

on TOS cookware from Taiwan and Korea would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time (65 FR 17902 (April 5, 2000)). Therefore, pursuant to 19 CFR 351.218(f)(4), the Department is publishing this notice of the continuation of the antidumping duty orders and countervailing duty orders on TOS cookware from Taiwan and Korea.

**EFFECTIVE DATE:** April 18, 2000.

**FOR FURTHER INFORMATION CONTACT:** Darla D. Brown, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-3207.

### Background

On February 1, 1999, the Department initiated, and the Commission instituted, sunset reviews (64 FR 4840 and 64 FR 4896, respectively) of the antidumping duty orders and countervailing duty orders on TOS cookware from Taiwan and Korea pursuant to section 751(c) of the Act. As a result of these reviews, the Department found that revocation of the antidumping duty orders would likely lead to continuation or recurrence of dumping and notified the Commission of the magnitude of the margin likely to prevail were the orders revoked.<sup>1</sup> In addition, the Department found that revocation of the countervailing duty orders would likely lead to continuation or recurrence of a countervailable subsidy and notified the Commission of the net subsidy likely to prevail, as well as the nature of the subsidy.<sup>2</sup>

On April 5, 2000, the Commission determined, pursuant to section 751(c) of the Act, that revocation of the antidumping duty orders and countervailing duty orders on TOS cookware from Taiwan and Korea would likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.<sup>3</sup>

<sup>1</sup> See *Final Results of Expedited Sunset Reviews: Top-of-the-Stove Stainless Steel Cookware from the Republic of Korea and Taiwan*, 64 FR 40570 (July 27, 1999).

<sup>2</sup> See *Final Results of Expedited Sunset Review: Top-of-the-Stove Stainless Steel Cookware from Taiwan*, 64 FR 48372 (September 3, 1999); and *Final Results of Expedited Sunset Review: Top-of-the-Stove Stainless Steel Cookware from the Republic of Korea*, 64 FR 48374 (September 3, 1999).

<sup>3</sup> See *Porcelain-on-Steel Cooking Ware from China, Mexico, and Taiwan, and Top-of-the-Stove Stainless Steel Cooking Ware from Korea and Taiwan*, 65 FR 17902 (April 5, 2000).

### Scope

The merchandise subject to these antidumping duty orders and countervailing duty orders is TOS cookware from Korea and 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 order are stainless steel oven ware and stainless steel kitchen ware. The Department has issued several scope clarifications for these two orders. For imports of the subject merchandise from South Korea, certain stainless steel pasta and steamer inserts are within the scope (63 FR 41545 (August 4, 1998)), certain stainless steel eight-cup coffee percolators are within the scope (58 FR 11209; February 24, 1993), and certain stainless steel stock pots and covers are within the scope of the order (57 FR 57420 (December 4, 1992)). For imports of the subject merchandise from Taiwan, "universal pan lids" are not within the scope of the order (57 FR 57420 (December 4, 1992)) and Max Burton's StoveTop Smoker is within the scope of the order (60 FR 36782 (July 18, 1995)). Moreover, as a result of a changed circumstances review, the Department revoked the order on Korea with regards to certain stainless steel camping ware (1) made of single-plate stainless steel having a thickness no greater than 6.0 millimeters; and (2) consists of 1.0, 1.5, and 2.0 quart saucepans without handles and with lids that also serve as fry pans (62 FR 3662 (January 24, 1997)). Subject merchandise 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.

### Determination

As a result of the determinations by the Department and the Commission that revocation of these antidumping duty orders and countervailing duty orders would likely lead to continuation or recurrence of dumping, countervailable subsidies, and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, the Department hereby orders the continuation of the antidumping

duty orders and countervailing duty orders on TOS cookware from Taiwan and Korea. The Department will instruct the U.S. Customs Service to continue to collect duty deposits at the rate in effect at the time of entry for all imports of subject merchandise.

As a result, pursuant to section 751(c)(6)(A) of the Act, the Department intends to initiate the next five-year review of these orders not later than March 2005.

Dated: April 12, 2000.

**Troy H. Cribb,**

*Acting Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Export Trade Certificate of Review

**ACTION:** Notice of application.

**SUMMARY:** The Office of Export Trading Company Affairs ("OETCA"), International Trade Administration, Department of Commerce, has received an application for an Export Trade Certificate of Review. This notice summarizes the conduct for which certification is sought and requests comments relevant to whether the Certificate should be issued.

**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) or E-mail at [oetca@ita.doc.gov](mailto:oetca@ita.doc.gov).  
**SUPPLEMENTARY INFORMATION:** Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001-21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. A Certificate of Review protects the holder and the members identified in the Certificate from state and federal government antitrust actions and from private, treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Act and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

#### Request for Public Comments

Interested parties may submit written comments relevant to the determination whether a Certificate should be issued. If the comments include any privileged

or confidential business information, it must be clearly marked and a nonconfidential version of the comments (identified as such) should be included. Any comments not marked privileged or confidential business information will be deemed to be nonconfidential. An original and five copies, plus two copies of the nonconfidential version, should be submitted no later than 20 days after the date of this notice to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 1104H, Washington, DC 20230, or transmit by E-mail at [otca@ita.doc.gov](mailto:otca@ita.doc.gov). Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). However, nonconfidential versions of the comments will be made available to the applicant if necessary for determining whether or not to issue the Certificate. Comments should refer to this application as "Export Trade Certificate of Review, application number 00-00003." A summary of the application follows.

#### Summary of the Application

*Applicant:* North America Fruit Trading Alliance, L.L.C. ("NAFTA"), PO Box 574, Frankfort, Michigan 49635.

*Contact:* Donald W. Nugent, President, Telephone: (231) 352-7181.

*Application No.:* 00-00003.

*Date Deemed Submitted:* April 10, 2000.

Members (in addition to applicant): Graceland Fruit, Inc., Frankfort, MI; Burnette Foods, Inc., Elk Rapids, MI; Milne Fruit Products, Inc., Prosser, WA (Controlling Entity: Ocean Spray Cranberries, Inc., Lakeville, MA); and Northern Michigan Fruit Co., Omena, MI.

NAFTA seeks a Certificate to cover the following specific Export Trade, Export Markets, and Export Trade Activities and Methods of Operations.

#### Export Trade

##### 1. Products

Processed red cherries (*prunus cerasus*); cherry products including but not limited to cherry pie filling, water pack cherries, cherry juice concentrate, dried cherries, frozen pack cherries, individually quick frozen cherries, cherry sausage, cherry jams, jellies and sauces.

Processed sweet cherries including but not limited to individually quick frozen and stored in freezer (IQF); cherries canned in water, light syrup, heavy syrup, extra heavy syrup or as a pie fill; and juice from sweet cherries.

##### 2. Technology Rights

Patents, trademarks, service marks, copyrights, trade secrets, know-how, and semiconductor mask works, involving cherry processing.

##### 3. Export Trade Facilitation Services (as they Relate to the Export of Products and Technology Rights)

Trade promotion, marketing, sales, and transportation services (including packing, transportation, wharfing and handling, trade documentation, freight forwarding, storage, and customs clearance).

#### Export Markets

The Export Markets include all parts of the world except the United States, (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

The proposed Export Trade Certificate of Review would extend antitrust protection to NAFTA to conduct the following export trade activities:

1. Negotiate and enter into agreements with buyers in the Export Markets;
2. Negotiate and enter into agreements with foreign governments and other persons in the Export Markets regarding the quantities, time periods, prices, terms, and conditions upon which the Members will export Products and/or Technology Rights through NAFTA.
3. Allocate export sales and/or Export Markets among the Members on the basis of each Member's commitment of Products and/or Technology Rights for export;
4. Establish prices and terms of sale for the Export Markets;
5. Use the NAFTA or other common brand or label;
6. Negotiate and enter into agreement, on behalf of and with the advice of the Members, for the provision of Export Trade Facilitation Services (including trade shows, advertising, and contract marketing services);
7. Share among the Members the cost of Export Trade Facilitation Services;
8. Grant exclusive distribution rights in Export Markets for Products and/or Technology Rights to non-Members;

"Exclusive" means that the non-Member distributor may agree not to represent any person or firms other than NAFTA in the export of Products and/or Technology Rights in any Export Markets; and/or NAFTA may agree not to export Products and/or Technology Rights in any Export Market through any distributor other than that non-Member distributor;

9. Advise and cooperate with the United States Government or any agency of the United States Government in establishing procedures regulating the export of Products and/or Technology Rights; and

10. Conduct product research and design for Products (and develop, obtain, and license associated Technology Rights) only when conducted exclusively for export, including meeting foreign regulatory requirements and foreign buyers specifications, and identifying and designing for foreign buyer preferences; provided, however, that the Export Trade Activities and Methods of Operation do not cover activity that relates to the use of Technology Rights for the U.S. domestic market.

#### Definition

"Supplier" means a person, including each member, who produces, provides, or sells Products, Technology Rights, or Export Trade Facilitation Services.

Dated: April 12, 2000.

**Morton Schnabel,**

*Director, Office of Export Trading Company Affairs.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Overseas Trade Missions

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

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce invites U.S. companies to participate in the following overseas trade missions to be held between August and November 2000. For a more complete description of the trade mission, obtain a copy of the mission statement from the Project Officer indicated below. The recruitment and selection of private sector participants for these missions will be conducted according to the Statement of Policy Governing Department of Commerce Overseas Trade Missions announced by Secretary Daley on March 3, 1997.

#### Clean Energy Trade Mission to Indonesia

Jakarta, Indonesia

August 29-30, 2000

Recruitment closes June 1, 2000

For further information contact: Kathryn

Hollander, U.S. Department of

Commerce, Tel: 202-482-0385, Fax: