

clinker from Japan<sup>1</sup> pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act). *See Notice of Initiation.*

As a result of this sunset review, the Department determined that revocation of the antidumping duty order on gray portland cement and clinker from Japan would likely lead to continuation or recurrence of dumping and notified the ITC of the magnitude of the margins likely to prevail should the order be revoked. *See Gray Portland Cement and Clinker From Japan: Final Results of the Expedited Third Sunset Review of the Antidumping Duty Order*, 76 FR 54206 (August 31, 2011).

On December 8, 2011, the ITC published its determination in the **Federal Register**, pursuant to section 751(c) of the Act, that revocation of the antidumping duty order on gray portland cement and clinker from Japan would likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. *See Gray Portland Cement and Clinker From Japan*, 76 FR 76760 (December 8, 2011), and USITC Publication 4281 (December 2011) entitled *Gray Portland Cement and Cement Clinker From Japan (Inv. Nos. 731-TA-461 (Third Review))*.

#### Scope of the Order

The products covered by the order are cement and cement clinker from Japan. Cement is a hydraulic cement and the primary component of concrete. Cement clinker, an intermediate material produced when manufacturing cement, has no use other than grinding into finished cement. Microfine cement was specifically excluded from the antidumping duty order. Cement is currently classifiable under the Harmonized Tariff Schedule (HTS) item number 2523.29 and cement clinker is currently classifiable under HTS item number 2523.10. Cement has also been entered under HTS item number 2523.90 as "other hydraulic cements." The HTS item numbers are provided for convenience and customs purposes. The written product description remains dispositive as to the scope of the product covered by the order.<sup>2</sup>

<sup>1</sup> *See Antidumping Duty Order and Amendment to Final Determination of Sales at Less Than Fair Value: Gray Portland Cement and Clinker From Japan*, 56 FR 21658 (May 10, 1991), and *Amended Final Determination of Sales at Less Than Fair Value and Antidumping Order: Gray Portland Cement and Clinker From Japan*, 60 FR 39150 (August 1, 1995).

<sup>2</sup> The Department has made two scope rulings regarding subject merchandise. *See Scope Rulings*, 57 FR 19602 (May 7, 1992) (classes G and H of oil well cement are within the scope of the order), and *Scope Rulings*, 58 FR 27542 (May 10, 1993)

#### Continuation of Order

As a result of the determination by the Department and the ITC that revocation of the antidumping duty order would likely lead to continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, the Department hereby orders the continuation of the antidumping duty order on gray portland cement and clinker from Japan.

U.S. Customs and Border Protection will continue to collect antidumping cash deposits at the rates in effect at the time of entry for all imports of subject merchandise. The effective date of the continuation of the order will be the date of publication of this notice of continuation in the **Federal Register**. Pursuant to sections 751(c)(2) and 751(c)(6)(A) of the Act, the Department intends to initiate the next five-year review of this order not later than 30 days prior to the fifth anniversary of the effective date of continuation.

This five-year sunset review and this notice is in accordance with section 751(c) of the Act and is published pursuant to section 777(i) of the Act and 19 CFR 351.218(f)(4).

Dated: December 8, 2011.

**Ronald K. Lorentzen**,

*Acting Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Limitation of Duty-Free Imports of Apparel Articles Assembled in Haiti Under the Haitian Hemispheric Opportunity Through Partnership for Encouragement Act (HOPE)

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

**ACTION:** Notification of Annual Quantitative Limit on Certain Apparel under HOPE.

**DATES:** *Effective Date:* December 20, 2011.

**FOR FURTHER INFORMATION CONTACT:** Maria Dycbczak, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-3651.

#### SUPPLEMENTARY INFORMATION:

*Authority:* The Caribbean Basin Recovery Act ("CBERA"), as amended

("Nittetsu Super Fine" cement is not within the scope of the order).

by the Haitian Hemispheric Opportunity Through Partnership for Encouragement Act of 2006 ("HOPE"), Title V of the Tax Relief and Health Care Act of 2006 and the Food, Conservation, and Energy Act of 2008 ("HOPE II"); the Haiti Economic Lift Program Act of 2010 ("HELP"); and implemented by Presidential Proclamations No. 8114, 72 FR 13655, 13659 (March 22, 2007), and No. 8596, 75 FR 68153 (November 4, 2010).

HOPE provides for duty-free treatment for certain apparel articles imported directly from Haiti. Section 213A(b)(1)(B) of HOPE outlines the requirements for certain apparel articles to qualify for duty-free treatment under a "value-added" program. In order to qualify for duty-free treatment, apparel articles must be wholly assembled, or knit-to-shape, in Haiti from any combination of fabrics, fabric components, components knit-to-shape, and yarns, as long as the sum of the cost or value of materials produced in Haiti or one or more countries, as described in HOPE, or any combination thereof, plus the direct costs of processing operations performed in Haiti or one or more countries, as described in HOPE, or any combination thereof, is not less than an applicable percentage of the declared customs value of such apparel articles. Pursuant to HELP, the applicable percentage for the period December 20, 2011 through December 19, 2012, is 50 percent or more.

For every twelve month period following the effective date of HOPE, duty-free treatment under the value-added program is subject to a quantitative limitation. HOPE provides that the quantitative limitation will be recalculated for each subsequent 12-month period. Section 213A(b)(1)(C) of HOPE, as amended by HOPE II and HELP, requires that, for the twelve-month period beginning on December 20, 2011, the quantitative limitation for qualifying apparel imported from Haiti under the value-added program will be an amount equivalent to 1.25 percent of the aggregate square meter equivalent of all apparel articles imported into the United States in the most recent 12-month period for which data are available. The aggregate square meters equivalent of all apparel articles imported into the United States is derived from the set of Harmonized System lines listed in the Annex to the World Trade Organization Agreement on Textiles and Clothing ("ATC"), and the conversion factors for units of measure into square meter equivalents used by the United States in implementing the ATC. For purposes of this notice, the most recent 12-month

period for which data are available as of December 20, 2011 is the 12-month period ending on October 31, 2011.

Therefore, for the one-year period beginning on December 20, 2011 and extending through December 19, 2012, the quantity of imports eligible for preferential treatment under the value-added program is 326,752,739 square meters equivalent. Apparel articles entered in excess of these quantities will be subject to otherwise applicable tariffs.

Dated: December 12, 2011.

**Kim Glas,**

*Deputy Assistant Secretary for Textiles and Apparel.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XO45

#### Marine Mammals; File No. 14241

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

**ACTION:** Notice; receipt of application for permit amendment.

**SUMMARY:** Notice is hereby given that Dr. Peter Tyack, Woods Hole Oceanographic Institution, Woods Hole, MA has applied for an amendment to Permit No. 14241-02 to conduct research on marine mammals.

**DATES:** Written, telefaxed, or email comments must be received on or before January 17, 2012.

**ADDRESSES:** The application and related documents are available for review by selecting "Records Open for Public Comment" from the *Features* box on the Applications and Permits for Protected Species home page, <https://apps.nmfs.noaa.gov>, and then selecting File No. 14241 from the list of available applications.

These documents are also available upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427-8401; fax (301) 713-0376;

Northeast Region, NMFS, 55 Great Republic Drive, Gloucester, MA 01930; phone (978) 281-9300; fax (978) 281-9333; and

Southeast Region, NMFS, 263 13th Avenue South, Saint Petersburg, Florida

33701; phone (727) 824-5312; fax (727) 824-5309.

**FOR FURTHER INFORMATION CONTACT:**

Tammy Adams or Carrie Hubbard, (301) 427-8401.

**SUPPLEMENTARY INFORMATION:** The subject amendment to Permit No. 14241-02 is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the regulations governing the taking and importing of marine mammals (50 CFR part 216.

Permit No. 14241, issued on July 15, 2009 (74 FR 3668), authorizes the permit holder to conduct research on cetacean behavior, sound production, and responses to sound. The research methods include tagging marine mammals with an advanced digital sound recording tag that records the acoustic stimuli an animal hears and measures vocalization, behavior, and physiological parameters. Research also involves conducting sound playbacks in a carefully controlled manner and measuring animals' responses. The principal study species are beaked whales, especially Cuvier's beaked whale (*Ziphius cavirostris*), and large delphinids such as long-finned pilot whales (*Globicephala melas*), although other small cetacean species may also be studied. The locations for the field work are the Mediterranean Sea, waters off of the mid-Atlantic United States, and Cape Cod Bay. The permit has been amended twice since issuance.

Amendment number 1 (Permit No. 14241-01) issued on July 27, 2010 (75 FR 47779): (1) Included authorization for collection of a skin and blubber biopsy sample from animals that are already authorized to be tagged; (2) added new species for existing projects involving tagging, playbacks, and behavioral observations; and (3) modified and clarified tagging and playback protocols and mitigation for when dependent calves are present. Amendment number 2 (Permit No. 14241-02), a minor amendment, issued on April 4, 2011, modified the sound source protocols and added zinc oxide marking for animals being tagged or biopsied. The permit, as amended, is valid through July 31, 2014.

The permit holder has a pending amendment request (76 FR 75524) to: (1) Add one new species, Atlantic spotted dolphin (*Stenella frontalis*), for field work in waters off Georgia, North Carolina, South Carolina, and Virginia; (2) add a new project to Dtag the following species in waters off the west coast of North America: Baird's beaked whale (*Berardius bairdii*), Cuvier's beaked whale, Risso's dolphin

(*Grampus griseus*), killer whale (*Orcinus orca*) and Mesoplodont beaked whales (*Mesoplodon* spp); (3) add a new procedure for marking cetaceans with zinc oxide; (4) add satellite tagging to long-finned pilot whales in approaches to the Mediterranean; and (5) switch some of the playback takes initially located in the Mediterranean and eastern North Atlantic to the same stocks of long-finned and short-finned (*G. macrorhynchus*) pilot whales off Cape Hatteras, an area where research is already authorized. The amendment would not change the expiration date of the permit.

The permit holder is requesting that the pending amendment also include: (1) adding waters off Florida to the project for tagging to study risks of entanglement is mid-Atlantic states, with no changes in the numbers, species, or stocks of marine mammals taken; and (2) increasing the number of Baird's beaked whales that may be zinc-marked off the west coast of North America from 40 to 80 per year (as part of item number 2 above).

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the *Federal Register*, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: December 13, 2011.

**P. Michael Payne,**

*Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XA866

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

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

**ACTION:** Application for a research permit renewal.

**SUMMARY:** Notice is hereby given that NMFS has received a scientific research