

**DEPARTMENT OF COMMERCE****International Trade Administration****Quarterly Update to Annual Listing of Foreign Government Subsidies on Articles of Cheese Subject to an In-Quota Rate of Duty**

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

**SUMMARY:** The Department of Commerce, in consultation with the Secretary of Agriculture, has prepared its quarterly update to the annual list of foreign government subsidies on articles of cheese subject to an in-quota rate of duty during the period October 1, 2004, through December 31, 2004. We are publishing the current listing of those subsidies that we have determined exist.

**DATES:** *Effective Date:* April 11, 2005.

**FOR FURTHER INFORMATION CONTACT:** Maura Jeffords or Eric Greynolds, AD/CVD Operations, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution

Ave., NW., Washington, DC 20230, telephone: (202) 482-3146 or 6071, respectively.

**SUPPLEMENTARY INFORMATION:** Section 702 of the Trade Agreements Act of 1979 (as amended) (“the Act”) requires the Department of Commerce (“the Department”) to determine, in consultation with the Secretary of Agriculture, whether any foreign government is providing a subsidy with respect to any article of cheese subject to an in-quota rate of duty, as defined in section 702(h) of the Act, and to publish an annual list and quarterly updates of the type and amount of those subsidies. We hereby provide the Department’s quarterly update of subsidies on articles of cheese that were imported during the period October 1, 2004, through December 31, 2004.

The Department has developed, in consultation with the Secretary of Agriculture, information on subsidies (as defined in section 702(h) of the Act) being provided either directly or indirectly by foreign governments on articles of cheese subject to an in-quota

rate of duty. The appendix to this notice lists the country, the subsidy program or programs, and the gross and net amounts of each subsidy for which information is currently available. The Department will incorporate additional programs which are found to constitute subsidies and additional information on the subsidy programs listed, as the information is developed.

The Department encourages any person having information on foreign government subsidy programs which benefit articles of cheese subject to an in-quota rate of duty to submit such information in writing to the Assistant Secretary for Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

This determination and notice are in accordance with section 702(a) of the Act.

Dated: April 1, 2005.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

**APPENDIX.—SUBSIDY PROGRAMS ON CHEESE SUBJECT TO AN IN-QUOTA RATE OF DUTY<sup>1</sup>**

Country	Program(s)	Gross <sup>2</sup> subsidy (\$/lb)	Net <sup>3</sup> subsidy (\$/lb)
Austria .....	European Union Restitution Payments .....	0.00	0.00
Belgium .....	EU Restitution Payments .....	0.00	0.00
Canada .....	Export Assistance on Certain Types of Cheese .....	0.43	0.43
Cyprus* .....	EU Restitution Payments .....	0.00	0.00
Denmark .....	EU Restitution Payments .....	0.00	0.00
Finland .....	EU Restitution Payments .....	0.00	0.00
France .....	EU Restitution Payments .....	0.00	0.00
Germany .....	EU Restitution Payments .....	0.00	0.00
Greece .....	EU Restitution Payments .....	0.00	0.00
Hungary* .....	EU Restitution Payments .....	0.00	0.00
Ireland .....	EU Restitution Payments .....	0.00	0.00
Italy .....	EU Restitution Payments .....	0.00	0.00
Lithuania* .....	EU Restitution Payments .....	0.00	0.00
Luxembourg .....	EU Restitution Payments .....	0.00	0.00
Netherlands .....	EU Restitution Payments .....	0.00	0.00
Norway .....	Indirect (Milk) Subsidy .....	0.00	0.00
	<i>Consumer Subsidy</i> .....	0.00	0.00
	Total .....	0.00	0.00
Poland* .....	EU Restitution Payments .....	0.00	0.00
Portugal .....	EU Restitution Payments .....	0.00	0.00
Slovenia* .....	EU Restitution Payments .....	0.00	0.00
Spain .....	EU Restitution Payments .....	0.00	0.00
Switzerland .....	Deficiency Payments .....	0.00	0.00
U.K .....	EU Restitution Payments .....	0.00	0.00

<sup>1</sup> This chart includes only those countries which exported articles of cheese to the United States during 4th Quarter, 2004.

<sup>2</sup> Defined in 19 U.S.C. 1677(5).

<sup>3</sup> Defined in 19 U.S.C. 1677(6).

\* This notice has been modified to reflect the enlargement of the European Union (UE) to 25 countries on May 1, 2004. See *Modification of the Tariff-Rate Import Quota for Certain Cheeses*, 69 FR 77308 (December 27, 2004).

[FR Doc. 05-7266 Filed 4-8-05; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration (C-423-809)

#### Stainless Steel Plate in Coils from Belgium: Notice of Amended Final Results of Countervailing Duty Administrative Review

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

**SUMMARY:** The United States Court of International Trade has affirmed the Department of Commerce's redetermination pursuant to remand regarding the administrative review of the countervailing duty order on stainless steel plate in coils from Belgium covering the period September 4, 1998, through December 31, 1999. See *ALZ N.V. v. United States*, Slip Op. 04-38, Court No. 01-00834 (CIT April 22, 2004). Although the Department of Commerce appealed the United States Court of International Trade's decision to the United States Court of Appeals for the Federal Circuit, the Department of Commerce did not further pursue this appeal, and the United States Court of Appeals for the Federal Circuit dismissed the case. As there is now a final and conclusive court decision in this case, we are amending the final results of review and we will instruct U.S. Customs and Border Protection to liquidate entries subject to this review.

**EFFECTIVE DATE:** April 11, 2005.

**FOR FURTHER INFORMATION CONTACT:** Melani Miller Harig or Marc Rivitz, AD/CVD Operations, Office 1, Import Administration, U.S. Department of Commerce, Room 3099, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482-0116 and (202) 482-1382, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Scope of the Order

Imports covered by the order are shipments of certain stainless steel plate in coils. Stainless steel is an alloy steel containing, by weight, 1.2 percent or less of carbon and 10.5 percent or more of chromium, with or without other elements. The subject plate products are flat-rolled products, 254 mm or over in width and 4.75 mm or more in thickness, in coils, and annealed or otherwise heat treated and pickled or otherwise descaled. The subject plate may also be further processed (*e.g.*, cold-rolled, polished, etc.) provided

that it maintains the specified dimensions of plate following such processing. Excluded from the scope of this review are the following: (1) plate not in coils, (2) plate that is not annealed or otherwise heat treated and pickled or otherwise descaled, (3) sheet and strip, and (4) flat bars. In addition, certain cold-rolled stainless steel plate in coils is also excluded from the scope of this order.<sup>1</sup> The excluded cold-rolled stainless steel plate in coils is defined as that merchandise which meets the physical characteristics described above that has undergone a cold-reduction process that reduced the thickness of the steel by 25 percent or more, and has been annealed and pickled after this cold reduction process.

The merchandise covered by this order is currently classifiable in the Harmonized Tariff Schedule of the United States ("HTSUS") at subheadings 7219.11.00.30, 7219.11.00.60, 7219.12.00.06, 7219.12.00.21, 7219.12.00.26, 7219.12.00.51, 7219.12.00.56, 7219.12.00.66, 7219.12.00.71, 7219.12.00.81, 7219.31.00.10, 7219.90.00.10, 7219.90.00.20, 7219.90.00.25, 7219.90.00.60, 7219.90.00.80, 7220.11.00.00, 7220.20.10.10, 7220.20.10.15, 7220.20.10.60, 7220.20.10.80, 7220.20.60.05, 7220.20.60.10, 7220.20.60.15, 7220.20.60.60, 7220.20.60.80, 7220.90.00.10, 7220.90.00.15, 7220.90.00.60, and 7220.90.00.80. Although the HTSUS headings are provided for convenience and customs purposes, the written description of the scope is dispositive.

##### Background

On August 27, 2001, the Department of Commerce ("the Department") published its final results of administrative review of the countervailing duty order on stainless steel plate in coils from Belgium covering the period September 4, 1998 through December 31, 1999. See *Stainless Steel Plate in Coils from Belgium: Final Results of Countervailing Duty Administrative Review*, 66 FR 45007 (August 27, 2001) ("*First Review*

<sup>1</sup> We note that, although the scope of the original order was revised (see *Notice of Amended Countervailing Duty Orders; Certain Stainless Steel Plate in Coils from Belgium, Italy, and South Africa*, 68 FR 11524 (March 11, 2003)), the revised scope did not take effect until March 11, 2003. Thus, the revised scope is not applicable to the instant proceeding because this proceeding covered a time period (September 4, 1998 through December 31, 1999) prior to that date. On March 11, 2003, the Department revised the HTSUS numbers from the original scope description to take into account changes to the HTSUS numbers themselves since that time.

*Final Results*'). This review covered one producer/exporter, ALZ N.V. In the *First Review Final Results*, the Department found three equity purchases to confer countervailable subsidies: 1) the Government of Belgium's ("GOB") purchases of the SIDMAR Group's ("Sidmar") common and preference shares in 1984; 2) the GOB's purchases of ALZ N.V.'s ("ALZ") common and preference shares in 1985; and 3) the GOB's 1985 debt-to-equity conversion for Sidmar.

On July 11, 2003, the Court of International Trade ("CIT") remanded to the Department its determination in the *First Review Final Results*. See *ALZ N.V. v. United States*, 283 F. Supp. 2d 1302 (CIT 2003). In its remand order, the CIT directed the Department 1) to apply the equityworthiness methodology in existence at the time of the original petition to the 1984 and 1985 equity investments into Sidmar, and the 1985 equity investment into ALZ; and 2) (a) to scrutinize more closely the terms of the Memorandum of Understanding regarding the purchase of Sidmar's common and preference shares to determine whether such document indicates a binding decision to invest; (b) to re-examine the record for any additional evidence regarding the date upon which the GOB decided to invest in Sidmar's common shares; and (c) to explain the Department's reasoning for choosing the date it finds to be the date the GOB decided to invest.

Although we disagreed with the CIT's instructions to apply the equityworthiness methodology in existence at the time the original petition in the investigation was filed (instead of the methodology that was in place at the time the request for administrative review in the proceeding in question was made, consistent with 19 CFR 351.702(a)(2)) to the 1984 and 1985 equity investments into Sidmar and the 1985 equity investment into ALZ, the Department complied with the CIT's remand instructions and issued the final results of redetermination on December 10, 2003. See *Final Results of Redetermination Pursuant to Court Remand: ALZ N.V. v. United States*, Slip Op. 03-81, Court No. 01-00834 (CIT July 11, 2003) ("*Final Results of Redetermination*"). As explained in the *Final Results of Redetermination*, we made changes to the Department's findings in the *First Review Final Results* relating to the GOB's 1984 and 1985 equity infusions in Sidmar and ALZ. Specifically, after applying the equityworthiness methodology in existence at the time the petition was filed and based upon our reconsideration, we determined that 1)