

to an unaffiliated party was made before the date of importation and the use of constructed EP ("CEP") was not otherwise warranted. We calculated EP based on the price to an unaffiliated purchaser in the United States. In accordance with section 772(c) of the Act, as appropriate, we deducted from the starting price to the unaffiliated purchaser foreign inland freight and brokerage & handling. Each of these services was either provided by a NME

vendor or paid for in NME currency. Thus, we based the deduction for these movement charges on surrogate values. See *Memorandum from Paul Walker, Case Analyst, through Alex Villanueva, Program Manager, Office 9 and James C. Doyle, Office Director, Office 9, to The File, 6th Antidumping Duty Administrative Review of Certain Preserved Mushrooms from the People's Republic of China: Regarding Surrogate Values for the Preliminary Results,*

dated February 28, 2006, ("Surrogate Values Memo") for details regarding the surrogate values for other movement expenses.

Preliminary Results of Review

We preliminarily determine that the following margin exists during the period February 1, 2004, through January 31, 2005:

CERTAIN PRESERVED MUSHROOMS FROM THE PRC

Manufacturer/Exporter	Weighted-Average Margin (Percent)
Raoping Yucun Canned Foods Factory	123.42
PRC-wide Entity (including Primera Harvest (Xiangfan) Inc., Gerber Food (Yunnan) Co., Ltd. and Guangxi Yulin Oriental Food Co., Ltd.)	198.63

Public Comment

The Department will disclose to parties to this proceeding the calculation performed in reaching the preliminary results within ten days of the date of announcement of the preliminary results. An interested party may request a hearing within 30 days of publication of the preliminary results. See 19 CFR 351.310(c). Interested parties may submit written comments (case briefs) within 30 days of publication of the preliminary results and rebuttal comments (rebuttal briefs), which must be limited to issues raised in the case briefs, within five days after the time limit for filing case briefs. See 19 CFR 351.309(c)(1)(ii) and 19 CFR 351.309(d). Parties who submit arguments are requested to submit with the argument: (1) a statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities. Further, the Department requests that parties submitting written comments provide the Department with a diskette containing the public version of those comments. Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act, the Department will issue the final results of this administrative review, including the results of our analysis of the issues raised by the parties in their comments, within 120 days of publication of the preliminary results. The assessment of antidumping duties on entries of merchandise covered by this review and future deposits of estimated duties shall be based on the final results of this review.

Assessment Rates

Upon issuing the final results of the review, the Department shall determine, and CBP shall assess, antidumping

duties on all appropriate entries. The Department will issue appropriate appraisal instructions for the companies subject to this review directly to CBP within 15 days of publication of the final results of this review. Pursuant to 19 CFR 351.212(b)(1), we will calculate importer-specific ad valorem duty assessment rates based on the ratio of the total amount of the dumping margins calculated for the examined sales to the total entered value of those same sales. We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review if any importer-specific assessment rate calculated in the final results of this review is above *de minimis*.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for each of the reviewed companies that received a separate rate in this review will be the rate listed in the final results of review (except that if the rate for a particular company is *de minimis*, less than 0.5 percent, no cash deposit will be required for that company); (2) for previously investigated or reviewed companies not listed above that have separate rates, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original LTFV

investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters (including PHX, Gerber and Guangxi Yulin) will continue to be the "PRC-wide" rate of 198.63 percent, which was established in the LTFV investigation. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing this determination in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: February 28, 2006.

David M. Spooner,

Assistant Secretary for Import Administration.
[FR Doc. E6-3125 Filed 3-3-06; 8:45 am]

Billing Code: 3510-DS-S

DEPARTMENT OF COMMERCE**International Trade Administration****Antidumping Proceedings: Calculation of the Weighted Average Dumping Margin During an Antidumping Duty Investigation**

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

SUMMARY: The Department of Commerce ("the Department") is requesting comments regarding the calculation of the weighted average dumping margin in an antidumping duty investigation. Currently, the Department usually makes comparisons between average export prices and average normal values and does not offset any dumping that is found with the results of comparisons for which the average export price exceeds the average normal value. A recent WTO dispute settlement report has found that the United States application of this methodology was inconsistent with our WTO obligations. In response to this report, the Department will abandon the use of average-to-average comparisons without such offsets. The Department seeks comment on the alternative approach(s) that may be appropriate in future investigations.

EFFECTIVE DATE: March 6, 2006.

DATES: To be assured of consideration, written comments must be received no later than 30 days after the date of publication in the **Federal Register**. Rebuttal comments must be received no later than 45 days after the publication date.

ADDRESS: Submit comments to David Spooner, Assistant Secretary for Import Administration, U.S. Department of Commerce, Central Records Unit, Room 1870, Pennsylvania Avenue and 14th Street, NW., Washington, DC 20230; Attention: Weighted Average Dumping Margin.

FOR FURTHER INFORMATION CONTACT: Michael Rill at (202) 482-3058, Mark Barnett at (202) 482-2866, or William Kovatch at (202) 482-5052.

SUPPLEMENTARY INFORMATION:**Background**

Pursuant to section 777A(d)(1)(A) of the Tariff Act of 1930, in an investigation, the Department may determine whether the subject merchandise is being sold at less than fair value either by comparing weighted average normal values to weighted average export prices of comparable merchandise (the average-to-average comparison methodology), or by

comparing normal values of individual transactions to the export prices¹ of individual transactions for comparable merchandise (the transaction-to-transaction comparison methodology). The Department's regulations state that the Department will normally use the average-to-average comparison methodology in an investigation. 19 C.F.R. 351.414(c)(1).

In applying the average-to-average methodology during an investigation, the Department usually divides the export transactions into groups by model and level of trade ("averaging groups"), and compares an average of the export price of transactions within one group to an average normal value for the same or similar model of the foreign like product at the same or most similar level of trade. When aggregating the results of the comparisons of averaging groups in order to determine the weighted average dumping margin, the Department has not allowed the results of averaging groups for which export price exceeds normal value to offset the results of averaging groups for which export price is less than normal value.²

The European Communities ("EC") challenged the denial of offsets, both "as such," and "as applied" in certain administrative determinations, as being inconsistent with the World Trade Organization ("WTO") Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 ("Antidumping Agreement") before a dispute settlement panel. The panel circulated its report on October 31, 2005, finding, with respect to the specific antidumping duty investigations subject to the EC's challenge, that the Department's denial of offsets when using the average-to-average comparison methodology in an investigation is inconsistent with Article 2.4.2 of the Antidumping Agreement.³ The United States has not appealed this aspect of the panel's report.

¹ The Department may also use constructed export prices, if appropriate. Because the use of export prices or constructed export prices is not relevant to the substance of this notice, the Department refers only to export prices hereafter.

² Section 771(35)(A) of the Act defines the dumping margin as the amount by which normal value "exceeds" export or constructed export price. Section 771(35)(B) defines the weighted average dumping margin as the percentage determined by dividing the aggregate dumping margins determined for a specific exporter or producer by the aggregate export or constructed export price of that exporter or producer.

³ Panel Report, *United States - Laws, Regulations and Methodology for Calculating Dumping Margins* ("US - Zeroing"), WT/DS294/R, para. 7.32, circulated October 31, 2005 ("Zeroing").

Proposal for Calculating the Weighted Average Dumping Margin in an Antidumping Investigation and Request for Comments

Pursuant to section 123(g)(1) of the Uruguay Round Agreements Act ("the URAA"), "[i]n any case in which a dispute settlement panel or the Appellate Body finds in its report that a regulation or practice of a department or agency of the United States is inconsistent with any of the Uruguay Round Agreements," certain requirements must be met before "that regulation or practice" may be "amended, rescinded, or otherwise modified . . ." Section 123(g)(1)(C) of the URAA requires that the Department provide opportunity for public comment by publishing "the proposed modifications and the explanation of the modification" in the **Federal Register**.

The WTO panel in *US - Zeroing* has found the denial of offsets in certain antidumping duty investigations, when using the average-to-average comparison methodology, to be inconsistent with Article 2.4.2 of the Antidumping Agreement.⁴ Accordingly, the Department proposes that it will no longer make average-to-average comparisons without providing offsets for non-dumped comparisons.

The Department is soliciting comments pertaining to this proposal and appropriate methodologies to be applied in future antidumping duty investigations in light of the panel's report in *US - Zeroing*.

Timetable

After considering all comments received, the Department intends to publish in the **Federal Register** a final notice regarding the calculation of the weighted average dumping margin using the average-to-average comparison methodology in an investigation. See section 123(g)(1)(F) of the URAA (19 U.S.C. 3533(g)(1)(F)). Any changes in methodology will be applied in all investigations initiated on the basis of petitions received on or after the first day of the month following the date of publication of the Department's final notice of the new weighted average dumping margin calculation methodology.

Comments - Format

Parties wishing to comment should submit a signed original and six copies of each set of comments, including reasons for any recommendations, along with a cover letter identifying the commenter's name and address. To help simplify the processing and distribution

⁴ *US - Zeroing*, para. 7.32.

of comments and rebuttals, the Department requests that a submission in electronic form accompany the required paper copies. Comments filed in electronic form should be on CD-ROM in either WordPerfect format or a format that the WordPerfect program can convert into WordPerfect.

Comments received on CD-ROM will be made available to the public on the Web at the following address: <http://ia.ita.doc.gov/>. In addition, upon request, the Department will make comments filed in electronic form available to the public on CD-ROMs (at cost) with specific instructions for accessing compressed data (if necessary). Any questions concerning file formatting, document conversion, access on the Web, or other electronic filing issues should be addressed to Andrew Lee Beller, IA Webmaster, at (202) 482-0866 or via e-mail at andrew.beller@mail.doc.gov.

Dated: February 28, 2006.

David M. Spooner,
Assistant Secretary for Import
Administration.

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Billing Code: 3510-DS-R

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 022806D]

Gulf of Mexico 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 Gulf of Mexico Fishery Management Council will convene public meetings.

DATES: The meetings will be held March 20 – 23, 2006. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: These meetings will be held at the Radisson Admiral Semmes Hotel, 251 Government Street, Mobile, AL 36602.

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

FOR FURTHER INFORMATION CONTACT: Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council; telephone: (813) 348-1630.

SUPPLEMENTARY INFORMATION:

Council

Wednesday, March 22, 2006

1:30 p.m. – Convene.

1:45 p.m. – 2:30 p.m. – Hear a Monitoring Report on the Madison/Swanson Marine Reserves.

2:30 p.m. – 4:30 p.m. – Receive public testimony on (a) Final Reef Fish Amendment 26 [Red Snapper Individual Fishing Quota (IFQ)]; and (b) Exempted fishing permits (if any).

4:30 p.m. – 5:30 p.m. – Open public comment period regarding any fishery issue or concern.

6:30 p.m. – 8:30 p.m. – NOAA Fisheries Service will hold a public workshop to provide a general demonstration of the on-line capabilities to implement the Red Snapper Individual Fishing Quota (IFQ) System. This presentation is solely for the purpose of soliciting input from the Council and potential users of the system in an effort to make the tool user friendly, concise and responsive to Reef Fish Amendment 26.

Thursday, March 23, 2006

8:30 a.m. – 9 a.m. – Receive the Scientific and Statistical Committee (SSC) Selection Committee Report on appointment of shrimp effort working group (CLOSED SESSION).

9 a.m. – 11:15 a.m. – Receive the joint Reef Fish/Shrimp Management Committees Report.

11:15 a.m. – 12 noon – Receive the Administrative Policy Committee Report.

1:30 p.m. – 1:45 p.m. – Report the Council action on the SSC Selection Committee Report.

1:45 p.m. – 3:45 p.m. – Receive the Reef Fish Management Committee Report.

3:45 p.m. – 4 p.m. – Receive the Council Chairs Budget Meeting Report.

4 p.m. – 5 p.m. – Other Business (Includes miscellaneous reports filed under Tabs O, P, Q, and R of briefing book).

Committee

Monday, March 20, 2006

1 p.m. – 3 p.m. – The Standing SSC will meet to discuss and take action on attendance/operations issues. The Standing SSC will then review and take action on the Socioeconomic Panel (SEP) Report on grouper allocation issues.

3 p.m. – 4:30 p.m. – The Administrative Policy Committee will meet jointly with the Standing SSC to review the Statement of Organization Practices and Procedures (SOPPs) provisions on SSC operations.

4:30 p.m. – 5:30 p.m. – The joint Reef Fish/Shrimp Management Committees will meet with the Standing SSC to review an options paper for Joint Draft Amendment Reef Fish 27/Shrimp 14 to consider changes to regulations for the directed red snapper fishery and shrimp trawl fishery for reducing bycatch in the directed red snapper fishery and shrimp fishery; and effort limitation alternatives for the shrimp fishery. The Committees and the SSC will also review a scoping document for a Draft Shrimp Amendment 15 that considers limits on trawling gear, restrictions on the transfer of vessel permits, bycatch quotas, and possible area closures. Public comments from the scoping meetings will be reviewed for both proposed amendments. The SSC will provide their review, and the Committees will make recommendations for Council.

Tuesday, March 21, 2006

8:30 a.m. – 12 noon – The joint Reef Fish/Shrimp Management Committees will reconvene with the Standing SSC to continue their work.

1:30 p.m. – 5:30 p.m. – The joint Reef Fish/Shrimp Management Committees will convene without the Standing SSC to continue their discussions.

Wednesday, March 22, 2006

8:30 a.m. – 12 p.m. – After an update on the red snapper IFQ referendum, the Reef Fish Management Committee will take final action on Reef Fish Amendment 26 for a Red Snapper IFQ program. They will then review public comments/letters and develop committee recommendations. The Committee will then discuss issues pertaining to the Grouper IFQ Amendment and review recommendations of the Ad Hoc Grouper IFQ Advisory Panel and make recommendations to Council. Finally, the Committee will review the SEP report and the SSC Recommendations on Grouper Allocation Amendment issues and make recommendations to Council.

Although other non-emergency issues not on the agendas may come before the Council and Committees 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 Council and Committees will be restricted to those issues specifically identified in the agendas 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