

- ◆ the National Tripartite Stabilization Program for hogs;
- ◆ the Quebec Farm Income Stabilization Insurance Program;
- ◆ the British Columbia Farm Income Insurance Program; and
- ◆ the Alberta Crow Benefit Offset Program.

The panel also remanded to Commerce for further explanation its determination that it could not establish a separate rate for weanlings or a separate company-specific rate for Pryme Pork Ltd. The panel affirmed Commerce's decision not to conduct a scope inquiry regarding weanlings in the fifth administrative review.

On October 30, 1992, Commerce filed the final results of its redetermination pursuant to remand. Commerce redetermined that the Tripartite, FISl and FIIP programs conferred countervailable subsidies upon specific industries or groups of industries. Commerce also redetermined that Pryme's request for the establishment of a separate sub-class for weanlings was untimely and that, in any event, the record did not contain sufficient information for it to determine any such separate rate. With respect to ACBOP, Commerce recalculated the benefit conferred under the program. The redetermination was challenged by the complainants.

On June 11, 1993, the panel affirmed Commerce's redetermination that the Tripartite programs were countervailable during the review period. The panel concluded that substantial evidence in the record supported Commerce's redeterminations that: (1) hog producers were the dominant users of Tripartite programs; (2) no more than 20% of eligible commodities actually participated in the program; and (3) no other factor or record of evidence raised a significant question with regard to Commerce's determination of countervailability.

The panel affirmed Commerce's redetermination that FIIP was de jure countervailable during the review period. Insofar as FIIP was concerned, there was no challenge to the redetermination. The panel affirmed Commerce's redetermination regarding ACBOP. The panel reviewed Commerce's recalculations and concluded that the reasoning of Commerce as to how and why it proceeded to make certain adjustments was adequately articulated, was based upon substantial record of evidence, and was otherwise in accordance with law. The panel also affirmed Commerce's redetermination that, while there was some evidence on the record concerning weanlings, it was insufficient to create a sub-class.

The panel remanded Commerce's redetermination regarding FISl, with instructions for it to remove FISl benefits from its duty calculation. The panel concluded that Commerce's redetermination that FISl provided a subsidy to a specific enterprise or industry, or group of enterprises or industries, was based primarily upon a "mathematical formula," which failed to show that Commerce exercised judgment and had balanced the various factors in analyzing the facts of this particular case. On June 25, 1993, Commerce complied with the panel's instructions