadings 0703.20.0010, 0703.20.0020, 0703.20.0090, 0710.80.7060, 0710.80.9750, 0711.90.6000, and 2005.90.9700 of the Harmonized Tariff Schedule of the United States ("HTSUS"). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this order is dispositive. In order to be excluded from the antidumping duty order, garlic entered under the HTSUS subheadings listed above that is (1) mechanically harvested and primarily, but not exclusively, destined for non-fresh use or (2) specially prepared and cultivated prior to planting and then harvested and otherwise prepared for use as seed must be accompanied by declarations to Customs and Border Protection to that effect.

#### Analysis of Comments Received

All issues raised in these reviews are addressed in the "Issues and Decision

Memorandum" ("Decision Memo") from Stephen J. Claeys, Deputy Assistant Secretary for Import Administration, to David M. Spooner, Assistant Secretary for Import Administration, dated June 1, 2006, which is hereby adopted by this notice. The issues discussed in the Decision Memo include the likelihood of continuation or recurrence of dumping and the magnitude of the margins likely to prevail if the order were to be revoked. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in room B-099 of the main Commerce Building.

In addition, a complete version of the Decision Memo can be accessed directly on the Web at <http://ia.ita.doc.gov/frn>, under the heading "June 2006." The paper copy and electronic versions of the Decision Memorandum are identical in content.

#### Final Results of Review

We determine that revocation of the antidumping duty order on garlic from the PRC would be likely to lead to continuation or recurrence of dumping at the following weighted-average percentage margin:

Manufacturers/Exporters/Producers	Weighted Average Margin (percent)
PRC-wide .....	376.67

We are issuing and publishing the results and notice in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: June 1, 2006.

**David M. Spooner,**

*Assistant Secretary for Import Administration.*  
[FR Doc. E6-8940 Filed 6-7-06; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

(C-427-819)

#### Low Enriched Uranium from France: Notice of Court Decision and Suspension of Liquidation

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

**SUMMARY:** On May 18, 2006, the United States Court of International Trade ("CIT") sustained the Department of Commerce's ("the Department's") March 2, 2006, Final Results of Redetermination on Remand pursuant to *Eurodif S.A., Compagnie Generale*

*Des Matieres Nucleaires, and Cogema Inc., et. al. v. United States*, Slip. Op. 06-3 (CIT, January 5, 2006) ("LEU Remand Redetermination"), which pertains to the Final Affirmative Countervailing Duty Determination on Low Enriched Uranium ("LEU") from France.

Consistent with the decision of the U.S. Court of Appeals for the Federal Circuit ("Federal Circuit") in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) ("*Timken*"), the Department will continue to order the suspension of liquidation of the subject merchandise, where appropriate, until there is a conclusive decision in this case. If the case is not appealed, or if it is affirmed on appeal, the Department will instruct U.S. Customs and Border Protection to liquidate all relevant entries from Eurodif S.A./Compagnie Generale Des Matieres Nucleaires (collectively, "Eurodif" or "respondents").

**EFFECTIVE DATE:** May 28, 2006.

#### FOR FURTHER INFORMATION CONTACT:

Kristen Johnson, AD/CVD Operations, Office 3, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-4793.

#### SUPPLEMENTARY INFORMATION:

##### Background

On December 21, 2001, the Department published a notice of final affirmative determination in the countervailing duty investigation of LEU from France. See *Notice of Final Affirmative Countervailing Duty Determination: Low Enriched Uranium from France*, 66 FR 65901 (December 21, 2001) ("*LEU Final Determination*"), and accompanying Issues and Decision Memorandum: Final Affirmative Countervailing Determination: Low Enriched Uranium from France. The *LEU Final Determination* was subsequently amended. See *Amended Final Determination and Notice of Countervailing Duty Order: Low Enriched Uranium from France*, 67 FR 6689 (February 13, 2002).

Respondents challenged the Department's final determination before the CIT. The case was later appealed and the Federal Circuit, in *Eurodif S.A., Compagnie Generale Des Matieres Nucleaires, and Cogema Inc., et. al. v. United States*, 411 F.3d 1355 (Fed. Cir. 2005) ("*Eurodif I*"), ruled in favor of respondents. The court panel later clarified its ruling, issuing a decision in *Eurodif S.A., Compagnie Generale Des Matieres Nucleaires, and Cogema Inc., et. al. v. United States*, 423 F. 3d. 1275

(Fed. Cir. 2005) (“*Eurodif II*”), which affirmed *Eurodif I*.

On January 5, 2006, the CIT remanded the case to the Department for action consistent with the decisions of the Federal Circuit in *Eurodif I* and *Eurodif II*. See *Eurodif S.A., Compagnie Generale Des Matieres Nucleaires, and Cogema Inc. et. al. v. United States*, Slip. Op. 06–3 (CIT, January 5, 2006). Specifically, the CIT directed the Department to revise its final determination and order in accordance with the decisions in *Eurodif I* and *Eurodif II*.

On March 2, 2006, the Department issued its final results of redetermination and recalculated the subsidy rate applicable to *Eurodif*, to comply with the decisions of *Eurodif I* and *Eurodif II*. See LEU Remand Redetermination. On May 18, 2006, the CIT sustained the Department’s redetermination in all respects and, thus, affirmed the Department’s revised analysis and calculations. See *Eurodif S.A., Compagnie Generale Des Matieres Nucleaires, and Cogema Inc. et. al. v. United States*, Slip. Op. 06–76 (CIT, May 18, 2006).

#### Suspension of Liquidation

The Federal Circuit, in *Timken*, held that the Department must publish notice of a decision of the CIT or the Federal Circuit, which is not “in harmony” with the Department’s final determination or results. Publication of this notice fulfills that obligation. The Federal Circuit also held that the Department must suspend liquidation of the subject merchandise until there is a “conclusive” decision in the case. Therefore, pursuant to *Timken*, the Department must continue to suspend liquidation pending the expiration of the period to appeal the CIT’s May 18, 2006, decision.

In the event that the CIT’s ruling is not appealed, the Department will publish an amended final results and liquidate relevant entries covering the subject merchandise.

Dated: May 31, 2006.

**David M. Spooner,**

*Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### ENVIRONMENTAL PROTECTION AGENCY

#### Coastal Nonpoint Pollution Control Program: Approval Decision on Minnesota Coastal Nonpoint Pollution Control Program

**AGENCY:** National Oceanic and Atmospheric Administration, U.S. Department of Commerce, and the U.S. Environmental Protection Agency.

**ACTION:** Notice of Intent to Approve the Minnesota Coastal Nonpoint Program.

**SUMMARY:** Notice is hereby given of the intent to fully approve the Minnesota Coastal Nonpoint Pollution Control Program (coastal nonpoint program) and of the availability of the draft Approval Decisions on conditions for the Minnesota coastal nonpoint program. Section 6217 of the Coastal Zone Act Reauthorization Amendments (CZARA), 16 U.S.C. 1455b, requires States and Territories with coastal zone management programs that have received approval under section 306 of the Coastal Zone Management Act to develop and implement coastal nonpoint programs. Coastal States and Territories were required to submit their coastal nonpoint programs to the National Oceanic and Atmospheric Administration (NOAA) and the U.S. Environmental Protection Agency (EPA) for approval in July 1995. NOAA and EPA conditionally approved the Minnesota coastal nonpoint program on June 23, 2003. NOAA and EPA have drafted approval decisions describing how Minnesota has satisfied the conditions placed on its program and therefore has a fully approved coastal nonpoint program.

NOAA and EPA are making the draft decisions for the Minnesota coastal nonpoint program available for a 30-day public comment period. If comments are received, NOAA and EPA will consider whether such comments are significant enough to affect the decision to fully approve the program.

Copies of the draft Approval Decisions can be found on NOAA Web site at <http://coastalmanagement.noaa.gov/czm/6217/findings.html> or may be obtained upon request from: Helen Bass, Coastal Programs Division (N/ORM3), Office of Ocean and Coastal Resource Management, NOS, NOAA, 1305 East-West Highway, Silver Spring, Maryland, 20910, phone (301) 713–3155, x175, e-mail [Helen.Bass@noaa.gov](mailto:Helen.Bass@noaa.gov)

**DATES:** Individuals or organizations wishing to submit comments on the draft Approval Decisions should do so by July 10, 2006.

**ADDRESSES:** Comments should be made to: John King, Chief, Coastal Programs Division (N/ORM3), Office of Ocean and Coastal Resource Management, NOS, NOAA, 1305 East-West Highway, Silver Spring, Maryland 20910, phone (301) 713–3155, x188, e-mail [John.King@noaa.gov](mailto:John.King@noaa.gov).

**FOR FURTHER INFORMATION CONTACT:** John Kuriawa, Coastal Programs Division, (N/ORM3), Office of Ocean and Coastal Resource Management, NOS, NOAA, 1305 East-West Highway, Silver Spring, Maryland, 20910, phone (301) 713–3155, x202, e-mail [John.Kuriawa@noaa.gov](mailto:John.Kuriawa@noaa.gov). (Federal Domestic Assistance Catalog 11.419 Coastal Zone Management Program Administration)

Dated: June 1, 2006.

**John H. Dunnigan,**

*Assistant Administrator for Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration.*

**Benjamin H. Grumbles,**

*Assistant Administrator, Office of Water, Environmental Protection Agency.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 060106A]

#### Marine Mammals; File No. 116–1843

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

**ACTION:** Notice; receipt of application.

**SUMMARY:** Notice is hereby given that Sea World, Inc., 7007 Sea World Drive, Orlando, Florida 32821, has applied in due form for a permit to import three beluga whales (*Delphinapterus leucas*) for the purposes of public display.

**DATES:** Written or telefaxed comments must be received on or before July 10, 2006.

**ADDRESSES:** The application and related documents are available for review upon written request or by appointment in the following offices:

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 713–2289; fax (301) 427–2521; and