

concerning FISI. On July 16, 1993, the panel issued an order affirming all aspects of Commerce's determination on remand. On September 7, 1993, Commerce released the redetermined subsidy rates. They were:

Sows and boars: C\$0.0045/lb.

Other live swine: C\$0.0927/lb.

4.2.5 Sixth Administrative Review

On March 30, 1994, P. Quintaine & Son Ltd. of Brandon, Manitoba, filed a request for a Binational Panel Review of the final countervailing duty determination made by Commerce with respect to the sixth administrative review covering the period from April 1, 1990, through March 31, 1991. A request for Panel Review was also filed by Pryme Pork Ltd. and Earle Baxter Trucking.

On May 30, 1995, the panel affirmed in part and remanded in part the Commerce determination. The petitioners challenged Commerce's denial of separate treatment for sows and boars, and for a category of weanlings covered by the order. In all prior review periods for which separate rates had been calculated, Commerce had found that these categories of swine received zero or *de minimis* subsidies under the Canadian programs being countervailed.

The panel affirmed Commerce's finding that sows and boars as well as weanlings were within the scope of the order. The panel remanded with directions to Commerce to: (1) reinstate the sows and boars sub-class and determine a separate countervailing duty rate for it; and (2) consider Pryme's application for a sub-class for weanlings employing the same criteria used in creating the sows and boars sub-class, and calculate a separate rate for that sub-class.

The panel found that Commerce had failed to provide a factual basis or legal argument to warrant the abolition of the separate sub-class. The panel expressed no view on Commerce's treatment of Pryme's request for an individual review and a company-specific rate.

On August 14, 1995, Commerce submitted to the panel its remanded determination. Commerce: (1) reinstated sows and boars as a sub-class; (2) calculated a *de minimis* CVD rate for sows and boars; (3) ordered U.S. Customs to liquidate sows and boars entries without regard to duties, and collect zero cash deposits; (4) determined an unspecified *de minimis* rate for Pryme Pork by a consent motion; and (5) ordered Customs to assess zero duties against Pryme Pork and to collect zero cash deposits on Pryme Pork's entries. The amended subsidy rates were as follows:

Sows and boars: C\$0.0036/kg (*de minimis*)

Other live swine: C\$0.0296/kg