

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.

[FR Doc. 99-23034 Filed 9-2-99; 8:45 am]

BILLING CODE 3510-DS-P

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,
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 Korea. 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 is stainless steel oven ware and stainless steel kitchen ware. Certain stainless steel pasta and steamer inserts and certain stainless steel eight-cup coffee percolators are within the scope (63 FR 41545 (August 4, 1998) and 58 FR 11209 (February 24, 1993), respectively).

Moreover, as a result of a changed circumstances review, the Department revoked the order on Korea with regards to certain stainless steel camping ware that (1) is made of single-ply 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 32767, June 17, 1997).

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 Korea was published in the **Federal Register** on January 20, 1987 (52 FR 2140). In the original investigation, the Department determined that the following six programs administered by the Government of Korea ("GOK") conferred bounties:

(1) Short-Term Export Financing under the Export Financing Regulations and Foreign Trade Financing Regulations (hereinafter "Short-Term

Export Financing")—0.38 percent *ad valorem*;

(2) Export Tax Reserve under Articles of the Act Concerning the Regulation of Tax Reduction and Exemption (hereinafter "Export Tax Reserve")—0.01 percent *ad valorem*;

(3) Unlimited Deduction of Overseas Entertainment Expenses under Article 18-2 of the Corporation Tax Law (hereinafter "Unlimited Entertainment Expense Deductions")—0.01 percent *ad valorem*;

(4) Loans to Promising Small and Medium Enterprises (hereinafter "Small Business Loans")—0.11 percent *ad valorem*;

(5) Exemption from the Acquisition Tax under the Law for the Promotion of Income Sources in Rural Areas (hereinafter "Acquisition Tax Exemption")—0.07 percent *ad valorem*; and

(6) Duty Drawback on Non-Physically Incorporated Items and Excessive Loss Rates under the Duty Drawback System (hereinafter "Duty Drawback Programs")—0.20 percent *ad valorem*.¹

The Department calculated that these programs conferred a total net subsidy of 0.78 percent *ad valorem* for all Korean manufacturers, producers, or exporters, except Woo Sung Company Ltd. and Dae Sung Industrial Company Ltd. As a result of *de minimis* net subsidies found for Woo Sung Company Ltd. and Dae Sung Industrial Company Ltd., these two Korean producers/exporters were excluded from the order.²

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 Korea, except two: Woo Sung Company Ltd. and Dae Sung Industrial Company Ltd.

Background

On February 1, 1999, the Department initiated a sunset review of the countervailing duty order on cookware from Korea (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,

¹ *Final Affirmative Countervailing Duty Determination; Certain Stainless Steel Cooking Ware from the Republic of Korea*, 51 FR 42867 (November 26, 1986).

² *Countervailing Duty Order; Certain Stainless Steel Cooking Ware from the Republic of Korea*, 52 FR 2140 (January 20, 1987).

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 Korea 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, in accordance with section 751(c)(5)(B) of the Act.³

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 a countervailable subsidy. 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

³ 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).

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. Pursuant to 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.⁴ 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.

In their substantive response, the Committee argued that the GOK continues to confer countervailable subsidies to Korean producers/exporters of stainless steel cookware. The Committee identified the six programs administered by the GOK and determined in the original investigation to confer bounties or grants. Further, the Committee pointed out that, in its final countervailing duty determination, the Department calculated that these programs conferred a total net subsidy of 0.78 percent *ad valorem* for all Korean manufacturers, producers, or exporters, except Woo Sung Company Ltd. and Dae Sung Industrial Company Ltd.

Of these six programs, the Committee argued that five continue to confer countervailable subsidies to Korean producers/exporters. The Committee cited to the November, 1998, preliminary affirmative countervailing duty determination with respect to stainless steel sheet and strip in coils from Korea and argued that the short-term export financing, export tax reserve, small business loans, acquisition tax exemption, and the duty drawback programs continue to exist and confer countervailable benefits.⁵ Additionally, the Committee noted that in that same preliminary determination, the Department determined that the unlimited deduction of overseas entertainment expenses program had been terminated. The Committee argued that if, in the final determination, the Department finds that the program has been terminated and is not likely to be reinstated, the Department should determine that the program will not provide a countervailable subsidy if the order were revoked. The Committee maintained, however, that the Department should determine that revocation of the countervailing duty order on Korea would likely result in the continuation of a countervailable subsidy on the basis of the continued existence of five of the original six programs.

As noted above, in our final determination, the Department

⁴ See 19 CFR 351.218(d)(2)(iv).

⁵ See *Preliminary Affirmative Countervailing Duty Determination: Stainless Steel Sheet and Strip in Coils from the Republic of Korea*, 63 FR 63884 (November 17, 1998).

determined that the programs in question conferred a bounty or grant, the net amount of which was calculated to be 0.78 percent *ad valorem* for Korean exporters/producers. The Department has conducted no administrative reviews of this outstanding countervailing duty order.

We agree with the Committee that the Korean programs, with the exception of one,⁶ remain in place. Based on the continued existence of programs found to provide countervailable subsidies, the fact that 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 or 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 countervailing duty rate likely to prevail if the order on cookware from Korea is

⁶ As noted by the Committee, the Department determined that the Article 18-2(5) of the Corporate Tax Law, which provided that Korean exporters could deduct overseas entertainment expenses without limit, was repealed by revisions to the law dated December 29, 1995 (see *Final Affirmative Countervailing Duty Determination: Stainless Steel Sheet and Strip in Coils From the Republic of Korea*, 64 FR 30636, 30650 (June 8, 1999)).

revoked would be at least as large as that existing at the time of the original order. The Committee argued that as 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. Noting that five of the six programs found to provide subsidies in the original investigation continue to exist, the Committee maintained that the Department should include the subsidy rates it originally determined when calculating the net countervailable subsidy in this sunset review.

The Committee also argued that the Act requires the Department to consider programs, in addition to those considered in the original investigation, determined in other reviews or investigations to provide countervailable subsidies. The Committee argued that the Department should consider the dual pricing scheme in which the GOK mandates that POSCO, the government-owned steel producer, sell stainless steel to domestic producers at a price below the international market price. This program is referred to as POSCO's Two-Tiered Pricing Structure to Domestic Customers. The Committee argued that Korean manufacturers of stainless steel cookware are potential beneficiaries of this pricing scheme because they may purchase a significant amount of their stainless steel requirements from POSCO—the largest stainless steel producer in Korea. Further, the Committee argued that this pricing scheme was not in existence in January 1987, when the order on cookware was issued. In conclusion, the Committee argued that given the significance of this program,⁷ it is imperative that the Department include this program in calculating the net countervailable subsidy likely to prevail if the order is revoked.

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. Although no administrative review has been conducted of the order on cookware from Korea, we agree with the Committee that the program for the unlimited deduction of overseas

entertainment expenses has been terminated.⁸ Further, we agree with the Committee that all other programs found in the original investigation to provide countervailable subsidies continue to exist.

Referring to section 752(b)(2) of the Act, the Sunset Policy Bulletin provides that if the Department determines that good cause is shown, the Department will consider other factors in sunset reviews. Specifically, the Department will consider programs determined to provide countervailable subsidies in other investigations or reviews, but only to the extent that such programs (a) can potentially be used by the exporters or producers subject to the sunset review and (b) did not exist at the time that the countervailing duty order was issued (see section III.C.1). Additionally, the Sunset Policy Bulletin provides that if the Department determines that good cause is shown, the Department will also consider programs newly alleged to provide countervailable subsidies, but only to the extent that the Department makes an affirmative countervailing duty determination with respect to such programs and with respect to the exporters or producers subject to the sunset review (see section III.C.2). Both sections specify that the burden is on interested parties to provide information or evidence that would warrant consideration of the subsidy program in question.

In the recent final affirmative countervailing duty determination on stainless steel sheet and strip in coils from Korea, the Department found that POSCO sold hot-rolled stainless steel coil, which was the main input into stainless steel sheet and strip in coils, to the respondents in that investigation. Additionally, the Department found that POSCO charged a lower price to domestic customers that purchase steel for further processing into products that are exported than to domestic customers for products that will be consumed in Korea. As a result, the Department determined that POSCO's two-tiered pricing scheme constitutes an export subsidy under section 771(5A)(B) of the Act and provides a financial contribution to exporters under section 771(5)(D) of the Act. The Department measured the benefit provided to respondents from this program by dividing the price savings⁹ of

respondents by the value of respondents' exports. On this basis, the Department found company-specific countervailable subsidy rates of 0.87 and 2.36 percent *ad valorem*.

As noted above, the Department will only consider other factors under section 752(b)(2) of the Act where it determines good cause for such consideration has been shown. Additionally, the Sunset Regulations specify that the Department normally will consider such other factors only where it conducts a full sunset review. In this case, although the Committee argues that producers of cookware may benefit from this program because the producers are likely to purchase stainless steel from POSCO, we have no information that cookware producers actually benefit from this program. As stated in the SAA at 889, the more appropriate vehicle for consideration of new subsidies is an administrative review pursuant to section 751(a) of the Act, which the Committee did not request. Therefore, we are not considering this program for the purpose of this review.

As a result of the termination of one program since the imposition of the order, the Department determines that using the net countervailable subsidy rate as determined in the original investigation is no longer appropriate. Further, as noted above, because the Department has not conducted an administrative review of this order, no other programs have been found to provide cookware producers/exporters a countervailable subsidy. Therefore, we have adjusted the net countervailable subsidy from the original investigation by subtracting the subsidy from the unlimited entertainment expense deductions program which the Department found terminated. (See calculation memo of August 24, 1999.)

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 the benefits received under four of the remaining five programs is contingent upon exports, these programs fall within the definition of an export subsidy under Article 3.1(a) of the Subsidies Agreement. The

⁸ See footnote 6.

⁹ The price savings were calculated by comparing the prices charged by POSCO to respondents for domestic production to the prices charged by POSCO to respondents for export production (see Final Affirmative Countervailing Duty Determination: Stainless Steel Sheet and Strip in

Coils From the Republic of Korea, 64 FR 30636, 30647 (June 8, 1999)).

⁷ Citing to the Department's preliminary determination in *Stainless Sheet and Strip*, 63 FR at 63897, the Committee asserts that this program was found to provide one respondent a countervailable subsidy of 5.51 percent *ad valorem*.

remaining program, although not falling within the definition of an export subsidy under Article 3.1(a) of the Subsidies Agreement, could be found to be inconsistent with Article 6 if the net countervailable subsidy exceeds 5 percent, as measured in accordance with Annex IV of the Subsidies Agreement. The Department, however, has no information with which to make such a calculation, nor do we believe it appropriate to attempt such a calculation in the course of a sunset review. Rather, we are providing the Commission the following program descriptions.

(1) Because only exporters are eligible to use short-term export financing under the Foreign Trade Regulations, short-term export financing falls within the definition of an export subsidy under Article 3.1(a) of the Subsidies Agreement.

(2) The program for export tax reserves under Articles 22, 23, and 24 or the Act Concerning the Regulation of Tax Reduction and Exemption was found to confer benefits which constitute export subsidies because they provide a deferral, contingent upon exports, of direct taxes. Therefore, this program falls within the definition of an export subsidy under Article 3.1(a) of the Subsidies Agreement.

(3) The program providing for small business loans to "promising" companies on the basis that they were exporting companies, was found to be a countervailable export subsidy to the extent that the loans were provided at preferential interest. Because companies qualified for these loans on the basis of export performance, this program falls within the definition of an export subsidy under Article 3.1(a) of the Subsidies Agreement.

(4) Because the Duty Drawback Program provides for duty drawback on items not physically incorporated into exported articles and because the duty drawback for loss or wastage on physically incorporated items is unreasonable or excessive, we found the program to confer a countervailable export subsidy. As such, this program falls within the definition of an export subsidy under Article 3.1(a) of the Subsidies Agreement.

(5) Exemption from the acquisition tax under the Law for the Promotion of Income Sources in Rural Areas is limited to companies located in certain regions of the country and therefore, may fall within the definition of an actionable subsidy under Article 6.1 of the Subsidies Agreement.

Final Results of Review

As a result of this review, the Department finds that revocation of the countervailing duty order on cookware from Korea would be likely to lead to continuation or recurrence of countervailable subsidies. The country-wide net countervailable subsidy likely to prevail if the order were revoked is 0.77 percent *ad valorem*.¹⁰

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. 99-23035 Filed 9-2-99; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

Performance Review Board

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: Announcement of New Member for the Performance Review Board.

FOR FURTHER INFORMATION CONTACT:

LaVerne H. Hawkins, Department of Commerce, Office of Human Resources Management, Room 4803, Washington, DC 20230 202-482-2537.

SUPPLEMENTARY INFORMATION: This notice announces the appointment by the Under Secretary for International Trade, David L. Aaron, of the Performance Review Board (PRB). The appointments are for a 2 year period. The purpose of the International Trade Administration's Performance Review Board (PRB) is to review and make recommendations to the appointing

¹⁰ As noted above, due to *de minimis* net subsidies found for Woo Sung Company Ltd. and Dae Sung Industrial Company Ltd., these two Korean producers/exporters were excluded from the order.

authority on performance management issues such as appraisals and bonuses, ES-level Increases and Presidential Rank Awards for members of the Senior Executive Service (SES). The members are:

Eleanor Roberts Lewis—Non-ITA—
Career

Chief Counsel for International Trade
Troy H. Cribb—Non-Career
Deputy Assistant Secretary for
Textiles, Apparel and Consumer
Goods

Henry H. Misco—Career
Director, Office of Automotive Affairs
Marjory Searing—Career

Deputy Assistant Secretary for Japan
Joseph Spetrini—Career
Deputy Assistant Secretary for
Antidumping Countervailing Duty
Enforcement III

Franklin J. Vargo—Career
Deputy Assistant Secretary for
Agreements Compliance

Elizabeth C. Sears—Non-Career
Deputy Assistant Secretary for Export
Promotion Services

LaVerne H. Hawkins—Executive
Secretary
Office of Human Resources
Management, 202-482-2537

Dated: August 26, 1999.

James T. King, Jr.,

Human Resources Manager.

[FR Doc. 99-23078 Filed 9-2-99; 8:45 am]

BILLING CODE 3510-25-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket Number: 990624170-9170-01]

RIN 0648-ZA66

Announcement of Graduate Research Fellowships in the National Estuarine Research Reserve System for Fiscal Year 2000

AGENCY: Estuarine Reserves Division (ERD), Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice.

SUMMARY: The Estuarine Reserves Division (ERD) of the Office of Ocean and Coastal Resource Management is soliciting applications for graduate fellowship funding within the National Estuarine Research Reserve System. This notice sets forth funding priorities, selection criteria, and application procedures.