

Enamelware Factory Ltd. (Clover/Lucky) requested that the Department of Commerce (the Department) conduct a changed circumstances administrative review to determine, pursuant to 19 CFR § 353.25(d), whether to revoke partially the antidumping duty order on porcelain-on-steel (POS) cooking ware from the People's Republic of China (PRC) with regard to POS tea kettles.

The basis for Clover/Lucky's request was that the sole U.S. producer of POS cooking ware, General Housewares Corp. (GHC), affirmatively stated in its request for a changed circumstances review of the antidumping duty order on POS cooking ware from Taiwan, that it no longer manufactured POS tea kettles and thus had no interest in the importation or sale of POS tea kettles. Based on GHC's affirmative statement of no interest, with respect to tea kettles, submitted in the antidumping proceeding on POS cooking ware from Taiwan, the Department revoked the antidumping order on POS cooking ware from Taiwan, with respect to tea kettles. *See Porcelain on Steel Cooking Ware from Taiwan: Final Results of Changed Circumstances Antidumping Administrative Review, and Revocation in Part of Antidumping Duty Order*, 62 FR 10024 (March 5, 1997). Clover/Lucky asserted that GHC's statements in the Taiwan case should also be the basis for revoking, in part, the antidumping duty order on POS cooking ware from the PRC with respect to tea kettles.

On September 25, 1997, GHC, the petitioner and sole U.S. producer of POS cooking ware, submitted a letter expressing an interest in maintaining the order with respect to POS tea kettles from the PRC, and objected to the partial revocation of this order with respect to POS tea kettles.

On January 29, 1998, we published the preliminary results of changed circumstances antidumping duty administrative review (63 FR 4430), in which we preliminarily determined not to revoke this order, in part. We gave interested parties an opportunity to comment on the preliminary results of this changed circumstances review. We received no comments.

Scope of Review

The products covered by this antidumping duty order are POS cooking ware, including tea kettles, which do not have self-contained electric heating elements. All of the foregoing are constructed of steel and are enameled or glazed with vitreous glasses. Kitchenware is not subject to this order. *See Antidumping Duty Order: Porcelain-on-Steel Cooking Ware*

from the People's Republic of China, 51 FR 43414 (December 2, 1986).

The products covered by this changed circumstances review are POS tea kettles from the PRC. Imports of POS tea kettles are currently classifiable under the harmonized tariff schedule (HTS) subheading 7323.94.00.10. The HTS subheading is provided for convenience and Customs purposes. Our written description of the scope of this proceeding is dispositive. The order with regard to imports of other POS cooking ware is not affected by this changed circumstances review.

Final Results of Changed Circumstances Antidumping Duty Administrative Review

Pursuant to § 751(d) of the Act, the Department may partially revoke an antidumping duty order based on a review under § 751(b) of the Act. Section 782(h) of the Act and § 353.25(d)(1) of the Department's regulations provide that the Department may revoke an order, or revoke an order in part, if it determines that changed circumstances sufficient to warrant revocation of the order, or part of the order, exist.

The petitioner and sole U.S. producer of POS cooking ware submitted an affirmative statement of interest in this order with respect to POS tea kettles from the PRC. As we stated in our notice of initiation, the orders on POS cooking ware from Taiwan and the PRC are separate and distinct. As such, a decision on one order cannot automatically be assumed to be applicable to another order involving a different country. On the basis of the record developed in this proceeding, we determine in these final results that changed circumstances sufficient to warrant partial revocation of the antidumping duty order on POS cooking ware from the PRC with respect to POS tea kettles do not exist.

The current requirements for the cash deposit of estimated antidumping duties on all subject merchandise will remain in effect until the publication of the final results of the next administrative review.

This notice also serves as a reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR § 353.34(d). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

This notice is in accordance with §§ 751(b)(1) and (d) and § 777(i) of the Act and 19 CFR § 353.22(f)(1) of the Department's regulations.

Dated: May 8, 1998.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 98-13135 Filed 5-15-98; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-506]

Porcelain-on-Steel Cooking Ware From the People's Republic of China; Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce

ACTION: Notice of final results of antidumping duty administrative review

SUMMARY: On January 9, 1998, the Department of Commerce published its preliminary results of administrative review of the antidumping duty order on porcelain-on-steel cooking ware from the People's Republic of China for the period December 1, 1995, through November 30, 1996 (63 FR 1434). The Department of Commerce has now completed this administrative review in accordance with section 751(a) of the Tariff Act of 1930. For information on the assessment of antidumping duties for each reviewed company, and for all non-reviewed companies, see the *Final Results of Review* section of this notice.

EFFECTIVE DATE: May 18, 1998.

FOR FURTHER INFORMATION CONTACT: Lorenza Olivas or Russell Morris, Office of CVD/AD Enforcement VI, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington D.C. 20230; telephone: (202) 482-2786.

SUPPLEMENTARY INFORMATION:

Background

On January 9, 1998, the Department of Commerce published in the **Federal Register** its preliminary results of administrative review of the antidumping duty order on porcelain-on-steel cooking ware from the People's Republic of China for the period December 1, 1995, through November 30, 1996 (63 FR 1434). Pursuant to 19 CFR § 353.22(a), this review covers only producers or exporters of the subject merchandise for which a review was

specifically requested. Accordingly, this review covers Clover Enamelware Enterprise, Ltd. of China (Clover), a manufacturer/exporter, and its third-country reseller, Lucky Enamelware Factory Ltd., in Hong Kong (Lucky).

We invited interested parties to comment on the preliminary results. Our review of the record has not led us to change our findings from the preliminary results.

Applicable Statute

Unless otherwise indicated, all citations to the statute are references to the provisions as of January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department of Commerce's (the Department) regulations are to 19 CFR Part 353.

Scope of the Review

Imports covered by this review are shipments of porcelain-on-steel (POS) cooking ware, including tea kettles, which do not have self-contained electric heating elements. All of the foregoing are constructed of steel and are enameled or glazed with vitreous glasses. The merchandise is currently classifiable under the Harmonized Tariff Schedule (HTS) item 7323.94.00. HTS items numbers are provided for convenience and Customs purposes. The written description of the scope remains dispositive.

Verification

We verified the questionnaire responses submitted by Clover and Lucky, using standard verification procedures, including on-site inspection of the manufacturer's facilities, the examination of relevant sales and financial records, and selection of original documentation containing relevant information, as provided in section 782(i) of the Act. Our verification results are outlined in the public versions of the verification reports, which are on file in the Central Records Unit (Room B-099 of the Main Commerce Building).

Affiliated Parties

Clover is two-thirds owned by Lucky and, therefore, Lucky holds controlling interest in Clover. Due to Lucky's ownership interest in Clover, and the fact that the same individual is the general manager at both companies, we consider Clover and Lucky to be affiliated parties pursuant to section 771(33) of the Act. As such, and consistent with prior reviews of this order, we are assigning Clover and

Lucky a single dumping margin. See *Porcelain-on-Steel Cooking Ware from the People's Republic of China; Final Results of Antidumping Administrative Review*, 62 FR 32758 (June 17, 1997). No new information or evidence of changed circumstances has been submitted in this proceeding to warrant reconsideration of this finding.

Separate Rates Analysis

Lucky is located outside the People's Republic of China (PRC) and there is no PRC ownership of the company. Therefore, we determine that no separate rates analysis is required for this third-country reseller because it is beyond the jurisdiction of the PRC government. See *Final Determination of Sales at Less Than Fair Value; Disposable Pocket Lighters from the People's Republic of China* (60 FR 22359, 22361; May 5, 1995). Clover is partially owned by a PRC government company and, therefore, a separate rates analysis is necessary to determine whether this manufacturer/exporter is independent from government control.

To establish whether a company is sufficiently independent to be entitled to a separate rate, the Department analyzes each exporting entity under the test established in the *Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China*, 56 FR 20588 (May 6, 1991) (*Sparklers*), as amplified in *Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China*, 59 FR 22585 (May 2, 1994) (*Silicon Carbide*). Under this policy, exporters in non-market-economy (NME) countries are entitled to separate, company-specific margins when they can demonstrate an absence of government control, both in law (*de jure*) and in fact (*de facto*), with respect to exports.

1. Absence of De Jure Control

Evidence supporting, though not requiring, a finding of *de jure* absence of government control includes: (1) An absence of restrictive stipulations associated with an individual exporter's business and export licenses; (2) any legislative enactments decentralizing control of companies; and (3) any other formal measures by the government decentralizing control of companies. Clover's submissions pertaining to legislative enactments and the terms of its Enterprise Legal Person Operation License demonstrate the absence of *de jure* control. (See Memorandum from Kelly Parkhill to Barbara E. Tillman, dated December 9, 1997, "Separate Rate Analysis for Assignment of Separate Rate for Clover/Lucky in the 1995-1996

Administrative Review of POS Cooking Ware from the People's Republic of China" (*Separate Rate Memorandum*), which is a public document on file in the Central Records Unit. No new information or evidence of changed circumstances has been submitted in this proceeding to warrant reconsideration of this finding.

2. Absence of De Facto Control

De facto absence of government control with respect to exports is based on four criteria: (1) whether the export prices are set by or subject to the approval of a government authority; (2) whether each exporter retains the proceeds from its sales and makes independent decisions regarding the disposition of profits and financing of losses; (3) whether each exporter has autonomy in making decisions regarding the selection of management; and (4) whether each exporter has the authority to negotiate and sign contracts. See *Silicon Carbide* at 22587.

With respect to *de facto* absence of government control, the information submitted by Clover in the questionnaire response indicates the following: (1) no government entity exercises control over its export prices; (2) it negotiates contracts without guidance from any governmental entities or organizations; (3) it makes its own personnel decisions; and (4) it retains the proceeds of its export sales, utilizing profits to provide dividends to shareholders. In addition, it has the authority to seek out loans at market interest rates. This information supports the finding that there is *de facto* absence of governmental control of export functions. No new information or evidence of changed circumstances has been submitted in this proceeding to warrant reconsideration of this finding.

Final Results of the Review

We invited interested parties to comment on our preliminary results. We received no comments, and the final results do not differ from the preliminary results. As a result of our review, we determine the dumping margin for Clover Enamelware Enterprise/Lucky Enamelware Factory to be 0.81 percent for the period December 1, 1995 through November 30, 1996.

The Department shall determine, and the U.S. Customs Service shall assess, antidumping duties on all appropriate entries. For assessment purposes, we intend to calculate importer-specific assessment rates. The Department will issue appraisement instructions on each exporter directly to the U.S. Customs Service. Furthermore, the following

deposit rates will be effective upon publication of this notice of final results of review for all shipments of POS cooking ware from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(c) of the Act: (1) for Clover/Lucky, which has a separate rate, the cash deposit rate will be the company-specific rate, which is 0.81 percent, established in the final results of this administrative review; (2) for all other PRC exporters, the cash deposit rate will be the PRC-wide rate, which is 66.65 percent (the margin of 66.65 percent continues to be the PRC-wide rate because no companies representing the PRC entity were reviewed); (3) the cash deposit rates for non-PRC exporters of subject merchandise from the PRC will be the rates applicable to the PRC supplier of that exporter. These rates shall remain in effect until publication of the final results of the next administrative review.

Notification to Interested Parties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d)(1). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This administrative review and notice are in accordance with sections 751(a)(1) and 777(i) of the Act (19 U.S.C. 1675(a)(1); 19 U.S.C. 1677f (i)) and 19 CFR 353.22.

Dated: May 8, 1998.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 98-13136 Filed 5-15-98; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-201-504]

Porcelain-on-Steel Cookware From Mexico; Notice of Extension of Time Limit for Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce

EFFECTIVE DATE: May 18, 1998.

FOR FURTHER INFORMATION CONTACT: Kate Johnson at (202) 482-4929, or Mary Jenkins at (202) 482-1756, Office of AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C., 20230.

SUMMARY: The Department of Commerce is extending the time limit for the final results of the tenth administrative review of the antidumping duty order on porcelain-on-steel cookware from Mexico. The period of review is December 1, 1995, through November 30, 1996. The extension is made pursuant to the Tariff Act of 1930, as amended by the Uruguay Round Agreements Act.

Postponement

Under the Tariff Act of 1930 (the Act), the Department of Commerce (the Department) may extend the deadline for completion of an administrative review if it determines it is not practicable to complete the review within the statutory time limit. The Department finds that it is not practicable to complete the tenth administrative review of porcelain-on-steel cookware from Mexico within this time limit due to the complex nature of certain issues, including duty reimbursement, in this review which require further investigation.

In accordance with section 751(a)(3)(A) of the Act, the Department will extend the time for completion for the final results of this review to 180 days after the date on which notice of the preliminary results was published in the **Federal Register**.

Maria Harris Tildon,

Acting Deputy Assistant Secretary Import Administration.

[FR Doc. 98-13137 Filed 5-15-98; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-377-804, A-533-813, A-560-802, and A-570-851]

Notice of Postponement of Preliminary Determinations of Sales at Less Than Fair Value: Certain Preserved Mushrooms From Chile, India, Indonesia and the People's Republic of China

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE: May 18, 1998.

FOR FURTHER INFORMATION CONTACT: David Goldberger or Katherine Johnson, Office 5, AD/CVD Enforcement Group II, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W. Washington, D.C. 20230, telephone: (202) 482-4136, or (202) 482-4929, respectively.

Postponement of Preliminary Determinations

On January 26, 1998, 63 FR 5306 (February 2, 1998), the Department initiated antidumping duty investigations on imports of Certain Preserved Mushrooms from Chile, India, Indonesia, and the People's Republic of China. The notice of initiation stated that we would issue our preliminary determinations on or before June 15, 1998.

On May 1, 1998, petitioners made a timely request pursuant to 19 CFR 351.205(e) of the Department's regulations for a 40 day postponement of the preliminary determinations, until July 27, 1998, pursuant to section 733(c)(1)(A) of the Tariff Act of 1930, as amended (the Act). Petitioners requested postponements in order to provide the Department with additional time to respond to alleged deficiencies in the questionnaire responses, and to ensure that the preliminary determinations for Chile and India include below cost analyses.

Accordingly, we are postponing the preliminary determinations under section 733(c)(1)(A) of the Act for an additional 40 days. We will make our preliminary determinations no later than July 27, 1998.

This notice is published pursuant to section 733(c)(2) of the Act and 19 CFR 351.205(f).

Dated: May 8, 1998.

Maria Harris Tildon,

Acting Deputy Assistant Secretary Import Administration.

[FR Doc. 98-13043 Filed 5-15-98; 8:45 am]

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