

Subpart F—Subsidy Determinations Regarding Cheese Subject to an In-Quota Rate of Duty

§ 351.601 Annual list and quarterly update of subsidies.

The Secretary will make the determinations called for by section 702(a) of the Trade Agreements Act of 1979, as amended (19 U.S.C. 1202 note) based on the available information, and will publish the annual list and quarterly updates described in such section in the FEDERAL REGISTER.

§ 351.602 Determination upon request.

(a) *Request for determination.* (1) Any person, including the Secretary of Agriculture, who has reason to believe there have been changes in or additions to the latest annual list published under § 351.601 may request in writing that the Secretary determine under section 702(a)(3) of the Trade Agreements Act of 1979 whether there are any changes or additions. The person must file the request with the Central Records Unit (*see* § 351.103). The request must allege either a change in the type or amount of any subsidy included in the latest annual list or quarterly update or an additional subsidy not included in that list or update provided by a foreign government, and must contain the following, to the extent reasonably available to the requesting person:

- (i) The name and address of the person;
- (ii) The article of cheese subject to an in-quota rate of duty allegedly benefiting from the changed or additional subsidy;
- (iii) The country of origin of the article of cheese subject to an in-quota rate of duty; and
- (iv) The alleged subsidy or changed subsidy and relevant factual information (particularly documentary evidence) regarding the alleged changed or additional subsidy including the authority under which it is provided, the manner in which it is paid, and the value of the subsidy to producers or exporters of the article.

(2) The requirements of § 351.303 (c) and (d) apply to this section.

(b) *Determination.* Not later than 30 days after receiving an acceptable request, the Secretary will:

(1) In consultation with the Secretary of Agriculture, determine based on the available information whether there has been any change in the type or amount of any subsidy included in the latest annual list or quarterly update or an additional subsidy not included in that list or update is being provided by a foreign government;

(2) Notify the Secretary of Agriculture and the person making the request of the determination; and

(3) Promptly publish in the FEDERAL REGISTER notice of any changes or additions.

§ 351.603 Complaint of price-undercutting by subsidized imports.

Upon receipt of a complaint filed with the Secretary of Agriculture under section 702(b) of the Trade Agreements Act concerning price-undercutting by subsidized imports, the Secretary will promptly determine, under section 702(a)(3) of the Trade Agreements Act of 1979, whether or not the alleged subsidies are included in or should be added to the latest annual list or quarterly update.

§ 351.604 Access to information.

Subpart C of this part applies to factual information submitted in connection with this subpart.

Subpart G—Applicability Dates

§ 351.701 Applicability dates.

The regulations contained in this part 351 apply to all administrative reviews initiated on the basis of requests made on or after the first day of July, 1997, to all investigations and other segments of proceedings initiated on the basis of petitions filed or requests made after June 18, 1997 and to segments of proceedings self-initiated by the Department after June 18, 1997. Segments of proceedings to which part 351 do not apply will continue to be governed by the regulations in effect on the date the petitions were filed or requests were made for those segments, to the extent that those regulations were not invalidated by the URAA or

§ 351.702

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replaced by the interim final regulations published on May 11, 1995 (60 FR 25130 (1995)). For segments of proceedings initiated on the basis of petitions filed or requests made after January 1, 1995, but before part 351 applies, part 351 will serve as a restatement of the Department's interpretation of the requirements of the Act as amended by the URAA.

§ 351.702 Applicability dates for countervailing duty regulations.

(a) Notwithstanding § 351.701, the regulations in subpart E of this part apply to:

(1) All CVD investigations initiated on the basis of petitions filed after December 28, 1998;

(2) All CVD administrative reviews initiated on the basis of requests filed

on or after the first day of January 1999; and

(3) To all segments of CVD proceedings self-initiated by the Department after December 28, 1998.

(b) Segments of CVD proceedings to which subpart E of this part does not apply will continue to be guided by the Department's previous methodology (in particular, as described in the 1989 Proposed Regulations), except to the extent that the previous methodology was invalidated by the URAA, in which case the Secretary will treat subpart E of this part as a restatement of the Department's interpretation of the requirements of the Act as amended by the URAA.

[63 FR 65417, Nov. 25, 1998]

ANNEX I TO PART 351—DEADLINES FOR PARTIES IN COUNTERVAILING INVESTIGATIONS

Day ¹	Event	Regulation
0 days	Initiation	
31 days ²	Notification of difficulty in responding to questionnaire.	351.301(c)(2)(iv) (14 days after date of receipt of initial questionnaire)
37 days	Application for an administrative protective order.	351.305(b)(3)
40 days	Request for postponement by petitioner	351.205(e) (25 days or more before preliminary determination)
45 days	Allegation of critical circumstances	351.206(c)(2)(i) (20 days before preliminary determination)
47 days	Questionnaire response	351.301(c)(2)(iii) (30 days from date of receipt of initial questionnaire)
55 days	Allegation of upstream subsidies	351.301(d)(4)(ii)(A) (10 days before preliminary determination)
65 days (Can be extended)	Preliminary determination	351.205(b)(1)
72 days	Submission of proposed suspension agreement.	351.208(f)(1)(B) (7 days after preliminary determination)
75 days ³	Submission of factual information	351.301(b)(1) (7 days before date on which verification is to commence)
75 days	Submission of ministerial error comments	351.224(c)(2) (5 days after release of disclosure documents)
77 days ⁴	Request to align a CVD case with a concurrent AD case.	351.210(i) (5 days after date of publication of preliminary determination)
102 days	Request for a hearing	351.310(c) (30 days after date of publication of preliminary determination)
119 days	Critical circumstances allegation	351.206(e) (21 days or more before final determination)
122 days	Requests for closed hearing sessions	351.310(f) (No later than the date the case briefs are due)
122 days	Submission of briefs	351.309(c)(1)(i) (50 days after date of publication of preliminary determination)
125 days	Allegation of upstream subsidies	351.301(d)(4)(ii)(B) (15 days before final determination)
127 days	Submission of rebuttal briefs	351.309(d) (5 days after dead-line for filing case brief)
129 days	Hearing	351.310(d)(1) (2 days after submission of rebuttal briefs)
140 days (Can be extended)	Final determination	351.210(b)(1) (75 days after preliminary determination)
150 days	Submission of ministerial error comments	351.224(c)(2) (5 days after release of disclosure documents)
155 days	Submission of replies to ministerial error comments.	351.224(c)(3) (5 days after filing of comments)