

respondents, Valbruna and Bolzano (collectively, Valbruna/Bolzano), challenged the Department's *Final Determination* before the CIT.

In *AL Tech Specialty Steel Corp., et al. v. United States*, Slip. Op. 04-114 (CIT, September 8, 2004), the CIT Court affirmed (1) the Department's finding that the Province of Bolzano's purchase of a particular industrial site did not confer a subsidy; (2) the Department's use of a nationwide, rather than a region-specific benchmark for measuring the adequacy of remuneration of Valbruna's lease of an industrial site from the Province of Bolzano; and (3) the Department's determination that its "tying" practice was inapplicable to plant closure assistance provided under Law 193/84.

However, the Court remanded the following issues to the Department for further consideration: (1) the Department's determination that a two-year rent abatement granted to Valbruna on its lease of an industrial site from the Province of Bolzano conferred a subsidy; (2) the Department's determination not to adjust the benchmark used to determine adequacy of remuneration under Valbruna's lease of the Bolzano site to account for Valbruna's assumption of future extraordinary maintenance expenses; (3) the Department's determination not to adjust the lease benchmark to account for depreciation of buildings on the Bolzano industrial site; (4) the Department's determination that aid under Law 25/81 continued to confer a subsidy despite evidence that the subsidy had been repaid; (5) the Department's determination to treat Articles 2 and 4 of Law 193/84 as a single program for purposes of the small grants test; thus, allocating the aid over time rather than expensing it in the year of receipt; (6) the Department's finding that EU/European Social Fund ("ESF") Objective 4 funding was regionally specific to Italy, and (7) the Department's finding that Italian ESF Objective 4 funding was regionally specific to Bolzano.

The *Draft Final Results Pursuant to Remand (Draft Results)* were released to parties on October 18, 2004. On October 22, 2004, the Department received comments from respondents on the *Draft Results*. Petitioners did not submit comments on the *Draft Results*. There were no substantive changes made to the *Remand Results* as a result of comments received on the *Draft Results*. On October 27, 2004, the Department responded to the CIT's Order of Remand by filing the *Remand Results*. In its *Remand Results*, the Department determined on remand that the two-

year lease abatement was a bargained-for exchange and, therefore, did not constitute a countervailable subsidy and that no countervailable benefit under Law 25/81 existed for Valbruna after January 1, 1986. As a result of the remand redetermination, the net subsidy rate for Valbruna/Bolzano was revised from 1.28 to 0.65 percent *ad valorem*, which is *de minimis*.

On December 1, 2004, the CIT received comments from petitioners and respondents. On December 21, 2004, the Department responded to these comments.

On March 9, 2005, the CIT affirmed the Department's findings in the *Remand Results*. Specifically, the CIT upheld the Department's finding on remand that the rent abatement did not constitute a countervailable subsidy and the Department's treatment of Law 25/81. *AL Tech II*, Slip Op. 05-30 (CIT March 9, 2005).

Suspension of Liquidation

The CAFC, in *Timken*, held that the Department must publish notice of a decision of the CIT or the CAFC which is not "in harmony" with the Department's final determination or results. Publication of this notice fulfills that obligation. The CAFC also held that the Department must suspend liquidation of the subject merchandise until there is a "conclusive" decision in the case. Therefore, pursuant to *Timken*, the Department must continue to suspend liquidation pending the expiration of the period to appeal the CIT's March 9, 2005, decision or, if that decision is appealed, pending a final decision by the CAFC. The Department will instruct CBP to revise cash deposit rates, as appropriate, and to liquidate relevant entries covering the subject merchandise effective March 29, 2005, in the event that the CIT's ruling is not appealed, or if appealed and upheld by the CAFC.

Dated: March 21, 2005.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 032405C]

New England Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Habitat Advisory Panel in April 2005. Recommendations from the panel will be brought to the full Council for formal consideration and action, if appropriate.

DATES: The meeting will held on Wednesday, April 13, 2005, from 9 a.m. to 5 p.m.

ADDRESSES: The meeting will be held at the Coastal Institute University of Rhode Island-Bay Campus, 218 South Ferry Road, Narragansett, RI 02882.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council (978) 465-0492. Requests for special accommodations should be addressed to the New England Fishery Management Council, 50 Water Street, Newburyport, MA 01950; telephone: (978) 465-0492.

SUPPLEMENTARY INFORMATION: The advisory panel will continue work on developing detailed descriptions of the gears used in fisheries of the Northeastern United States as requested by the Habitat Committee. If time allows they will review Habitat Area of Particular Concern (HAPC) proposals and prepare advice for the committee and develop Dedicated Habitat Research Areas (DHRA) sites based on the Habitat Committee's request.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least five days prior to the meeting dates.

Dated: March 24, 2005.

Peter H. Fricke,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

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