

## DEPARTMENT OF COMMERCE

## International Trade Administration

[A-201-504]

**Porcelain-on-Steel Cookware From Mexico: Notice of Amended Final Results of Antidumping Duty Administrative Review**

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

**EFFECTIVE DATE:** August 13, 1998.

**FOR FURTHER INFORMATION CONTACT:** Katherine Johnson or David J. Goldberger, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone, (202) 482-4929 or (202) 482-4136, respectively.

**SUPPLEMENTARY INFORMATION:****The Applicable Statute**

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930, as amended (the Act), by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department of Commerce's (the Department's) regulations are to the provisions codified at 19 CFR Part 353 (April 1997).

**Scope of the Review**

The merchandise covered by this review is porcelain-on-steel cookware, including tea kettles, that do not have self-contained electric heating elements. All of the foregoing are constructed of steel and are enameled or glazed with vitreous glasses. This merchandise is currently classifiable under *Harmonized Tariff Schedule of the United States* (HTSUS) subheading 7323.94.00. Kitchenware currently entering under HTSUS subheading 7323.94.00.30 is not subject to the order. Although the HTSUS subheadings are provided for convenience and Customs purposes, our written description of the scope of this proceeding is dispositive.

**Amendment of Final Results**

On July 16, 1998, the Department of Commerce (the Department) published the final results of the administrative review of the antidumping duty order on porcelain-on-steel cookware from Mexico (63 FR 38373). This review covered Cinsa, S.A. de C.V. (Cinsa) and Esmaltaciones de Norte America, S.A.

de C.V. (ENASA), exporters of the subject merchandise to the United States. The period of review (POR) is December 1, 1995, through November 30, 1996.

On July 23, 1998, counsel for respondents filed an allegation of a ministerial error with regard to the final results in this review. See August 7, 1998, Memorandum from the Team to Louis Apple for a detailed description of respondents' allegation.

*Comment:* Use of Incorrect Exchange Rates.

Respondents alleged that the Department made a ministerial error, as defined in 19 CFR 353.28(d), by inadvertently using the 40-day rolling average exchange rates rather than daily exchange rates, as certified by the Federal Reserve, for currency conversion purposes. The respondents claim that in the preliminary results **Federal Register** notice the Department stated that it intended to use daily exchange rates, as certified by the Federal Reserve. See *Porcelain-on-Steel Cookware from Mexico: Preliminary Results of Antidumping Duty Administrative Review*, 63 FR 1430 (January 9, 1998). However, a review of the preliminary results computer program establishes that the Department used the 40-day rolling average exchange rates, and not the daily certified exchange rates. Cinsa and ENASA noted in their case brief that in cases where the Department determines that the home market economy was hyper-inflationary, as in the case of Mexico during the period of review, daily exchange rates are to be used. Accordingly, respondents claim that for purposes of the final results, the Department should have used the daily exchange rates in its margin program.

**DOC Position:** We agree with the respondents. In the final results we stated that we intended to change the exchange rate methodology and use the certified daily exchange rates for purposes of the final results. However, the 40-day rolling average rates were inadvertently used for purposes of the final results. Because it was our express intent to utilize the daily rates in our results, we conclude that the Department made a ministerial error, as defined by 19 CFR 353.28(d), in not amending the computer program. Thus, in accordance with 19 CFR 353.28(c), we have corrected this ministerial error and amended the final results.

**Amended Final Results of Review**

As a result of our review, we have determined that the following margins exist:

Manufacturer/exporter	Review period	Margin percent
Cinsa .....	12/1/95-11/30/96	16.91
ENASA ..	12/1/95-11/30/96	61.66

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions directly to the Customs Service. Furthermore, the following deposit requirements will be effective, upon publication of this notice of amended final results of review for all shipments of porcelain-on-steel cookware from Mexico entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(1) of the Act: (1) the cash deposit rate for the reviewed companies will be the rate for the firms as stated above; (2) for previously investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, or the original investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 29.52 percent for porcelain-on-steel cookware from Mexico, the all others rate established in the LTFV investigation.

These cash deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice 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 order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with section 353.34(d) of the Department's regulations. Timely notification of 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 section 751(a)(1)  
of the Act (19 U.S.C. 1675(a)(1)) and 19  
CFR 353.22.

Dated: August 10, 1998.

**Robert S. LaRussa,**

*Assistant Secretary for Import  
Administration.*

[FR Doc. 98-21928 Filed 8-12-98; 9:10 am]

BILLING CODE 3510-DS-P