

Co., Ltd., Shenzhen Qunxingyuan Trading Co., Ltd., and Zhangzhou Jingxiang Foods Co., Ltd.

**FOR FURTHER INFORMATION CONTACT:**  
Brian Smith, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482-1766.

#### Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended ("the Act"), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department of Commerce ("the Department") regulations are to 19 C.F.R. Part 351 (2001).

#### SUPPLEMENTARY INFORMATION:

##### Background

The Department has received timely requests from Guangxi Yulin Oriental Food Co., Ltd. ("Guangxi Yulin"), Shenzhen Qunxingyuan Trading Co., Ltd. ("Shenzhen Qunxingyuan"), and Zhangzhou Jingxiang Foods Co., Ltd.

("Zhangzhou Jingxiang"), in accordance with 19 C.F.R. 351.214(c), for a new shipper review of the antidumping duty order on certain preserved mushrooms from the People's Republic of China ("PRC"), which has a February anniversary month.

As required by 19 C.F.R. 351.214(b)(2)(i), (ii), and (iii)(A), each company identified above has certified that it did not export certain preserved mushrooms to the United States during the period of investigation ("POI"), and that it has never been affiliated with any exporter or producer which exported certain preserved mushrooms during the POI. Each company has further certified that its export activities are not controlled by the central government of the PRC, pursuant to the requirements of 19 C.F.R. 351.214(b)(2)(iii)(B). Pursuant to the Department's regulations at 19 C.F.R. 351.214(b)(2)(iv)(A), each company submitted documentation establishing the date on which it first shipped the subject merchandise to the United States, the date of entry of that first shipment, the volume of that shipment and the date of the first sale to an unaffiliated customer in the United States.

In accordance with section 751(a)(2)(B) of the Act, as amended, and 19 C.F.R. 351.214(b), and based on information on the record, we are initiating a new shipper review for Guangxi Yulin, Shenzhen Qunxingyuan and Zhangzhou Jingxiang.

#### Initiation of Review

In accordance with section 751(a)(2)(B)(ii) of the Act and 19 C.F.R. 351.214(d)(1), we are initiating a new shipper review of the antidumping duty order on certain preserved mushrooms from the PRC. In March 2002, each company listed above agreed to waive the normal time limit for the new shipper review in order that the Department, pursuant to 19 C.F.R. 351.214(j)(3), may conduct this review concurrent with the third annual administrative review of this order. The period of review for the third annual administrative review is February 1, 2000–January 31, 2001, which is being conducted pursuant to section 751(a)(1) of the Act. Therefore, we intend to issue the preliminary results of this new shipper review not later than 245 days after the last day of the anniversary month.

Antidumping Duty New Shipper Review Proceeding	Period to be Reviewed
Guangxi Yulin Oriental Food Co., Ltd. ....	02/01/01 – 01/31/02
Shenzhen Qunxingyuan Trading Co., Ltd. ....	02/01/01 – 01/31/02
Zhangzhou Jingxiang Foods, Co., Ltd. ....	02/01/01 – 01/31/02

We will instruct the Customs Service to allow, at the option of the importer, the posting, until the completion of the review, of a bond or security in lieu of a cash deposit for each entry of the merchandise exported by the above-listed companies. This action is in accordance with 19 C.F.R. 351.214(e).

Interested parties that need access to proprietary information in this new shipper review should submit applications for disclosure under administrative protective orders in accordance with 19 C.F.R. 351.305 and 351.306.

This initiation and notice are in accordance with section 751(a) of the Act (19 U.S.C. 1675(a)) and 19 C.F.R. 351.214(d).

Dated: March 29, 2002

**Richard Moreland,**

*Deputy Assistant Secretary for Import Administration.*

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#### 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.

**ACTION:** Publication of quarterly update to annual listing of foreign government subsidies on articles of cheese subject to an in-quota rate of duty.

**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, 2001 through December 31, 2001. We are publishing the current listing of those subsidies that we have determined exist. **EFFECTIVE DATE:** April 4, 2002.

#### FOR FURTHER INFORMATION CONTACT:

Tipten Troidl or David Salkeld, Office of AD/CVD Enforcement VI, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW., Washington, DC 20230, telephone: (202) 482-2786.

**SUPPLEMENTARY INFORMATION:** Section 702(a) 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(g)(b)(4) 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 cheeses that were imported during the period October 1, 2001 through December 31, 2001.

The Department has developed, in consultation with the Secretary of Agriculture, information on subsidies (as defined in section 702(g)(b)(2) 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: March 29, 2002.

**Faryar Shirzad,**  
Assistant Secretary for Import Administration.

## Appendix

### SUBSIDY PROGRAMS ON CHEESE SUBJECT TO AN IN-QUOTA RATE OF DUTY

Country	Program(s)	Gross <sup>1</sup> subsidy (\$/lb)	Net <sup>2</sup> subsidy (\$/lb)
Austria .....	European Union Restitution Payments .....	\$0.10	\$0.10
Belgium .....	EU Restitution Payments .....	0.03	0.03
Canada .....	Export Assistance on Certain Types of Cheese .....	0.22	0.22
Denmark .....	EU Restitution Payments .....	0.05	0.05
Finland .....	EU Restitution Payments .....	0.14	0.14
France .....	EU Restitution Payments .....	0.09	0.09
Germany .....	EU Restitution Payments .....	0.06	0.06
Greece .....	EU Restitution Payments .....	0.00	0.00
Ireland .....	EU Restitution Payments .....	0.04	0.04
Italy .....	EU Restitution Payments .....	0.03	0.03
Luxembourg .....	EU Restitution Payments .....	0.07	0.07
Netherlands .....	EU Restitution Payments .....	0.03	0.03
Norway .....	Indirect (Milk) Subsidy .....	0.28	0.28
	Consumer Subsidy .....	0.13	0.13
<b>Total .....</b>		<b>0.41</b>	<b>0.41</b>
Portugal .....	EU Restitution Payments .....	0.04	0.04
Spain .....	EU Restitution Payments .....	0.02	0.02
Switzerland .....	Deficiency Payments .....	0.06	0.06
U.K. .....	EU Restitution Payments .....	0.04	0.04

<sup>1</sup>Defined in 19 U.S.C. 1677(5).

<sup>2</sup>Defined in 19 U.S.C. 1677(6).

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### North American Free-Trade Agreement, Article 1904 NAFTA Panel Reviews; Request for Panel Review

**AGENCY:** NAFTA Secretariat, United States Section, International Trade Administration, Department of Commerce.

**ACTION:** Notice of First Request for Panel Review.

**SUMMARY:** On March 27, 2002, Veg Gro Sales, Inc. (a.k.a. K&M Produce Distributors Inc.); Red Zoo Marketing (a.k.a. Performance Produce Limited); Mastronardi Produce Limited; J-D Marketing Inc.; and all Ontario companies subject to the "all others" rate filed a First Request for Panel Review with the United States Section of the NAFTA Secretariat pursuant to Article 1904 of the North American Free

Trade Agreement. A second request on behalf of BC Hot House Foods, Inc. was filed on the same date. Panel review was requested of the final results of the final Determination of Sales at Less Than Fair Value respecting Greenhouse Tomatoes From Canada made by the United States International Trade Administration. These determinations were published in the **Federal Register**, (67 FR 8781) on February 26, 2002. The NAFTA Secretariat has assigned Case Number USA-CDA-2002-1904-04 to these requests.

**FOR FURTHER INFORMATION CONTACT:** Caratina L. Alston, United States Secretary, NAFTA Secretariat, Suite 2061, 14th and Constitution Avenue, Washington, DC 20230, (202) 482-5438.

**SUPPLEMENTARY INFORMATION:** Chapter 19 of the North American Free-Trade Agreement ("Agreement") establishes a mechanism to replace domestic judicial review of final determinations in antidumping and countervailing duty cases involving imports from a NAFTA country with review by independent binational panels. When a Request for

Panel Review is filed, a panel is established to act in place of national courts to review expeditiously the final determination to determine whether it conforms with the antidumping or countervailing duty law of the country that made the determination.

Under Article 1904 of the Agreement, which came into force on January 1, 1994, the Government of the United States, the Government of Canada and the Government of Mexico established *Rules of Procedure for Article 1904 Binational Panel Reviews* ("Rules"). These Rules were published in the **Federal Register** on February 23, 1994 (59 FR 8686).

A first Request for Panel Review was filed with the United States Section of the NAFTA Secretariat, pursuant to Article 1904 of the Agreement, on March 27, 2002, requesting panel review of the final determination described above.

The Rules provide that:

(a) A Party or interested person may challenge the final determination in whole or in part by filing a Complaint in accordance with Rule 39 within 30