

**§ 6.36**

**7 CFR Subtitle A (1-1-12 Edition)**

(b) To be considered, a person must provide sufficient documentation regarding the error to the Licensing Authority by letter, postmarked not later than August 31 of the calendar year following the calendar year in which the error was alleged to have been committed.

(c) If the error resulted in the loss of a historical license by a license holder, the Licensing Authority will transfer the amount of such license from Appendix 2 to Appendix 1 in order to provide for the issuance of such license in the calendar year following the calendar year for which the license was revoked. The cumulative annual transfers to Appendix 1 in accordance with this paragraph will be published in the FEDERAL REGISTER.

[65 FR 1298, Jan. 10, 2000]

**§ 6.36 Miscellaneous.**

(a) If any deadline date in this subpart falls on a Saturday, Sunday or a Federal holiday, then the deadline shall be the next business day.

(b) All submissions required under this subpart shall be made either by registered or certified mail, return receipt requested, with a postmarked receipt,

with proper postage affixed and properly addressed to the Dairy Import Licensing Group, STOP 1021, U.S. Department of Agriculture, 1400 Independence Avenue SW., Washington DC 20250-1021, or by electronic submission utilizing the electronic software designated for this purpose by the Licensing Authority.

[61 FR 53007, Oct. 9, 1996. Redesignated at 65 FR 1298, Jan. 10, 2000; 69 FR 59764, Oct. 6, 2004]

**§ 6.37 Supersedure of Import Regulation 1, Revision 7.**

This subpart will supersede the provisions of Import Regulation 1, Revision 7 heretofore in effect (§§ 6.20 through 6.33 and appendices 1 through 3 as contained in 7 CFR subtitle A revised as of January 1, 1996). With respect to any violation of the provisions of that regulation by a licensee prior to the effective date hereof, the provisions of that regulation will be deemed to continue in full force; however, the debarment and suspension of § 6.31 of this subpart shall apply with respect to any violation of that regulation.

[61 FR 53007, Oct. 9, 1996. Redesignated at 65 FR 1298, Jan. 10, 2000]

APPENDICES 1-3 TO SUBPART—DAIRY TARIFF-RATE IMPORT QUOTA LICENSING

ARTICLES SUBJECT TO: APPENDIX 1, HISTORICAL LICENSES; APPENDIX 2, NONHISTORICAL LICENSES; AND APPENDIX 3, DESIGNATED IMPORTER LICENSES FOR QUOTA YEAR 2011

[Quantities in kilograms]

Article by additional U.S. note number and country of origin	Appendix 1	Appendix 2	Sum of Appendix 1 & 2	Appendix 3		Harmonized tariff schedule
				Tokyo R.	Uruguay R.	
<b>NON-CHEESE ARTICLES</b>						
BUTTER (G-NOTE 6) ...	5,096,498	1,880,502	6,977,000	.....	.....	6,977,000
EU-25 .....	75,459	20,702	96,161	.....	.....	
New Zealand .....	110,045	40,548	150,593	.....	.....	
Other Countries .....	43,017	30,918	73,935	.....	.....	
Any Country .....	4,867,977	1,788,334	6,656,311	.....	.....	
DRIED SKIM MILK (K-NOTE 7) .....		5,261,000	5,261,000	.....	.....	5,261,000
Australia .....		600,076	600,076	.....	.....	
Canada .....		219,565	219,565	.....	.....	
Any Country .....		4,441,359	4,441,359	.....	.....	
DRIED WHOLE MILK (H-NOTE 8) .....	3,175	3,318,125	3,321,300	.....	.....	3,321,300
New Zealand .....	3,175	.....	3,175	.....	.....	
Any Country .....		3,318,125	3,318,125	.....	.....	
DRIED BUTTERMILK/WHEY (M-NOTE 12) .....		224,981	224,981	.....	.....	224,981
Canada .....		161,161	161,161	.....	.....	
New Zealand .....		63,820	63,820	.....	.....	

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ARTICLES SUBJECT TO: APPENDIX 1, HISTORICAL LICENSES; APPENDIX 2, NONHISTORICAL LICENSES;  
AND APPENDIX 3, DESIGNATED IMPORTER LICENSES FOR QUOTA YEAR 2011—Continued

[Quantities in kilograms]

Article by additional U.S. note number and country of origin	Appendix 1	Appendix 2	Sum of Appendix 1 & 2	Appendix 3		Harmonized tariff schedule
				Tokyo R.	Uruguay R.	
BUTTER SUBSTITUTES CONTAINING OVER 45 PERCENT OF BUTTERFAT AND/OR BUTTER OIL (SUNOTE 14) .....		6,080,500	6,080,500			6,080,500
Any Country .....		6,080,500	6,080,500			
TOTAL: NON-CHEESE ARTICLES ...	5,099,673	16,765,108	21,864,781			21,864,781

CHEESE ARTICLES

CHEESE AND SUBSTITUTES FOR CHEESE (EXCEPT: SOFT RIPENED COW'S MILK CHEESE; CHEESE NOT CONTAINING COW'S MILK; CHEESE (EXCEPT COTTAGE CHEESE) CONTAINING 0.5 PERCENT OR LESS BY WEIGHT OF BUTTERFAT; AND, ARTICLES WITHIN THE SCOPE OF OTHER IMPORT QUOTAS PROVIDED FOR IN THIS SUBCHAPTER) (OT-NOTE 16) .....	21,557,089	9,912,642	31,469,731	9,661,128	7,496,000	48,626,859
Argentina .....	7,690		7,690	92,310		100,000
Australia .....	535,628	5,542	541,170	758,830	1,750,000	3,050,000
Canada .....	1,013,777	127,223	1,141,000			1,141,000
Costa Rica .....					1,550,000	1,550,000
EU-25 .....	15,775,975	7,491,681	23,267,656	1,132,568	3,446,000	27,846,224
Of which Portugal is .....	65,838	63,471	129,309	223,691		353,000
Israel .....	79,696		79,696	593,304		673,000
Iceland .....	294,000		294,000	29,000		323,000
New Zealand .....	2,964,645	1,850,827	4,815,472	6,506,528		11,322,000
Norway .....	124,982	25,018	150,000			150,000
Switzerland .....	593,952	77,460	671,412	548,588	500,000	1,720,000
Uruguay .....					250,000	250,000
Other Countries .....	100,906	100,729	201,635			201,635
Any Country .....		300,000	300,000			300,000
BLUE-MOLD CHEESE (EXCEPT STILTON PRODUCED IN THE UNITED KINGDOM) AND CHEESE AND SUBSTITUTES FOR CHEESE CONTAINING, OR PROCESSED FROM, BLUE-MOLD CHEESE (B-NOTE 17) .....	2,285,946	195,055	2,481,001		430,000	2,911,001
Argentina .....	2,000		2,000			2,000
EU-25 .....	2,283,946	195,054	2,479,000		350,000	2,829,000
Chile .....					80,000	80,000
Other Countries .....		1	1			1

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AND APPENDIX 3, DESIGNATED IMPORTER LICENSES FOR QUOTA YEAR 2011—Continued

[Quantities in kilograms]

Article by additional U.S. note number and country of origin	Appendix 1	Appendix 2	Sum of Appendix 1 & 2	Appendix 3		Harmonized tariff schedule
				Tokyo R.	Uruguay R.	
CHEDDAR CHEESE, AND CHEESE AND SUBSTITUTES FOR CHEESE CONTAINING, OR PROCESSED FROM, CHEDDAR CHEESE (C-NOTE 18) .....						
Australia .....	2,799,576	1,484,280	4,283,856	519,033	7,620,000	12,422,889
Chile .....	902,462	82,037	984,499	215,501	1,250,000	2,450,000
EU-25 .....	52,404	210,596	263,000		220,000	220,000
New Zealand .....	1,742,165	1,054,303	2,796,468	303,532	1,050,000	1,313,000
Other Countries .....	102,545	37,344	139,889		5,100,000	8,200,000
Any Country .....		100,000	100,000			139,889
AMERICAN-TYPE CHEESE, INCLUDING COLBY, WASHED CURD AND GRANULAR CHEESE (BUT NOT INCLUDING CHEDDAR) AND CHEESE AND SUBSTITUTES FOR CHEESE CONTAINING OR PROCESSED FROM SUCH AMERICAN-TYPE CHEESE (A-NOTE 19) .....						100,000
Australia .....	2,711,009	454,544	3,165,553	357,003		3,522,556
EU-25 .....	771,136	109,862	880,998	119,002		1,000,000
New Zealand .....	149,683	204,317	354,000			354,000
Other Countries .....	1,639,549	122,450	1,761,999	238,001		2,000,000
EDAM AND GOUDA CHEESE, AND CHEESE AND SUBSTITUTES FOR CHEESE CONTAINING, OR PROCESSED FROM, EDAM AND GOUDA CHEESE (E-NOTE 20) .....						168,556
Argentina .....	5,128,658	477,744	5,606,402		1,210,000	6,816,402
EU-25 .....	110,495	14,505	125,000		110,000	235,000
Norway .....	4,899,083	389,917	5,289,000		1,100,000	6,389,000
Other Countries .....	114,318	52,682	167,000			167,000
	4,762	20,640	25,402			25,402

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ARTICLES SUBJECT TO: APPENDIX 1, HISTORICAL LICENSES; APPENDIX 2, NONHISTORICAL LICENSES;  
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[Quantities in kilograms]

Article by additional U.S. note number and country of origin	Appendix 1	Appendix 2	Sum of Appendix 1 & 2	Appendix 3		Harmonized tariff schedule
				Tokyo R.	Uruguay R.	
ITALIAN-TYPE CHEESES, MADE FROM COW'S MILK, (ROMANO MADE FROM COW'S MILK, REGGIANO, PARMESAN, PROVOLONE, PROVOLETTI, SBRINZ, AND GOYANOT IN ORIGINAL LOAVES) AND CHEESE AND SUBSTITUTES FOR CHEESE CONTAINING, OR PROCESSED FROM, SUCH ITALIAN-TYPE CHEESES, WHETHER OR NOT IN ORIGINAL LOAVES (D-NOTE 21) .....						
Argentina .....	6,404,899	1,115,648	7,520,547	795,517	5,165,000	13,481,064
EU-25 .....	3,913,007	212,476	4,125,483	367,517	1,890,000	6,383,000
Romania .....	2,491,892	890,108	3,382,000	.....	2,025,000	5,407,000
Uruguay .....	.....	.....	.....	428,000	500,000	500,000
Other Countries .....	.....	13,064	13,064	.....	750,000	1,178,000
SWISS OR EMMENTHALER CHEESE OTHER THAN WITH EYE FORMATION, GRUYERE-PROCESS CHEESE AND CHEESE AND SUBSTITUTES FOR CHEESE CONTAINING, OR PROCESSED FROM, SUCH CHEESES (GR-NOTE 22) .....						
EU-25 .....	5,325,713	1,325,601	6,651,314	823,519	380,000	7,854,833
Switzerland .....	4,056,523	1,095,471	5,151,994	393,006	380,000	5,925,000
Other Countries .....	1,235,692	183,795	1,419,487	430,513	.....	1,850,000
CHEESE AND SUBSTITUTES FOR CHEESE, CONTAINING 0.5 PERCENT OR LESS BY WEIGHT OF BUTTERFAT (EXCEPT ARTICLES WITHIN THE SCOPE OF OTHER TARIFF-RATE QUOTAS PROVIDED FOR IN THIS SUBCHAPTER), AND MARGARINE CHEESE (LF-NOTE 23) .....						
EU-25 .....	1,842,566	2,582,342	4,424,918	1,050,000	.....	5,474,908
Israel .....	1,842,566	2,582,341	4,424,907	.....	.....	4,424,907
New Zealand .....	.....	.....	.....	50,000	.....	50,000
Other Countries .....	.....	1	1	1,000,000	.....	1,000,000

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[Quantities in kilograms]

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				Tokyo R.	Uruguay R.	
SWISS OR EMMENTHALER CHEESE WITH EYE FORMATION (SW-NOTE 25) .....	15,607,214	6,690,117	22,297,331	9,557,945	2,620,000	34,475,276
Argentina .....	.....	9,115	9,115	70,885	.....	80,000
Australia .....	209,698	.....	209,698	290,302	.....	500,000
Canada .....	.....	.....	.....	70,000	.....	70,000
EU-25 .....	11,186,762	5,290,066	16,476,828	4,003,172	2,420,000	22,900,000
Iceland .....	149,999	.....	149,999	150,001	.....	300,000
Israel .....	27,000	.....	27,000	.....	.....	27,000
Norway .....	3,187,264	468,046	3,655,310	3,227,690	.....	6,883,000
Switzerland .....	786,906	897,199	1,684,105	1,745,895	200,000	3,630,000
Other Countries .....	59,585	25,691	85,276	.....	.....	85,276
TOTAL: CHEESE ARTICLES ...	63,662,670	24,237,973	87,900,653	22,764,145	24,921,000	135,585,788
TOTAL: CHEESE ARTICLES & NON-CHEESE ARTICLES ....	68,762,343	41,003,081	.....	22,764,145	24,921,000	157,450,569

[76 FR 63539, Oct. 13, 2011]

**Subpart—Price-Undercutting of Domestic Cheese by Quota Cheeses**

AUTHORITY: Sec. 702, Pub. L. 96-39, 93 Stat. 144, 19 U.S.C. 1202 note.

SOURCE: 45 FR 9883, Feb. 13, 1980, unless otherwise noted.

**§ 6.40 General.**

This subpart sets forth the procedures applicable to the determination by the Secretary of Agriculture as to whether the price at which any article of quota cheese is being offered for sale in the United States on a duty-paid wholesale basis is less than the domestic wholesale market price of similar articles produced in the United States (i.e., price-undercutting) in accordance with section 702 of the Trade Agreements Act of 1979 (Pub. L. 96-39, 93 Stat. 144, 19 U.S.C. 1202 note) (hereinafter referred to as the Act).

**§ 6.41 Definitions.**

(a) *Complainant* means the person who has filed with the Investigating Authority, in accordance with the procedures set forth in this subpart, a written complaint alleging that price-undercutting is occurring.

(b) *Country of origin* means the country, as defined in 19 CFR 134.1(b), in which the quota article subject to this regulation was produced or manufactured.

(c) *Foreign government* means the government of the country of origin or, for purposes of determining whether a subsidy has been provided for the member states of the European Economic Community, the subsidy granting bodies of the European Economic Community.

(d) *Investigating Authority* means the Director, Dairy, Livestock and Poultry Division, Commodity Programs, Foreign Agricultural Service.

(e) *Quota cheese* means the articles provided for in the following items of the Tariff Schedules of the United States: