

**SUPPLEMENTARY INFORMATION:** The Federal Recreation Lands Enhancement Act, (Title VIII, Pub. L. 108–447) directed the Secretary of Agriculture to publish advance notice in the **Federal Register** whenever new recreation fee areas are established. The National Forest in North Carolina presently manages two overnight recreation fee sites on the Grandfather Ranger District. Recreation fees for overnight use range from \$3.00 per single campsite to \$20.00 per large group site based on the type and condition of amenities offered. Curtis Creek Campground will offer vault toilet facilities, potable water, developed campsites with picnic table, fire ring, lantern posts, tent pad, trash receptacle, vehicle/camping trailer parking space and access to trails and stream fishing.

Dated: January 25, 2006.

**Marisue Hilliard,**

*National Forests in North Carolina  
Supervisor.*

[FR Doc. 06–877 Filed 1–30–06; 8:45 am]

**BILLING CODE 3410–52–M**

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### **Notice of New Recreation Fee Site; Federal Lands Recreation Enhancement Act, (Title VIII, Pub. L. 108–447)**

**AGENCY:** National Forests in North Carolina, USDA Forest Service.

**ACTION:** Notice of New Recreation Fee Site.

**SUMMARY:** The National Forests in North Carolina will begin charging a \$5.00 daily special recreation permit trail fee per Off Highway Vehicle (OHV) and \$30.00 per OHV for a season pass for use of the Black Swamp OHV trail system. Construction of the site was completed in 2005. This new trail system replaces a system that existed until 2005. The trail system was moved to protect environmental sites and will facilitate continued OHV use within the National Forests in North Carolina on the Croatan Ranger District. Fee revenue will support operations and maintenance of the trail system and trailhead and future site improvements.

**DATES:** Black Swamp OHV Area is scheduled to open for public use in 2006.

**FOR FURTHER INFORMATION CONTACT:** David H. Wright, Recreation Fee Coordinator, 828–257–4256, National Forests in North Carolina, PO Box 2750, Asheville, NC 28802.

**SUPPLEMENTARY INFORMATION:** The Federal Recreation Lands Enhancement Act (Title VIII, Pub. L. 108–447) directed the Secretary of Agriculture to publish advance notice in the **Federal Register** whenever new recreation fee areas are established. The National Forests in North Carolina presently manages four OHV fee sites in North Carolina. Recreation fees are \$5.00 per OHV per day and \$30.00 per OHV per season pass. Black Swamp OHV Area will offer vault toilet facilities, improved parking area, information kiosk, and access to twelve miles of OHV trails.

Dated: January 25, 2006.

**Marisue Hilliard,**

*National Forests in North Carolina  
Supervisor.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C–122–848; A–122–847]

#### **Antidumping Duty Investigation and Countervailing Duty Investigation of Hard Red Spring Wheat from Canada: NAFTA Panel Decision**

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

**SUMMARY:** On June 7, 2005, a North American Free Trade Agreement United States–Canada Binational Panel reviewing the International Trade Commission’s finding that an industry in the United States was materially injured by reason of imports of hard red spring wheat from Canada, remanded the case to the International Trade Commission. On October 5, 2005, the International Trade Commission determined on remand that the domestic industry is neither materially injured by reason of the subject imports nor threatened with such injury. By decision issued on December 12, 2005, the Panel affirmed in full the International Trade Commission’s determination on remand. Consistent with the decision of the United States Court of Appeals for the Federal Circuit in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990), the Department of Commerce is notifying the public that the International Trade Commission’s remand determination for hard red spring wheat from Canada and the Notice of Final Panel Action issued by the Panel reviewing the International Trade Commission’s determination, discussed below, are not “in harmony”

with the International Trade Commission’s original results.

**EFFECTIVE DATE:** January 31, 2006.

#### **FOR FURTHER INFORMATION CONTACT:**

Brandon Farlander or Audrey Twyman, Office of AD/CVD Operations, Office 1, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–0182 and (202) 482–3534, respectively.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On October 16, 2003, the International Trade Commission (“ITC”) determined that an industry in the United States is materially injured by reason of imports of hard red spring wheat from Canada found to be subsidized and sold in the United States at less than fair value. Hard Red Spring Wheat from Canada, Inv. Nos. 701–TA–430B and 731–TA–1019B (Final), USITC Pub. 3639 (October 2003) (“*Final Injury Determination*”); 68 FR 60707 (October 23, 2003). Respondent parties subsequently challenged the ITC’s *Final Injury Determination* before the United States–Canada Binational Panel (“Panel”), pursuant to Article 1904 of the North American Free Trade Agreement (“NAFTA”). The parties briefed and argued the case before the Panel, and on June 7, 2005, the Panel issued its decision, remanding in full the ITC’s determination. Hard Red Spring Wheat from Canada, USA–CDA–2003–1904–06, Decision of the Panel (June 7, 2005).

On October 5, 2005, the ITC determined on remand that the domestic industry is neither materially injured by reason of the subject imports nor threatened with material injury. By decision issued on December 12, 2005, the Panel affirmed in full the ITC’s determination on remand. Hard Red Spring Wheat from Canada, USA–CDA–2003–1904–06, Decision of the Panel on the Remand Determination of the U.S. International Trade Commission (December 12, 2005). On December 12, 2005, the Panel directed the NAFTA Secretariat to issue a Notice of Final Panel Action on the 11th day following the December 12, 2005, panel decision. Decision of the Panel, 70 FR 75792 (December 21, 2005). The Notice of Final Panel Action was issued on December 23, 2005.

##### **Timken Notice**

In the United States Court of Appeals for the Federal Circuit (“Federal Circuit”) decision in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (“*Timken*”), the Federal Circuit

held that, pursuant to 19 U.S.C. Sec. 1516a(c)(1) and 1516a(e), the Department of Commerce ("the Department") must publish notice of decision of the Court of International Trade ("CIT") which is "not in harmony" with the Department's results. *Timken*, 893 F.2d at 340. This is true for CIT decisions which are "not in harmony" with the results of ITC injury, or threat of injury, determinations as well. 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 Panel's December 23, 2005, Notice of Final Panel Action, and its December 12, 2005, decision are "not in harmony" with the ITC's *Final Injury 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 January 2, 2006, i.e., 10 days from the issuance of the Notice of Final Panel Action, at the current cash deposit rate.

January 25, 2006.

**David M. Spooner,**

*Assistant Secretary for Import Administration.*

[FR Doc. E6-1204 Filed 1-30-06; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-863]

#### Honey from the People's Republic of China: Initiation of New Shipper Antidumping Duty Reviews

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

**EFFECTIVE DATE:** January 31, 2006.

**SUMMARY:** In December 2005, the Department of Commerce (the Department) received four requests to conduct new shipper reviews of the antidumping duty order on honey from the People's Republic of China (PRC). We have determined that these requests meet the statutory and regulatory requirements for the initiation of new shipper reviews.

**FOR FURTHER INFORMATION CONTACT:**

Catherine Bertrand or Kristina Boughton, AD/CVD Operations, Office 9, Import Administration, International

Trade Administration, U.S. Department of Commerce, 14<sup>th</sup> Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-3207 or (202) 482-8173, respectively.

**SUPPLEMENTARY INFORMATION:**

#### Background

The Department received timely requests from Mongolia Altin Bee-Keeping Co., Ltd. (Altin), Dongtai Peak Honey Industry Co. Ltd. (Peak Honey), Qinhuangdao Municipal Dafeng Industrial Co., Ltd. (QMD), and Tianjin Eulia Honey Co., Ltd. (Eulia) in accordance with 19 CFR 351.214(c), for new shipper reviews of the antidumping duty order on honey from the PRC, which has a December annual anniversary month, and a June semi-annual anniversary month. Altin, Peak Honey, QMD, and Eulia identified themselves as producers and exporters of honey. As required by 19 CFR 351.214(b)(2)(i), and (iii)(A), Altin, Peak Honey, QMD, and Eulia certified that they did not export honey to the United States during the period of investigation (POI), and that they have never been affiliated with any exporter or producer which exported honey to the United States during the POI. Furthermore, the four companies have also certified that their export activities are not controlled by the central government of the PRC, satisfying the requirements of 19 CFR 351.214(b)(2)(iii)(B). Pursuant to the Department's regulations at 19 CFR 351.214(b)(2)(iv), Altin, Peak Honey, QMD, and Eulia submitted documentation establishing the date on which the subject merchandise was first entered for consumption in the United States, the volume of that first shipment and any subsequent shipments, and the date of the first sale to an unaffiliated customer in the United States.

The Department conducted Customs database queries to confirm that the shipments made by Altin, Peak Honey, QMD, and Eulia had officially entered the United States via assignment of an entry date in the Customs database by U.S. Customs and Border Protection (CBP). We note that although Eulia submitted documentation regarding the volume of its shipment, the date of its first sale to an unaffiliated customer in the United States, and the date the merchandise was first entered for consumption in the United States, our Customs query shows that Eulia's shipment entered the United States shortly after the anniversary month.

Under 19 CFR 351.214(f)(2)(ii), when the sale of the subject merchandise occurs within the period of review (POR), but the entry occurs after the normal POR, the POR may be extended

unless it would be likely to prevent the completion of the review within the time limits set by the Department's regulations. The preamble to the Department's regulations states that both the entry and the sale should occur during the POR, and that under "appropriate" circumstances the Department has the flexibility to extend the POR. *Antidumping Duties; Countervailing Duties; Final Rule*, 62 FR 27296, 27319-27320 (May 19, 1997). In this instance, Eulia's shipment entered in the month following the end of the POR. The Department does not find that this delay prevents the completion of the review within the time limits set by the Department's regulations.

#### Initiation of Review

In accordance with section 751(a)(2)(B) of the Tariff Act of 1930 (the Act), as amended, and 19 CFR 351.214(d)(1), and based on information on the record, we are initiating new shipper reviews for Altin, Peak Honey, QMD, and Eulia. See "Memorandum to the File through James C. Doyle: New Shipper Review Initiation Checklist," dated January 24, 2006. We intend to issue the preliminary results of these reviews not later than 180 days after the date on which these reviews were initiated, and the final results of these reviews within 90 days after the date on which the preliminary results were issued. 19 CFR 351.214(i)(1).

Pursuant to 19 CFR 351.214(g)(1)(i)(A), the POR for a new shipper review, initiated in the month immediately following the anniversary month, will be the 12-month period immediately preceding the anniversary month. Therefore, the POR for the new shipper reviews of Altin, Peak Honey, and QMD is December 1, 2004, through November 30, 2005. As discussed above, under 19 CFR 351.214(f)(2)(ii), when the sale of the subject merchandise occurs within the POR, but the entry occurs after the normal POR, the POR may be extended. Therefore, the POR for the new shipper review of Eulia is December 1, 2004, through December 31, 2005.

It is the Department's usual practice in cases involving non-market economies to require that a company seeking to establish eligibility for an antidumping duty rate separate from the country-wide rate provide evidence of *de jure* and *de facto* absence of government control over the company's export activities. *Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China*, 56 FR 20588 (May 6, 1991, at Comment 1, as amplified by the *Final Determination of Sales at Less Than Fair Value: Silicon*