

Specifically, Credit National provided to Trefimetaux a loan with an interest reduction contingent upon increasing exports, including the subject merchandise. Therefore, the Department determines that this program constituted an export subsidy.

Government Equity Infusion and Other Financial Assistance to Trefimetaux. This program enabled Trefimetaux to receive equity infusions and other financial assistance from Pechiney, its parent company, from 1982 to 1985. Pechiney received direct equity infusions from the Government of France, and provided them to Trefimetaux through (1) equity infusions, (2) loans on terms inconsistent with commercial considerations, and (3) government grants during a period when Trefimetaux was determined by the Department to be neither equity nor credit-worthy.

Final Results of Review

As a result of this review, the Department finds that revocation of the countervailing duty order would be likely to lead to continuation or recurrence of a countervailable subsidy. The net countervailable subsidy has been determined to be:

Manufacturer/Exporter	Margin (percent)
Trefimetaux S.A.	7.24
All Others	7.24

The Government of France's subsidy programs, as determined in the original investigation, have been deemed to be countervailable subsidies within the definitions provided by Article 3 and Article 6.1 of the Subsidies Agreement, and all of these subsidy programs, as determined in the original investigation, remain in place today.

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305 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 five-year ("sunset") review and notice are in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: August 30, 1999.
Robert S. LaRussa,
Assistant Secretary for Import Administration.
 [FR Doc. 99-23047 Filed 9-2-99; 8:45 am]
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DEPARTMENT OF COMMERCE

International Trade Administration

Final Results of Expedited Sunset Review: Top-of-the-Stove Stainless Steel Cookware From Taiwan

[C-583-604]

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

ACTION: Notice of Final Results of Expedited Sunset Review: Top-of-the-Stove Stainless Steel Cookware from Taiwan.

SUMMARY: On February 1, 1999, the Department of Commerce ("the Department") initiated a sunset review of the countervailing duty order on top-of-the-stove stainless steel cookware from Taiwan (64 FR 4840) pursuant to section 751(c) of the Tariff Act of 1930, as amended ("the Act"). On the basis of a notice of intent to participate and an adequate substantive response filed on behalf of domestic interested parties and an inadequate response (in this case, no response) from respondent interested parties, the Department determined to conduct an expedited review. As a result of this review, the Department finds that revocation of the countervailing duty order would be likely to lead to continuation or recurrence of a countervailable subsidy. The net countervailable subsidy and the nature of the subsidy are identified in the *Final Results of Review* section of to this notice.

FOR FURTHER INFORMATION CONTACT: Darla D. Brown or Melissa G. Skinner, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Ave., NW., Washington, D.C. 20230; telephone: (202) 482-3207 or (202) 482-1560, respectively.

EFFECTIVE DATE: September 3, 1999.

Statute and Regulations:

This review was conducted pursuant to sections 751(c) and 752 of the Act. The Department's procedures for the conduct of sunset reviews are set forth in *Procedures for Conducting Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders*, 63 FR 13516 (March 20, 1998) ("Sunset

Regulations"). Guidance on methodological or analytical issues relevant to the Department's conduct of sunset reviews is set forth in the Department's Policy Bulletin 98:3—*Policies Regarding the Conduct of Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin*, 63 FR 18871 (April 16, 1998) ("Sunset Policy Bulletin").

Scope

The merchandise subject to this countervailing duty order is top-of-the-stove stainless steel cookware ("cookware") from Taiwan. The subject merchandise is all non-electric cooking ware of stainless steel which may have one or more layers of aluminum, copper or carbon steel for more even heat distribution. The subject merchandise includes skillets, frying pans, omelette pans, saucepans, double boilers, stock pots, dutch ovens, casseroles, steamers, and other stainless steel vessels, all for cooking on stove top burners, except tea kettles and fish poachers.

Excluded from the scope of the orders are stainless steel oven ware and stainless steel kitchen ware. "Universal pan lids" are not within the scope of the order (57 FR 57420, December 4, 1992).

Cookware is currently classifiable under Harmonized Tariff Schedule (HTS) item numbers 7323.93.00 and 9604.00.00. The HTS item numbers are provided for convenience and Customs purposes only. The written description remains dispositive.

History of the Order

The countervailing duty order on cookware from Taiwan was published in the **Federal Register** on January 20, 1987 (52 FR 2141).

In the original investigation of cookware from Taiwan, the Department determined the following four programs conferred countervailable export subsidies:

- (1) Export Loss Reserve—0.001 percent ad valorem;
- (2) 25 Percent Income Tax Ceiling for Big Trading Companies—0.010 percent ad valorem;
- (3) Over-Rebate of Duty Drawback on Imported Materials Physically Incorporated in Export Merchandise—2.128 percent ad valorem; and
- (4) Rebate of Import Duties and Indirect Taxes on Imported Materials Not Physically Incorporated in Export Merchandise—0.002 percent ad valorem.¹

¹ Final Affirmative Countervailing Duty Determination: Certain Stainless Steel Cooking Ware from Taiwan, 51 FR 42891 (November 26, 1986).

The Department determined that these four programs conferred a bounty or grant, the net amount of which was calculated to be 2.14 percent ad valorem for all Taiwanese exporters/producers of cookware.

Since the original investigation, the Department has conducted no administrative reviews of the order. The order, therefore, remains in effect for all known manufacturers and exporters of the subject merchandise from Taiwan.

Background

On February 1, 1999, the Department initiated a sunset review of the countervailing duty order on cookware from Taiwan (64 FR 4840), pursuant to section 751(c) of the Act. The Department received a Notice of Intent to Participate on behalf of the Stainless Steel Cookware Committee, whose current members are Regal Ware, Inc., All-Clad Metalcrafters, Inc., and Vita Craft Corp. (collectively, the "Committee"), on February 16, 1999, within the deadline specified in section 351.218(d)(1)(i) of the Sunset Regulations. Pursuant to section 771(9)(E) of the Act, the Committee claimed interested party status as an association of U.S. manufacturers of a domestic like product. In addition, the Committee's individual members claimed domestic interested party status pursuant to section 771(9)(C) of the Act, as domestic producers of a like product. The Department received a complete substantive response from the Committee on March 3, 1999, within the 30-day deadline specified in the Sunset Regulations under section 351.218(d)(3)(i). We did not receive a substantive response from any respondent interested party. As a result, pursuant to 19 CFR 351.218(e)(1)(ii)(C), the Department determined to conduct an expedited, 120-day, review of this order.

The Department determined that the sunset review of the countervailing duty order on cookware from Taiwan is extraordinarily complicated. In accordance with section 751(c)(5)(C)(v) of the Act, the Department may treat a review as extraordinarily complicated if it is a review of a transition order (*i.e.*, an order in effect on January 1, 1995). (See section 751(c)(6)(C) of the Act.) Therefore, on June 7, 1999, the Department extended the time limit for completion of the final results of this review until not later than August 30, 1999, in accordance with section 751(c)(5)(B) of the Act.²

Determination

In accordance with section 751(c)(1) of the Act, the Department conducted this review to determine whether revocation of the countervailing duty order would be likely to lead to continuation or recurrence of countervailable subsidies. Section 752(b) of the Act provides that, in making this determination, the Department shall consider the net countervailable subsidy determined in the investigation and subsequent reviews, and whether any change in the program which gave rise to the net countervailable subsidy has occurred that is likely to affect that net countervailable subsidy. Pursuant to section 752(b)(3) of the Act, the Department shall provide to the International Trade Commission ("the Commission") the net countervailable subsidy likely to prevail if the order is revoked. In addition, consistent with section 752(a)(6), the Department shall provide the Commission information concerning the nature of each subsidy and whether the subsidy is a subsidy described in Article 3 or Article 6.1 of the 1994 WTO Agreement on Subsidies and Countervailing Measures ("Subsidies Agreement").

The Department's determinations concerning continuation or recurrence of a countervailable subsidy, the net countervailable subsidy likely to prevail if the order is revoked, and nature of the subsidy are discussed below. In addition, the Committee's comments with respect to each of these issues are addressed within the respective sections below.

Continuation or Recurrence of a Countervailable Subsidy

Drawing on the guidance provided in the legislative history accompanying the Uruguay Round Agreements Act ("URAA"), specifically the Statement of Administrative Action ("the SAA"), H.R. Doc. No. 103-316, vol. 1 (1994), the House Report, H.R. Rep. No. 103-826, pt.1 (1994), and the Senate Report, S. Rep. No. 103-412 (1994), the Department issued its *Sunset Policy Bulletin* providing guidance on methodological and analytical issues, including the basis for likelihood determinations. The Department clarified that determinations of likelihood will be made on an order-wide basis (see section III.A.2 of the *Sunset Policy Bulletin*). Additionally, the Department normally will determine that revocation of a countervailing duty order is likely to lead to continuation or

recurrence of a countervailable subsidy where (a) a subsidy program continues, (b) a subsidy program has been only temporarily suspended, or (c) a subsidy program has been only partially terminated (see section III.A.3.a of the *Sunset Policy Bulletin*). Exceptions to this policy are provided where a company has a long record of not using a program (see section III.A.3.b of the *Sunset Policy Bulletin*).

In addition to considering the guidance on likelihood cited above, section 751(c)(4)(B) of the Act provides that the Department shall determine that revocation of the order would be likely to lead to continuation or recurrence of a countervailable subsidy where a respondent interested party waives its participation in the sunset review. Moreover, according to the guidance provided by the SAA, at 881, in a review of a countervailing duty order, when the foreign government has waived participation, the Department shall conclude that revocation of the order would be likely to lead to continuation or recurrence of a countervailable subsidy for all respondent interested parties.³ In the instant review, the Department did not receive a substantive response from the foreign government or from any other respondent interested party. Pursuant to section 351.218(d)(2)(iii) of the *Sunset Regulations*, this constitutes a waiver of participation.

The Committee asserted in its substantive response that Taiwanese producers/exporters of cookware continue to receive countervailable benefits from four programs administered by the GOT and found by the Department in the original investigation to confer countervailable subsidies. Although no administrative reviews have been conducted since the imposition of the original countervailing duty order, the Committee argued that it is not aware of any other Department determinations in which these programs were found not countervailable. Therefore, the Committee maintained that the Department should determine that revocation of the countervailing duty order on cookware from Taiwan would likely result in the continuation of a countervailable subsidy.

We agree with the Committee that the Taiwanese programs remain in place. As noted above, in our final determination, the Department determined that the programs in question conferred subsidies, the net amount of which was calculated to be 2.14 percent ad valorem for Taiwanese exporters/producers of cookware. The Department has

² See *Porcelain-on-Steel Cooking Ware From the People's Republic of China, et al.: Extension of*

Time Limit for Final Results of Five-Year Reviews, 64 FR 30305 (June 7, 1999).

³ See 19 CFR 351.218(d)(2)(iv).

conducted no administrative reviews of this outstanding countervailing duty order.

Given that the programs found to provide countervailable subsidies continue to exist, the foreign government and other respondent parties waived their right to participate in this review before the Department, and absent argument and evidence to the contrary, the Department determines that it is likely that a countervailable subsidy will continue if the order is revoked.

Net Countervailable Subsidy

In the *Sunset Policy Bulletin*, the Department stated that, consistent with the SAA and House Report, the Department normally will select a rate from the investigation as the net countervailable subsidy likely to prevail if the order is revoked because that is the only calculated rate that reflects the behavior of exporters and foreign governments without the discipline of an order or suspension agreement in place. The Department noted that this rate may not be the most appropriate rate if, for example, the rate was derived from subsidy programs which were found in subsequent reviews to be terminated, if there has been a program-wide change, or if the rate ignores a program found to be countervailable in a subsequent administrative review. (See section III.B.3 of the *Sunset Policy Bulletin*.) Additionally, where the Department determined company-specific countervailing duty rates in the original investigation, the Department normally will report to the Commission company-specific rates from the original investigation; where no company-specific rate was determined for a company, the Department normally will provide to the Commission the country-wide or "all others" rate. (See section III.B.2 of the *Sunset Policy Bulletin*.)

In their substantive response, the Committee argued that the net countervailable subsidy likely to prevail if the order on cookware from Taiwan is revoked is the net subsidy determined in the original investigation. Specifically, the Committee argued that the rate likely to prevail if the order were revoked is 2.14 percent *ad valorem*. The Committee pointed out that, because the rate determined in the original investigation is the only calculated rate which reflects the behavior of exporters without the discipline of the order in place, the Department's policy provides that it normally will select this rate to provide to the Commission.

As discussed in the *Sunset Policy Bulletin*, the Department normally will

report to the Commission an original subsidy rate, as adjusted, to take into account terminated programs, program-wide changes, and programs found to be countervailable in subsequent reviews. We agree with the Committee that the programs found to provide countervailable subsidies continue to exist. Absent evidence or argument that there have been any changes to the programs found to be countervailable in the original investigation that would affect the net countervailable subsidy, consistent with the *Sunset Policy Bulletin*, the Department determines that the net countervailable subsidy likely to prevail if the order were revoked is 2.14 percent.

Nature of the Subsidy

In the *Sunset Policy Bulletin*, the Department stated that, consistent with section 752(a)(6) of the Act, the Department will provide information to the Commission concerning the nature of the subsidy and whether it is a subsidy described in Article 3 or Article 6.1 of the Subsidies Agreement. The Committee did not specifically address this issue in their substantive response.

Because, in the original investigation, we found receipt of benefits under each of the four programs to be contingent upon exports, these programs fall within the definition of an export subsidy under Article 3.1(a) of the Subsidies Agreement.

Final Results of Review

As a result of this review, the Department finds that revocation of the countervailing duty order would be likely to lead to continuation or recurrence of a countervailable subsidy. The net countervailable subsidy likely to prevail if the order were revoked is 2.14 percent *ad valorem*.

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305 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 five-year ("sunset") review and notice are in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: August 30, 1999.

Robert S. LaRussa,
Assistant Secretary for Import
Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration [C-580-602]

Final Results of Expedited Sunset Review: Top-of-the-Stove Stainless Steel Cookware From South Korea

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

ACTION: Notice of final results of
expedited sunset review: top-of-the-
stove stainless steel cookware from
South Korea.

SUMMARY: On February 1, 1999, the Department of Commerce ("the Department") initiated a sunset review of the countervailing duty order on top-of-the-stove stainless steel cookware from South Korea (64 FR 4840) pursuant to section 751(c) of the Tariff Act of 1930, as amended ("the Act"). On the basis of a notice of intent to participate and an adequate substantive response filed on behalf of domestic interested parties and inadequate response (in this case, no response) from respondent interested parties, the Department determined to conduct an expedited review. As a result of this review, the Department finds that revocation of the countervailing duty order would be likely to lead to continuation or recurrence of a countervailable subsidy. The net countervailable subsidy and the nature of the subsidy are identified in the Final Results of Review section of to this notice.

FOR FURTHER INFORMATION CONTACT:
Darla D. Brown or Melissa G. Skinner,
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Administration, U.S. Department of
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1560, respectively.

EFFECTIVE DATE: September 3, 1999.

Statute and Regulations

This review was conducted pursuant to sections 751(c) and 752 of the Act. The Department's procedures for the conduct of sunset reviews are set forth in Procedures for Conducting Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders, 63 FR 13516 (March 20, 1998) ("Sunset