

**DEPARTMENT OF COMMERCE****International Trade Administration****[A-588-604]****Amended Final Results of Expedited Sunset Review: Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From Japan**

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

**ACTION:** Notice of amended final results of expedited sunset review: Tapered roller bearings and parts thereof, finished and unfinished, from Japan.

**SUMMARY:** On November 4, 1999, the Department of Commerce ("the Department") issued its final results of the sunset review of the antidumping duty order on tapered roller bearings and parts thereof, finished and unfinished ("TRBs"), over four inches, from Japan (64 FR 60266). On November 3, 1999, Koyo Corporation U.S.A.-Manufacturing Division, Koyo Seiko Co., Ltd., and Koyo Corporation U.S.A. (collectively, "Koyo") timely alleged that the Department made a ministerial error in its final results. The domestic interested parties did not respond to the ministerial error comments. We agree with Koyo and, therefore, are amending the final results.

**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 & Constitution Avenue, NW, Washington, D.C. 20230; telephone: (202) 482-3207 or (202) 482-1560, respectively.

**EFFECTIVE DATE:** November 30, 1999.

**Background**

On April 1, 1999, the Department initiated a sunset review of the antidumping duty order on TRBs, over four inches, from Japan (64 FR 15727) pursuant to section 751(c) of the Tariff Act of 1930, as amended ("the Act"). On November 4, 1999, the Department issued its final results of the sunset review of the antidumping duty order on TRBs, over four inches, from Japan (64 FR 60266), in which we determined that there was a likelihood of continuation or recurrence of dumping if the order were revoked. In this determination, the Department forwarded to the Commission two company-specific weighted-average dumping margins and the "all others" rate from the original investigation.

On November 3, 1999, the Department received allegations, timely filed

pursuant to 19 CFR 351.224(c)(2), from Koyo that the Department made a ministerial error in its final results. Koyo alleged that the Department, in its final results of the sunset review for this case, reported to the Commission the margin for Koyo from the original less than fair value ("LTFV") determination, but overlooked the fact that this margin had been amended due to the correction of clerical errors.<sup>1</sup> Koyo therefore urged the Department to report the corrected margin to the Commission.

After analyzing Koyo's November 3, 1999, submission, we have determined, in accordance with 19 CFR 351.224, that a ministerial error was made in the final determination of this sunset review. The Department notes that the definition of a ministerial error provides not only for the correction of errors in arithmetic but also for "any other similar type of unintentional error which the Secretary considers ministerial" (see 19 CFR 351.224(f)). In the Department's final results of the sunset review for this case, we inadvertently overlooked the fact that the original LTFV determination had been subsequently amended. The Department's reliance on the original unamended margins from the final determination in the sunset review was in error.

**Amended Final Results of Review**

For the reasons stated above and in our November 4, 1999, final results of expedited sunset review, the Department finds that revocation of the antidumping duty order would be likely to lead to continuation or recurrence of dumping at the amended margins listed below.

Manufacturer/exporter	Margin (percent)
Koyo Seiko Co., Ltd .....	36.21
NTN Toyo Bearing Co., Ltd .....	36.53
All Others .....	36.52

This five-year ("sunset") review and notice are in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: November 22, 1999.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

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<sup>1</sup> See *Amendment to Final Determination of Sales at Less Than Fair Value and Amendment to Antidumping Duty Order; Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from Japan*, 52 FR 47955 (December 17, 1987).

**DEPARTMENT OF COMMERCE****International Trade Administration****[A-588-604]****Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From Japan: Final Court Decisions and Amended Final Results of Antidumping Duty Administrative Reviews**

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

**ACTION:** Notice of final court decisions and amended final results of antidumping duty administrative reviews.

**SUMMARY:** On February 11, 1992, the Department of Commerce (the Department) published the final results of its administrative review of the antidumping finding on tapered roller bearings (TRBs), finished and unfinished, and parts thereof, from Japan during the period October 1, 1989 through September 30, 1990. See *Tapered Roller Bearings, Finished and Unfinished, From Japan; Final Results of Antidumping Duty Administrative Review* 57 FR 4960. Subsequent to our publication of these final results, parties to the proceeding challenged certain aspects of our final results determinations before the United States Court of International Trade (CIT) and, in certain instances, before the United States Court of Appeals for the Federal Circuit (CAFC).

The CIT recently affirmed final remand results with respect to the 1989-90 final results. On April 10, 1998, we amended our final results of review with respect to certain respondents for which litigation was completed. See *Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof, from Japan, and Tapered Roller Bearings, Finished and Unfinished, and Parts Thereof, from Japan: Final Court Decisions and Amended Final Results of Antidumping Duty Administrative Reviews*, 63 FR 17815 (1989-90 TRB Final Results). As there is now a final and conclusive court decision with respect to litigation for the remaining respondent, we are hereby amending our final results of review and will subsequently instruct Customs to liquidate entries subject to these reviews.

**EFFECTIVE DATE:** November 30, 1999.

**FOR FURTHER INFORMATION CONTACT:** Deborah Scott or Robert James, Import Administration, International Trade

Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482-2657 or (202) 482-5222, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

Below is a summary of the litigation for the 1989-90 final results for which the CIT and CAFC have issued final and conclusive decisions. It is important to note that, due to the fact that litigation for each TRBs final results was unconsolidated, the CIT issued two or more orders throughout the course of litigation, which required us to recalculate a respondent's final results margin several times. To ensure the accurate calculation of amended final results, any recalculation we performed for a given respondent pursuant to a specific order reflected all recalculations we performed for that respondent pursuant to earlier orders. As a result, the last CIT order requiring a recalculation of a respondent's margin reflects the final amended margin for the respondent, provided that final and conclusive decisions have been made by the CIT and CAFC with respect to litigation which affected the respondent's final results.

On February 11, 1992, we published in the **Federal Register** our notice of the final results of administrative reviews for the 1989-90 period of review (POR). This notice covered the administrative reviews for Koyo Seiko Co., Ltd. (Koyo), NSK Ltd. (NSK), Nachi-Fujikoshi Corporation, and NTN Toyo Bearing Co., Ltd (NTN). Subsequent to the publication of these final results, three respondents "NTN, Koyo, and NSK" and The Timken Company (Timken), the petitioner in this case, challenged certain issues before the CIT. The CIT and CAFC issued final and conclusive decisions with respect to the NSK and Timken litigation; on April 10, 1998, we published in the **Federal Register** our notice of final court decisions and amended final results for NSK. See *1989-90 TRB Final Results* at 17818. The CIT has now issued a final and conclusive decision with respect to the NTN litigation (CIT Ct. Nos. 92-03-00168 and 92-04-00257). We are hereby amending our final results of the 1989-90 administrative review for NTN.

The decisions issued by the CIT and CAFC with respect to the Department's final results for NTN were:

- *NTN v. U.S.*, Slip Ops. 94-200 (December 29, 1994) and 95-1 (January 3, 1995) (The CIT ordered the Department to apply the 10 percent cap for the model match methodology, explain its disregard of NTN's credit

expense calculation methodology, and correct the margin calculation program for errors in the deduction of discounts from home market price for the cost of production test).

- *NTN v. U.S.*, Slip Op. 95-104 (June 7, 1995) (The CIT affirmed the remand results and dismissed the 92-03-00168 and 92-04-00257 litigation).

- *NTN v. U.S.*, Slip Op. 95-1477 and -1479 (July 10, 1996) (The CAFC overturned the CIT on its decision regarding the 10 percent cap for the model match methodology used for the final results for NTN.)

- *NTN v. U.S.*, Slip Ops. 96-150 (August 28, 1996) and 96-151 (August 29, 1996) (In light of the CAFC's decision in Slip Op. 95-1479, the CIT ordered the Department to recalculate the dumping margin for NTN without imposing the 10 percent cap under the 92-03-00168 and 92-04-00257 litigation.)

- *NTN v. U.S.*, Slip Op. 98-90 (June 30, 1998) (The CIT affirmed the remand results and dismissed the 92-03-00168 and 92-04-00257 litigation).

As there are now final and conclusive court decisions with respect to the 92-03-00168 and -04-00257 (NTN) litigation, we are amending our final results of review for NTN based on the last court order which required a recalculation of NTN's rate (*NTN v. U.S.*, CIT Slip Ops. 96-150 and -151). The amended final results margin for NTN is 29.63 percent. We will issue instructions to Customs to liquidate entries of subject merchandise made by NTN during this period pursuant to these amended final results.

#### Amendment to Final Determinations

Pursuant to 19 U.S.C. 1516(f), we are now amending the final results of the 1989-90 administrative review of the antidumping finding on TRBs from Japan. The weighted-average margin is:

Manufacturer/exporter	Margin (percent)
NTN Toyo Bearing Co., Ltd. ....	29.63

Accordingly, the Department will determine and Customs will assess appropriate antidumping duties on entries of the subject merchandise made by firms covered by the review of the period listed above. The Department will issue appraisement instructions directly to Customs.

Dated: November 22, 1999.

**Joseph A. Spetrini**,  
Acting Assistant Secretary for Import Administration.

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-588-854]

#### Initiation of Antidumping Duty Investigation: Certain Tin Mill Products From Japan

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

**EFFECTIVE DATE:** November 30, 1999.

**FOR FURTHER INFORMATION CONTACT:** Samantha Denenberg at (202) 482-1386 or Linda Ludwig at (202) 482-3833, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

#### Initiation of Investigations

##### *The Applicable Statute and Regulations*

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are references to the provisions codified at 19 CFR Part 351 (1998).

##### *The Petition*

On October 28, 1999, the Department of Commerce ("the Department") received a petition filed in proper form by Weirton Steel Corporation, Independent Steelworkers Union, and United Steelworkers of America, AFL-CIO (collectively petitioners). The Department received supplemental information to the petition on November 8, 1999.

In accordance with section 732(b) of the Act, petitioners allege that imports of certain tin mill products ("TMP") from Japan are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that such imports are materially injuring an industry in the United States.

The Department finds that petitioners filed these petitions on behalf of the domestic industry because they are interested parties as defined in sections 771(9)(C) and (D) of the Act and they have demonstrated sufficient industry support with respect to the antidumping investigation they are requesting the Department to initiate (see *Determination of Industry Support for the Petition* below).