



**UNITED STATES DEPARTMENT OF COMMERCE**  
**International Trade Administration**  
Washington, D.C. 20230

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Scope Review  
Public Document  
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**JAN 30 1991**

MEMORANDUM FOR: Joseph A. Spetrini  
Deputy Assistant Secretary for Compliance

FROM: Roland L. MacDonald<sup>RLM</sup>  
Director, Office of Antidumping Compliance

PREPARED BY: Horace S. Jennings

SUBJECT: Recommendation Memo--Ruling on Request by CGS  
International for Clarification of the Scope of  
the Antidumping Duty Order on Porcelain-on-Steel  
Cooking Ware from the People's Republic of China

ISSUE

On December 31, 1990, the Department of Commerce (the Department) received a request (dated December 27, 1990) from CGS International (CGS) for a clarification of the scope of the antidumping duty order on porcelain-on-steel cooking ware from the People's Republic of China. Specifically, CGS requests that the Department issue a ruling that the porcelain-on-steel products CGS imports from the People's Republic of China are not within the scope of the order because its products are high quality and high cost merchandise.

CRITERIA

For purposes of determining whether the merchandise in question is within the scope of the antidumping duty order on porcelain-on-steel cooking ware from the People's Republic of China, the Department referred to its regulations on scope determinations, published at 19 C.F.R. §353.29 (1990). Because the product descriptions of the merchandise contained in the petition and prior determinations of the Department and the International Trade Commission (ITC) are dispositive as to whether the porcelain-on-steel products imported by CGS are within the scope of the antidumping duty order, we did not consider the additional criteria listed in §353.29(i)(2) of the Department's regulations. Further, because the issue is easily resolved by reference to the face of the order, in accordance with §353.29(b) of the Department's regulations, we determine that a formal inquiry is not warranted.

Documents from the underlying proceeding deemed relevant by the Department to the scope of the outstanding order were made a part of the record in the instant review. In completing its analysis, the Department relied upon information provided in the request by CGS, and the descriptions of the covered merchandise as found in the petition, the ITC report, the Department's antidumping duty order, and subsequent Department determinations.



PRODUCTS IMPORTED

The following is a list of the porcelain-on-steel enamelware imported by CGS. This list is taken from a copy of its catalog submitted with the request.

<u>PRODUCT IDENTIFICATION</u>	<u>DESCRIPTION</u>
D24	small basin
D25	medium basin
D26	large basin
D28	small colander
D44	large colander
D40	casserole
D45	12-cup coffee pot
D30	6-cup coffee pot
D34	roasting pan
D18	8" bowl
D17	6" bowl
D11	mugs
D43	ash tray
D54	napkin rings
D39	oval roaster
D4	utensil holder and utensils
D33	butter warmer
D52	ladle
D36	cream & sugar
D38	mixing bowls

CGS letter, December 27, 1990 at 4.

ANALYSIS

In its request for exclusion, CGS states the following:

CGS International's product line is porcelain on steel, but it is unique due to its high quality, hand finished marbelized pattern. It is exclusively imported by us in the United States. The bulk of the raw materials is purchased in Hong Kong and shipped to China for manufacture and assembly. It is our belief that our product is a heavier gauged product. CGS imports 37 porcelain on steel items and only 1% are cookware/bakeware pieces and we believe that our import cost are equal to or higher than any place in the world.

Id. at 1.

The ITC's final determination in this case provides the following definition of the subject merchandise:

Porcelain-on-steel cooking ware are articles of porcelain-coated steel used as receptacles in the cooking and heating of food. Related items of porcelain-coated steel used only to handle or process food, i.e., porcelain-on-steel

kitchen ware, such as mixing bowls and colanders, are not included. ...All of the most common articles of porcelain-on-steel cooking ware identified above are sold in a wide variety of shapes, sizes, configurations, steel thickness, colors, decorative patterns, trim, handle design (either wood, phenolic or various metals), and/or price ranges.

Porcelain-on-Steel Cooking Ware from Mexico, the People's Republic of China, and Taiwan, USITC Pub. No. 1911, November 1986 at A-4.

The Department's final determination states

[t]he products covered by this investigation are porcelain-on-steel cooking ware including tea kettles, which do not have self-contained electric heating elements. All of the foregoing are constructed of steel and are enameled or glazed with vitreous glasses.

Porcelain-on-Steel Cooking Ware from the People's Republic of China; Final Determination of Sales at Less Than Fair Value, 51 F.R. 36419 at 36420.

Neither the Department's nor the ITC's determinations suggested that quality, gauge, or cost of the products were sufficient grounds for exclusion from the order. To the contrary, after distinguishing between cook ware and kitchen ware, and excluding kitchen ware from the investigation, the ITC specifically included all porcelain-on-steel cooking ware regardless of variations on style and price. Both the ITC and the Department specifically included all porcelain-on-steel cooking ware within the scope of the order.

Accordingly, those products imported by CGS that are porcelain-on-steel cooking ware items are within the scope of the antidumping duty order, and those products that are kitchen ware items are not within the scope of the order. Of the items listed in the instant scope proceeding, the following are cooking ware according to the definitions of the Department and the ITC, and accordingly are subject to the order:

<u>PRODUCT IDENTIFICATION</u>	<u>DESCRIPTION</u>
D40	casserole
D45	12-cup coffee pot
D30	6-cup coffee pot
D34	roasting pan
D39	oval roaster
D33	butter warmer

The other products (i.e., the small basin, medium basin, large basin, small colander, large colander, 8" bowl, 6" bowl, mugs, ash tray, napkin rings, utensil holder and utensils, ladle, cream & sugar, and mixing bowls) are used only to handle or process food,

and are appropriately considered kitchen ware. As such they are excluded from the scope of the order.

Because the written descriptions of the products are dispositive, the Department need not address the additional criteria provided in §353.29(i)(2) of the Department's regulations in finding that the above-listed cooking ware is within the scope of the antidumping duty order.

RECOMMENDATION

Because the description of the subject merchandise contained in the determinations of the Department and the ITC provide sufficient bases for making a determination and the issue is easily resolved by reference to the face of the order, we recommend determining that no inquiry is warranted.

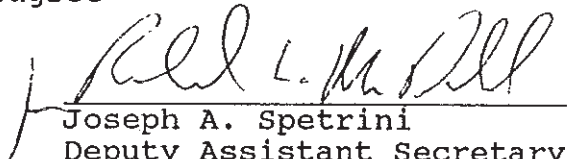
Agree                       Disagree

We recommend determining that the casserole, 12-cup coffee pot, 6-cup coffee pot, roasting pan, oval roaster, and butter warmer are within the scope of the antidumping duty order on porcelain-on-steel cooking ware from the People's Republic of China. We further recommend determining that the small basin, medium basin, large basin, small colander, large colander, 8" bowl, 6" bowl, mugs, ash tray, napkin rings, utensil holder and utensils, ladle, cream & sugar, and mixing bowls (properly considered kitchen ware) are not within the scope of the order.

Agree                       Disagree

If you agree, we recommend sending the attached letter to interested parties.

Agree                       Disagree

  
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Joseph A. Spetrini  
Deputy Assistant Secretary  
for Compliance

1/30/91  
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(Date)