

from at least one domestic interested party by the 15-day deadline, the Department will terminate this reconsideration of the sunset review. See 19 CFR 351.218(d)(1)(iii).

If we receive a notice of intent to participate from a domestic interested party, the Department's regulations provide that *all parties* wishing to participate in a sunset review must file complete substantive responses not later than 30 days after the date of publication in the **Federal Register** of this notice. The required contents of a substantive response are set forth at 19 CFR 351.218(d)(3). Note that certain information requirements differ for respondent and domestic parties. Please consult the Department's regulations for information regarding the Department's conduct of sunset reviews.¹ Please consult the Department's regulations at 19 CFR Part 351 for definitions of terms and for other general information concerning antidumping and countervailing duty proceedings at the Department.

Dated: April 6, 2006.

David M. Spooner,

Assistant Secretary for Import Administration.

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Billing Code: 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[C-122-839]

Countervailing Duty Investigation of Certain Softwood Lumber Products From Canada: Notice of NAFTA Panel Decision

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

SUMMARY: On November 22, 2005, the Department of Commerce ("Department") issued its Fifth Remand Determination *In the Matter of Certain Softwood Lumber from Canada: Final Affirmative Countervailing Duty Determination*, Secretariat File No. USA-CDA-2002-1904-03 NAFTA Binational Panel Review ("Fifth Remand Determination"). On March 17, 2006, a North American Free Trade Agreement ("NAFTA") Panel upheld

the Department's Fifth Remand Determination. See Decision of the Panel on Fifth Remand, *In the Matter of Certain Softwood Lumber from Canada: Final Affirmative Countervailing Duty Determination*, Secretariat File No. USA-CDA-2002-1904-03 NAFTA Binational Panel Review, March 17, 2006 ("Panel Decision on Fifth Remand"). Subsequently, the NAFTA Panel directed the NAFTA Secretariat to issue a Notice of Final Panel Action on March 28, 2006.

Consistent with the decision of the United States 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 is notifying the public that the Panel Decision on Fifth Remand and the Notice of Final Panel Action issued by the NAFTA Secretariat are not "in harmony" with the Department's original results.

EFFECTIVE DATE: April 7, 2006.

FOR FURTHER INFORMATION CONTACT:

James Terpstra, AD/CVD Operations, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-3965.

SUPPLEMENTARY INFORMATION:

Background

On April 2, 2002, the Department published a notice of final determination in the countervailing duty investigation on certain softwood lumber products from Canada. See *Notice of Final Affirmative Countervailing Duty Determination and Final Negative Critical Circumstances Determination: Certain Softwood Lumber Products From Canada*, 67 FR 15545 (April 2, 2002) (*Final Determination*) and accompanying Issues and Decision Memorandum: Final Results of the Countervailing Duty Investigation of Certain Softwood Lumber Products from Canada (March 21, 2002). The *Final Determination* was subsequently amended. See *Notice of Amended Final Affirmative Countervailing Duty Determination and Notice of Countervailing Duty Order: Certain Softwood Lumber Products From Canada*, 67 FR 36070 (May 22, 2002). Respondent parties subsequently challenged the Department's final determination before the United States-Canada Binational Panel, pursuant to Article 1904 of NAFTA. The parties briefed and argued the case before the Panel, and on August 13, 2003, the Panel issued its decision, affirming in part and remanding in part the

Department's determination. See Decision of the Panel, *In the Matter of Certain Softwood Lumber from Canada: Final Affirmative Countervailing Duty Determination*, Secretariat File No. USA-CDA-2002-1904-03 NAFTA Binational Panel Review, August 13, 2003. On January 12, 2004, the Department issued its first remand determination continuing to find that Canadian softwood lumber was subsidized but at a country-wide rate of 13.23 percent *ad valorem*. See Remand Determination *In the Matter of Certain Softwood Lumber from Canada: Final Affirmative Countervailing Duty Determination*, Secretariat File No. USA-CDA-2002-1904-03 NAFTA Binational Panel Review, January 12, 2004. On June 7, 2004, the Panel issued its decision on remand, affirming in part and remanding in part the Department's determination. See Decision of the Panel, *In the Matter of Certain Softwood Lumber from Canada: Final Affirmative Countervailing Duty Determination*, Secretariat File No. USA-CDA-2002-1904-03 NAFTA Binational Panel Review, June 7, 2004. On July 30, 2004, the Department issued its second remand determination continuing to find that Canadian lumber is subsidized but at a country-wide rate of 7.82 percent *ad valorem*. See Second Remand Determination *In the Matter of Certain Softwood Lumber from Canada: Final Affirmative Countervailing Duty Determination*, Secretariat File No. USA-CDA-2002-1904-03 NAFTA Binational Panel Review, July 30, 2004 (Second Remand Determination). On December 1, 2004, the Panel issued its decision on second remand, affirming in part and remanding in part the Department's determination. See Decision of the Panel on Second Remand, *In the Matter of Certain Softwood Lumber from Canada: Final Affirmative Countervailing Duty Determination*, Secretariat File No. USA-CDA-2002-1904-03 NAFTA Binational Panel Review, December 1, 2004. On January 24, 2005, the Department issued its third remand determination continuing to find that Canadian lumber is subsidized but at a country-wide rate of 1.88 percent *ad valorem*. See Third Remand Determination *In the Matter of Certain Softwood Lumber from Canada: Final Affirmative Countervailing Duty Determination*, Secretariat File No. USA-CDA-2002-1904-03 NAFTA Binational Panel Review, January 24, 2005 (Third Remand Determination). On May 23, 2005, the Panel issued its decision on third remand, affirming in part and remanding in part the

¹ In comments made on the interim final sunset regulations, a number of parties stated that the proposed five-day period for rebuttals to substantive responses to a notice of initiation was insufficient. This requirement was retained in the final sunset regulations at 19 CFR 351.218(d)(4). As provided in 19 CFR 351.302(b), however, the Department will consider individual requests for extension of that five-day deadline based upon a showing of good cause.

Department's determination. *See* Decision of the Panel on Third Remand, *In the Matter of Certain Softwood Lumber from Canada: Final Affirmative Countervailing Duty Determination*, Secretariat File No. USA-CDA-2002-1904-03 NAFTA Binational Panel Review, May 23, 2005. On July 7, 2005, the Department issued its fourth remand determination again continuing to find that Canadian lumber is subsidized but at a country-wide rate of 1.21 percent *ad valorem*. *See* Fourth Remand Determination *In the Matter of Certain Softwood Lumber from Canada: Final Affirmative Countervailing Duty Determination*, Secretariat File No. USA-CDA-2002-1904-03 NAFTA Binational Panel Review, July 7, 2005. On October 5, 2005, the Panel issued its decision on fourth remand, affirming in part and remanding in part the Department's determination. *See* Decision of the Panel on Fourth Remand, *In the Matter of Certain Softwood Lumber from Canada: Final Affirmative Countervailing Duty Determination*, Secretariat File No. USA-CDA-2002-1904-03 NAFTA Binational Panel Review, October 5, 2005. The Panel directed the Department to use the figure of C\$4.34 in determining the profit earned by sellers of logs in the Province of Quebec for the purpose of developing a log-based benchmark price. The Department continued to object to the Panel's decision, but, on November 22, 2005, filed its Fifth Remand Determination in compliance with the Panel's directions, finding a country-wide subsidy rate of 0.80 percent which is *de minimis*. By decision on March 17, 2006, the Panel affirmed the Fifth Remand Determination and subsequently directed the NAFTA Secretariat to issue a Notice of Final Panel Action on March 28, 2006.

Timken Notice

In its decision in *Timken*, the Federal Circuit held that, pursuant to 19 U.S.C. § 1516a(c)(1) and 1516a(e), the Department must publish notice of decision of the Court of International Trade which is "not in harmony" with the Department's results. *See Timken*, 893 F.2d at 340. Because NAFTA panels step into the shoes of the courts they are replacing, they must apply the law of the national court that would otherwise review the administrative determination. Therefore, we are publishing notice that the NAFTA Panel's March 28, 2006, Notice of Final Panel Action and its Panel Decision on Fifth Remand, decision are "not in harmony" with the *Final Determination*. Publication of this notice fulfills the

obligation imposed upon the Department by the decision in *Timken*. In addition, this notice will serve to suspend liquidation of entries of subject merchandise entered, or withdrawn from warehouse, for consumption on or after April 7, 2006, *i.e.*, 10 days from the issuance of the Notice of Final Action, at the current cash deposit rate.

Dated: April 6, 2006.

David M. Spooner,

Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 040706C]

Gulf of Mexico Fishery Management Council; Public Meeting

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

ACTION: Notice of public meetings.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will convene two public meetings of the Ad Hoc Shrimp Effort Working Group (SEWG).

DATES: The SEWG meeting will convene at 9 a.m. on Thursday, April 27, 2006 and conclude no later than 3 p.m. on Friday, April 28, 2006. The second SEWG meeting will convene at 9 a.m. on Tuesday, May 23, 2006 and conclude no later than 3 p.m. on Wednesday, May 24, 2006.

ADDRESSES: The meeting will be held at the National Marine Fisheries Service (NMFS) Galveston Laboratory, Building 216, 4700 Avenue U, Galveston, TX; telephone: (409) 766-3507.

Council address: Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607.

FOR FURTHER INFORMATION CONTACT: Assane Diagne, Economist, telephone: (813) 348-1630.

SUPPLEMENTARY INFORMATION: The Council will convene meetings of the SEWG to begin evaluating shrimp effort in the Exclusive Economic Zone (EEZ) of the Gulf of Mexico. The working group, appointed by the Council during its March 2006, regular meeting, is charged with providing the Council with alternatives for determining the appropriate level of effort in the shrimp fishery in the EEZ. The group also will

discuss the level of effort necessary to achieve optimum yield in the shrimp fishery and what level of effort would derive the maximum benefits of that fishery. The SEWG includes fishery biologists, economists and others knowledgeable about shrimp effort in the Gulf of Mexico.

Although other non-emergency issues not on the agenda may come before the SEWG for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), those issues may not be the subject of formal action during these meetings. Actions of the SEWG will be restricted to those issues specifically identified in the agenda and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take action to address the emergency.

Copies of the agenda can be obtained by calling (813) 348-1630.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Dawn Aring at the Council (see **ADDRESSES**) at least 5 working days prior to the meeting.

Dated: April 7, 2006.

Tracey L. Thompson,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 040706I]

Mid-Atlantic Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Mid-Atlantic Fishery Management Council (Council); its Bycatch Committee; its Research Set-Aside Committee; its Protected Resources Committee; its Squid, Mackerel, Butterfish Committee; its Surfclam, Ocean Quahog, Tilefish Committee; its Ad Hoc Magnuson-Stevens Act (MSA) Reauthorization Committee; its Ecosystem Committee;