

ministerial error within the meaning of the Department's regulations. We also inadvertently failed to deduct inventory carrying costs incurred in the United States from the total selling expenses used in the CEP profit calculation. For a detailed discussion of the ministerial error allegations and the Department's analysis, see the Memorandum to Louis Apple from the Team, dated May 21, 1999.

#### Duty Absorption

On February 18, 1998, petitioner requested that the Department determine whether antidumping duties had been absorbed by Cinsa and ENASA during the period of review (POR), pursuant to section 751(a)(4) of the Act. Section 751(a)(4) provides that the Department, if requested, will determine during an administrative review initiated two years or four years after publication of the order whether antidumping duties have been absorbed by a foreign producer or exporter subject to the order if the subject merchandise is sold in the United States through an importer who is affiliated with such foreign producer or exporter. Section 351.213(j)(2) of the Department's regulations provides that, for transition orders as defined in section 751(c)(6)(C) of the Act, *i.e.*, orders in effect as of January 1, 1995, the Department will make a duty absorption determination upon request in administrative reviews initiated in 1996 and 1998. See *Antidumping Duties; Countervailing Duties: Final Rule*, 62 FR 27296, 27394 (May 19, 1997). This approach ensures that interested parties will have the opportunity to request a duty absorption determination prior to sunset reviews for entries for which the second and fourth years following an order have already passed. Because the order on porcelain-on-steel cookware from Mexico has been in effect since 1986, this is a transition order within the meaning of section 751(c)(6)(C) of the Act. Thus, as there has been a request for an absorption determination in this review (initiated in 1998), we are making a duty-absorption determination.

The statute provides for a determination on duty absorption with respect to subject merchandise that is sold in the United States through an affiliated importer. In this case, both Cinsa and ENASA made all of their sales of subject merchandise to the United States through an importer that is affiliated within the meaning of section 751(a)(4) of the Act. With respect to Cinsa, we have determined that there is a dumping margin on 68.03 percent of its U.S. sales during the POR.

For ENASA, we have determined that there is a dumping margin on 98.52 percent of its U.S. sales during the POR. In addition, for Cinsa's and ENASA's sales of subject merchandise, we cannot conclude from the record that the unaffiliated purchasers in the United States will pay the ultimately assessed duty. Under these circumstances, therefore, we find that antidumping duties have been absorbed by Cinsa on 68.03 percent of its U.S. sales of subject merchandise and by ENASA on 98.52 percent of its U.S. sales of subject merchandise.

#### CEP Profit Calculation

We also failed to deduct inventory carrying costs incurred in the United States from the total selling expenses used in the calculation of CEP profit. The Department's policy is to exclude all imputed expenses (*i.e.*, credit expenses and inventory carrying costs) from the calculation of total actual profit for CEP sales of subject merchandise and sales of the foreign like product. See *Policy Bulletin 97.1: Calculation of Profit for Constructed Export Price Transactions*.

Therefore, in accordance with section 751(h) of the Act and 19 CFR 351.224(e), we are amending the final results of the 1996-1997 antidumping duty administrative review on porcelain-on-steel cookware from Mexico.

The revised weighted-average dumping margins are as follows:

Manufacturer/ exporter	Original final margin percentage	Revised final margin percentage
Cinsa .....	25.34	25.42
ENASA .....	65.23	65.28

This amended final results of administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)), section 777(i) of the Act (19 U.S.C. 1677f(i)), and 19 CFR 351.210(c).

Dated: May 25, 1999.

**Robert S. LaRussa,**

*Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Quarterly Update to Annual Listing of Foreign Government Subsidies on Articles of Cheese Subject to an In-Quota Rate of Duty

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

**ACTION:** Publication of quarterly update to annual listing of foreign government subsidies on articles of cheese subject to an in-quota rate of duty.

**SUMMARY:** The Department of Commerce, in consultation with the Secretary of Agriculture, has prepared its quarterly update to the annual list of foreign government subsidies on articles of cheese subject to an in-quota rate of duty during the period January 1, 1999 through March 31, 1999. We are publishing the current listing of those subsidies that we have determined exist. **EFFECTIVE DATE:** June 1, 1999.

**FOR FURTHER INFORMATION CONTACT:** Russell Morris or Tipton Troidl, Office of AD/CVD Enforcement VI, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW., Washington, DC 20230, telephone: (202) 482-2786.

**SUPPLEMENTAL INFORMATION:** Section 702(a) of the Trade Agreements Act of 1979 (as amended) (the Act) requires the Department of Commerce (the Department) to determine, in consultation with the Secretary of Agriculture, whether any foreign government is providing a subsidy with respect to any article of cheese subject to an in-quota rate of duty, as defined in section 702(g)(b)(4) of the Act, and to publish an annual list and quarterly updates of the type and amount of those subsidies. We hereby provide the Department's quarterly update of subsidies on cheeses that were imported during the period January 1, 1999 through March 31, 1999.

The Department has developed, in consultation with the Secretary of Agriculture, information on subsidies (as defined in section 702 (g)(b)(2) of the Act) being provided either directly or indirectly by foreign governments on articles of cheese subject to an in-quota rate of duty. The appendix to this notice lists the country, the subsidy program or programs, and the gross and net amounts of each subsidy for which information is currently available.

The Department will incorporate additional programs which are found to constitute subsidies, and additional

information on the subsidy programs listed, as the information is developed.

The Department encourages any person having information on foreign government subsidy programs which benefit articles of cheese subject to an in-quota rate of duty to submit such

information in writing to the Assistant Secretary for Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

This determination and notice are in accordance with section 702(a) of the Act.

Dated: May 25, 1999.

**Robert S. LaRussa**  
Assistant Secretary for Import Administration.

## APPENDIX

### SUBSIDY PROGRAMS ON CHEESE SUBJECT TO AN IN-QUOTA RATE OF DUTY

Country	Program(s)	Gross <sup>1</sup> subsidy \$/lb. 0.20	Net <sup>2</sup> subsidy \$/lb. \$0.20
Austria .....	European Union Restitution Payments.		
Belgium .....	EU Restitution Payments .....	0.07	0.07
Canada .....	Export Assistance on Certain Types of Cheese .....	0.24	0.24
Denmark .....	EU Restitution Payments .....	0.17	0.17
Finland .....	EU Restitution Payments .....	0.26	0.26
France .....	EU Restitution Payments .....	0.15	0.15
Germany .....	EU Restitution Payments .....	0.19	0.19
Greece .....	EU Restitution Payments .....	0.00	0.00
Ireland .....	EU Restitution Payments .....	0.10	0.10
Italy .....	EU Restitution Payments .....	0.13	0.13
Luxembourg .....	EU Restitution Payments .....	0.07	0.07
Netherlands .....	EU Restitution Payments .....	0.10	0.10
Norway .....	Indirect (Milk) Subsidy .....	0.34	0.34
	Consumer Subsidy .....	0.15	0.15
Total .....		0.49	0.49
Portugal .....	EU Restitution Payments .....	0.10	0.10
Spain .....	EU Restitution Payments .....	0.11	0.11
Switzerland .....	Deficiency Payments .....	0.26	0.26
U.K. ....	EU Restitution Payments .....	0.14	0.14

<sup>1</sup> Defined in 19 U.S.C. 1677(5).

<sup>2</sup> Defined in 19 U.S.C. 1677(6).

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Export Trade Certificate of Review

**AGENCY:** International Trade Administration, Commerce.

**ACTION:** Notice of revocation of Export Trade Certificate of Review No. 96-00004.

**SUMMARY:** The Secretary of Commerce issued an export trade certificate of review to The Foreign Market Search for U.S. Products and Services, Inc. doing business as FMS Exports-Imports, Inc. ("FMS"). Because this certificate holder has failed to file an annual report as required by law, the Secretary is revoking the certificate. This notice summarizes the notification letter sent to FMS.

**FOR FURTHER INFORMATION CONTACT:** Morton Schnabel, Director, Office of Export Trading Company Affairs, International Trade Administration, 202/482-5131. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** Title III of the Export Trading Company Act of 1982 ("the Act") (Pub. L. 97-290, 15 U.S.C. 4011-21) authorizes the Secretary of Commerce to issue export trade certificates of review. The regulations implementing Title III ("the Regulations") are found at 15 CFR part 325 (1999). Pursuant to this authority, a certificate of review was issued on September 10, 1996 to FMS.

A certificate holder is required by law to submit to the Department of Commerce annual reports that update financial and other information relating to business activities covered by its certificate (section 308 of the Act, 15 U.S.C. 4018, §§ 325.14 (a) of the Regulations, 15 CFR 325.14 (a)). The annual report is due within 45 days after the anniversary date of the issuance of the certificate of review (§§ 325.14 (b) of the Regulations, 15 CFR 325.14 (b)). Failure to submit a complete annual report may be the basis for revocation (§§ 325.10(a) and 325.14(c) of the Regulations, 15 CFR 325.10(a) (3) and 325.14(c)).

On August 31, 1998, the Department of Commerce sent to FMS a letter

containing annual report questions with a reminder that its annual report was due on October 25, 1998. Additional reminders were sent on November 13, 1998 and on February 10, 1999. The Department has received no written response from FMS to any of these letters.

On March 18, 1999, and in accordance with § 325.10 (c) (1) of the Regulations, (15 CFR 325.10 (c) (1)), the Department of Commerce sent a letter by certified mail to notify FMS that the Department was formally initiating the process to revoke its certificate for failure to file an annual report. In addition, a summary of this letter allowing FMS thirty days to respond was published in the **Federal Register** on March 24, 1999 at 64 FR 14214. Pursuant to § 325.10(c) (2) of the regulations (15 CFR 325.10(c) (2)), the Department considers the failure of FMS to respond to be an admission of the statements contained in the notification letter.

The Department has determined to revoke the certificate issued to FMS for its failure to file an annual report. The Department has sent a letter, dated May