

(iii) Lumber, construction timbers, or cants for remanufacture, except Western Red Cedar, that do not meet the grades referred to in clause (ii) and are sawn on four sides, with wane less than one-quarter of any face, not exceeding eight and three-quarters inches in thickness.

(iv) Chips, pulp, or pulp products.

(v) Veneer or plywood.

(vi) Poles, posts, or piling cut or treated with preservatives for use as such.

(vii) Shakes or shingles.

(viii) Aspen or other pulpwood bolts, not exceeding 100 inches in length, exported for processing into pulp.

(ix) Pulp logs or cull logs processed at domestic pulp mills, domestic chip plants, or other domestic operations for the purpose of conversion of the logs into chips.

(3) *Substitution.* Consistent with section 493(8) (16 U.S.C. 620e(8)) of the Act, the acquisition of unprocessed timber from public lands west of the 100th meridian in the contiguous 48 States to be used in "substitution" for exported unprocessed timber originating from private lands means acquiring unprocessed timber from such public lands and engaging in export, or selling for export, unprocessed timber originating from private lands within the same geographic and economic area.

(4) *Acquisition.* As defined in section 493(1) (16 U.S.C. 620e(1)) of the Act, the term "acquire" means to come into possession of whether directly or indirectly through a sale, trade, exchange, or other transaction and the term "acquisition" means the act of acquiring.

(5) *Person.* As defined in section 493(3) (16 U.S.C. 620e(3)) of the Act, the term "person" means any individual, partnership, corporation, association, or other legal entity and includes any subsidiary subcontractor or parent company and business affiliates where one affiliate controls or has the power to control the other or when both are controlled directly or indirectly by a third person.

Dated: January 9, 1998.

William A. Reinsch,
Under Secretary for Export Administration,
Department of Commerce.

[FR Doc. 98-9532 Filed 4-9-98; 8:45 am]

BILLING CODE 3510-33-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-588-054 and A-588-604]

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

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: Since the publication of the August 18, 1976, antidumping finding on tapered roller bearings (TRBs), four inches or less in outside diameter, and components thereof, from Japan (41 FR 34974) (the A-588-054 TRBs case), and the October 6, 1987, antidumping duty order on TRBs, finished and unfinished, and parts thereof, from Japan (52 FR 37352) (the A-588-604 TRBs case), the Department of Commerce (the Department) has published final results in the TRBs cases as follows:

Date of publication	Periods reviewed
For the A-588-054 Case	
6/15/82, 3/9/84, and 6/1/90.	1974-79.
11/10/94	1979-86.
9/20/90	1986-87.
6/6/91	1987-88.
12/16/91	1988-89.
2/11/92	1989-90.
3/16/92	1989-90 (amended).
12/9/93	1990-92.
1/18/94	1990-92 (amended).
11/7/96	1992-93.
For the A-588-604 Case	
8/21/91	1987-88.
2/11/92	1988-89.
2/11/92	1989-90.
3/16/92	1989-90 (amended).
12/9/93	1990-92.
1/18/94	1990-92 (amended).
11/7/96	1992-93.
3/13/97	1994-95.
3/13/97	1994-95.

Subsequent to our publication of each of the above final results of administrative reviews, parties to the proceedings challenged certain aspects of our final results determinations before the Court of International Trade (CIT) and, in certain instances, before the United States Court of Appeals for the Federal Circuit (CAFC) (collectively, the Court).

With respect to the 1974-79 A-588-054 final results and the 1987-88 A-588-054 final results, we have already issued instructions to the U.S. Customs Service (Customs) to liquidate entries of TRBs within the scope of the A-588-054 finding during these periods as a result of final and conclusive court decisions made with respect to the litigation for these proceedings at earlier dates.

With respect to the 1988-89 final results for the A-588-054 case and the 1992-93 and 1994-95 final results for both TRBs cases, the Court has not yet

issued final and conclusive decisions. Therefore, we are unable at this time to publish amended final results for these periods and we are unable to instruct Customs to liquidate entries of subject merchandise made by certain manufacturers/exporters during these periods.

The Court, however, recently affirmed final remand results affecting final assessment rates for certain manufacturers/exporters for the 1979-86 A-588-054, 1986-87 A-588-054, 1987-88 A-588-604, 1988-89 A-588-604, 1989-90 A-588-054, 1989-90 A-588-604, and the 1990-92 A-588-054 and A-588-604 proceedings. As there are now final and conclusive court decisions with respect to certain litigation for these final results, where applicable, we are amending our final results of review and will subsequently instruct Customs to liquidate entries subject to these reviews.

EFFECTIVE DATE: April 10, 1998.

FOR FURTHER INFORMATION CONTACT: Ilissa Kabak or John Kugelman, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482-0145 or (202) 482-0649, respectively.

SUPPLEMENTARY INFORMATION:

Background

Below is a summary of the litigation for each of the TRBs final results for which the Court has issued final and conclusive decisions. The summary highlights those court orders/decisions which were not in harmony with the Department's original final results and/or required a recalculation of a respondent's final results margin. It is important to note that, due to the fact that litigation for each TRBs final results was unconsolidated, often the Court issued two or more orders throughout the course of litigation for a given final results 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, our recalculation pursuant to the last order requiring a recalculation of a respondent's final results margin reflects the final amended margin for the respondent, provided that final and conclusive decisions have been made by the Court with respect to each segment of litigation which impacted the respondent's final results.

A. The 1979-86 Period for A-588-054*Summary*

On November 10, 1994, we published in the **Federal Register** our notice of the final results of administrative reviews for the 1979-86 periods of review (POR) in the A-588-054 TRBs case (59 FR 56035). This notice covered the administrative reviews for 1) Koyo Seiko Co., Ltd. (Koyo) for the 1979-86 PORs, 2) NSK Ltd. (NSK) for the 1980-86 PORs, 3) Mitsubishi Corporation and Sumitomo Yale Co., Ltd. for the 1980-85 PORs, and 4) Sumitomo Corporation, Nachi-Fujikoshi, Niigata Converter, Toyosha, Toyota, Yamaha, Suzuki, Maekawa Bearing Manufacturer, Nissan, Mazda, and MC International for the 1985-86 POR. Subsequent to the publication of these final results NSK and Koyo challenged certain issues before the CIT (Court Nos. 94-12-00771 and 94-12-00779, respectively). The CIT has issued final and conclusive decisions with respect to the 94-12-00771 (NSK) litigation and the 94-12-00779 (Koyo) litigation.

The opinions/decisions issued by the Court with respect to Koyo's final results which were not in harmony with and/or required a recalculation of Koyo's final results were:

- *Koyo v. U.S.*, Slip Op. 96-122 (August 5, 1996) (The CIT ruled in favor of the Department on all issues and dismissed the case).
- *Koyo v. U.S.*, CAFC Appeal No. 97-1031 (July 22, 1997 decision and September 12, 1997 mandate) (The CAFC overturned the CIT's decision in Slip Op. 96-122 and ordered the Department to reconsider the treatment of Koyo's U.S. sample sales).
- *Koyo v. U.S.*, Slip Op. 97-134 (September 18, 1997) (The CIT's remand in light of the CAFC's July 22 decision and September 12 mandate) affirmed/dismissed, Slip Op. 97-169 (December 8, 1997).

Status

All Other Firms: All firms except NSK and Koyo did not pursue litigation and the existing litigation had no impact on their final results. Because the Department has not yet issued instructions to Customs to liquidate entries made by these firms during the applicable periods, where appropriate, we will issue instructions to Customs to liquidate entries of A-588-054 merchandise made by these firms pursuant to our November 10, 1994, 1979-86 final results.

NSK: The CIT issued only one order with respect to the 94-12-00771 (NSK) litigation (*NSK v. U.S.*, Slip Op. 96-157 September 12, 1996). Because this order

was in harmony with the Department's final results for NSK and there was no other segment of litigation for these periods which impacted NSK's 1980-86 final results, Slip Op. 96-157 stands as the final and conclusive court decision with respect to NSK's final results. Because this order did not require a recalculation of NSK's 1980-86 final results margins, we will instruct Customs to liquidate entries of A-588-054 merchandise made by NSK during the 1980-86 PORs pursuant to our November 10, 1994 final results.

Koyo: The CIT issued one order with respect to the 94-12-00779 (Koyo) litigation (*Koyo v. U.S.*, Slip Op. 97-134 September 18, 1997). Because this order did not require a recalculation of Koyo's 1979-86 final results margins, we will instruct Customs to liquidate entries of A-588-054 merchandise made by Koyo during the 1979-86 PORs pursuant to our November 10, 1994 final results.

B. The 1986-87 Period for A-588-054*Summary*

On September 20, 1990, we published in the **Federal Register** our final results of administrative review for the 1986-87 POR in the A-588-054 TRBs case (55 FR 38720). This notice covered the administrative reviews for Koyo, Isuzu Motors, Toyota, Nissan Motor Company, and Nachi Fujikoshi. Subsequent to our publication of these final results, Koyo (with Isuzu as plaintiff-intervenor), NSK, and the Timken Company (Timken), the petitioner in both cases, challenged aspects of our final results before the CIT (Court Nos. 90-10-00546, 90-10-00543, and 90-10-00548, respectively). The CIT has issued final and conclusive decisions with respect to each segment of the litigation for these final results.

The opinions/decisions issued by the Court with respect to Koyo's final results which were not in harmony with and/or required a recalculation of Koyo's final results were:

- *Koyo and Isuzu v. U.S.*, Slip Op. 93-3 (January 8, 1993).
- *Timken v. U.S.*, Slip Op. 92-209 (November 25, 1992), affirmed/dismissed, Slip Op. 93-100 (June 8, 1993).
- *Koyo and Isuzu v. U.S.*, CAFC No. 93-1525, 1534 (September 30, 1994 decision and October 21, 1994 mandate) (The CAFC overturned the CIT's order in Slip Op. 93-3 to add U.S. direct expenses to foreign market value in exporter's sales price calculations).
- *Koyo and Isuzu v. U.S.*, Slip Op. 94-177 (November 14, 1994) (The CIT's remand in light of the CAFC's September 30 decision and October 21

mandate) affirmed/dismissed, Slip Op. 95-41 (March 14, 1995).

The opinions/decisions issued by the Court with respect to NSK's final results which were not in harmony with and/or required a recalculation of NSK's final results were:

- *NSK v. U.S.*, Slip Op. 92-205 (November 19, 1992).
- *Timken v. U.S.*, Slip Op. 92-209 (November 25, 1992) affirmed/dismissed, Slip Op. 93-100 (June 8, 1993).
- *NSK v. U.S.*, Slip Op. 93-47 (March 30, 1993) affirmed/dismissed, Slip Op. 93-100 (June 8, 1993).

While Timken appealed an issue to the CAFC which affected both NSK and Koyo (*Timken v. U.S.*, CAFC Appeal No. 92-1312, 1995), the CAFC's September 27, 1994 decision did not require any further recalculation of NSK's or Koyo's margins and affirmed the CIT's determinations with respect to the 90-10-00543, -00546, and -00548 litigation.

Status

All Other Firms: All firms noted above, except Koyo and NSK, did not pursue litigation and none of the existing litigation had any effect on their final results. Because the Department has not yet issued instructions to Customs with respect to these firms, where appropriate, we will instruct Customs to liquidate entries of A-588-054 merchandise made by these firms during the 1986-87 period pursuant to our September 20, 1990 final results.

NSK: As there are now final and conclusive court decisions with respect to the 90-10-00543 (NSK) and 90-10-00548 (Timken) litigation, we are amending our final results of review for NSK based on the last court order which required a recalculation of NSK's rate (*NSK v. U.S.*, Slip Op. 93-47). Because the margin we calculated for NSK pursuant to this order reflected all prior recalculations made to NSK's margin pursuant to earlier orders, the amended final results margin for NSK for the 1986-87 period for A-588-054 merchandise is that which we calculated pursuant to Slip Op. 93-47 (15.41 percent). We will subsequently issue instructions to Customs to liquidate entries of A-588-054 merchandise made by NSK pursuant to these amended final results.

Koyo: As there are now final and conclusive court decisions with respect to the 90-10-00546 (Koyo) and 90-10-00548 (Timken) litigation, we are amending our final results of review for Koyo based on the last court order which required a recalculation of Koyo's rate (*Koyo v. U.S.*, Slip Op. 94-177).

Because the margin we calculated for Koyo pursuant to this order reflected all prior recalculations made to Koyo's margin pursuant to earlier orders, the amended final results margin for Koyo for the 1986-87 period for A-588-054 merchandise is that which we calculated pursuant to Slip Op. 92-47 (40.89 percent). We will subsequently issue instructions to Customs to liquidate entries of A-588-054 merchandise made by Koyo pursuant to these amended final results.

C. The 1987-88 Period for A-588-604

Summary

On August 21, 1991, we published in the **Federal Register** our final results for the 1987-88 review of the A-588-604 TRBs case (56 FR 41508). This notice contained our final results for NTN Corporation (NTN) and Koyo. Subsequent to our publication of these final results Koyo, NTN, and Timken challenged certain aspects of our final results before the CIT (Court Nos. 91-09-00704, 91-09-00695, and 91-09-00697, respectively). The CIT has issued final and conclusive decisions with respect to each segment of litigation for these final results.

The opinions/decisions issued by the Court with respect to NTN's final results which were not in harmony with and/or required a recalculation of NTN's final results margin were:

- *NTN v. U.S.*, Slip Op. 93-204 (October 22, 1993) affirmed/dismissed, Slip Op. 94-95 (February 11, 1994).
- *Timken v. U.S.*, Slip Op. 94-87 (May 27, 1994) affirmed/dismissed, Slip Op. 95-55 (March 31, 1995).

While NTN appealed to the CAFC in *NTN v. U.S.*, CAFC Appeal No. 94-1271, the CAFC's November 7, 1994 decision required no recalculation of NTN's margin and dismissed the 91-09-00695 proceeding.

Status

NTN: As there are now final and conclusive court decisions with respect to the 91-09-00695 (NTN) and 91-09-00697 (Timken) 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 (*Timken v. U.S.*, Slip Op. 94-87). Because the margin we calculated for NTN pursuant to Slip Op. 94-87 reflected previous recalculations of NTN's rate we made pursuant to earlier orders, the amended final results margin for NTN is that which we calculated pursuant to Slip Op. 94-87 (10.19%). We will subsequently issue instructions to Customs to liquidate entries of A-588-604 merchandise made by NTN

during this period pursuant to these amended final results.

Koyo: Although there are now final and conclusive court decisions with respect to each segment of the litigation which affects Koyo's 1987-88 A-588-604 final results, we cannot amend our final results of review for Koyo based on the last court order (*Koyo v. U.S.*, Slip Op. 95-193) at this time due to pending litigation regarding the forgings case (*Timken v. U.S.*, Slip Op. 97-109). Upon completion of the forgings litigation at the CIT, we will publish an amended final results of this review.

D. The 1988-89 Period for A-588-604

Summary

On February 11, 1992, we published in the **Federal Register** the final results of our 1988-89 review of the A-588-604 case (57 FR 4951). These final results covered Koyo, NSK, NTN, and Nachi. Subsequent to the publication of these final results Timken, NTN, Koyo, and NSK challenged certain aspects of our final results before the CIT (Court numbers 92-03-00162, 92-03-00167, 92-03-00169, and 92-03-00158, respectively). The CIT has issued final and conclusive decisions with respect to each segment of the litigation for these final results.

The opinions/decisions issued by the Court with respect to NTN's final results which were not in harmony with and/or required a recalculation of NTN's final results margin were:

- *NTN v. U.S.*, Slip Op. 94-123 (June 8, 1994) affirmed/dismissed, Slip Op. 95-52 (March 27, 1995).
- *NTN v. U.S.*, Slip Op. 94-108 (July 6, 1994) affirmed/dismissed, Slip Op. 95-52 (March 27, 1995).
- *Timken v. U.S.*, Slip Op. 94-150 (September 20, 1994) affirmed/dismissed, Slip Op. 95-26 (February 24, 1995).
- *NTN v. U.S.*, CAFC No. 95-1356 (March 19, 1996 decision and March 20, 1996 mandate) (The CAFC overturned the CIT's order in Slip Op. 94-108 and ordered the Department to remove the 10-percent cap from the Department's sum-of-the-deviations TRBs model-match methodology).
- *NTN v. U.S.*, Slip Op. 96-93 (June 12, 1996) (The CIT's remand to the Department in light of the CAFC's March 19th decision and March 20th mandate) affirmed/dismissed, Slip Op. 96-155 (September 6, 1996).

The opinions/decisions issued by the Court with respect to NSK's final results which were not in harmony with and/or required a recalculation of NSK's final results margin were:

- *Timken v. U.S.*, Slip Op. 94-150 (September 20, 1994) affirmed/

dismissed, Slip Op. 95-26 (February 24, 1995).

- *NSK v. U.S.*, Slip Op. 94-182 (November 28, 1994) affirmed/dismissed, Slip Op. 95-43 (March 14, 1995).

Status

NTN: As there are now final and conclusive court decisions with respect to the 92-03-00167 (NTN) and 92-03-00162 (Timken) 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.*, Slip Op. 96-93). Because the margin we calculated for NTN pursuant to this order reflected previous recalculations of NTN's rate we made pursuant to earlier orders, the amended final results margin for NTN is that which we calculated pursuant to Slip Op. 96-93 (7.08%). We will subsequently issue instructions to Customs to liquidate NTN's entries of subject merchandise during this period pursuant to these amended final results.

NSK: As there are now final and conclusive court decisions with respect to the 92-03-00158 (NSK) and 92-03-00162 (Timken) litigation, we are amending our final results of review for NSK based on the last court order which required a recalculation of NSK's rate (*NSK v. U.S.*, Slip Op. 94-182). Because the margin we calculated for NSK pursuant to this order reflected previous recalculations of NSK's rate we made pursuant to earlier orders, the amended final results margin for NSK is that which we calculated pursuant to Slip Op. 94-182 (15.59%). We will subsequently issue instructions to Customs to liquidate NSK's entries of subject merchandise during this period pursuant to these amended final results.

Koyo: Although there are now final and conclusive court decisions with respect to each segment of the litigation which affects Koyo's 1988-89 A-588-604 final results, we cannot amend our final results of review for Koyo based on the last court order (*Koyo v. U.S.*, Slip Op. 95-193) at this time due to pending litigation regarding the forgings case (*Timken v. U.S.*, Slip Op. 97-109). Upon completion of the forgings litigation at the CIT, we will publish an amended final results of this review.

F. The 1989-90 Period for A-588-054

Summary

On February 11, 1992, we published in the **Federal Register** the 1989-90 final results for the A-588-054 case (57 FR 4975), and on March 16, 1992, we published an amendment to these final results (57 FR 9105). Subsequent to the

publication of these final and amended final results, Timken, Koyo, and NSK challenged various aspects of our final results before the CIT (Court Nos. 92-03-00163, 92-03-00170, and 92-03-00159, respectively). The CIT has issued final and conclusive decisions with respect to each segment of the litigation for these final results.

The opinions/decisions issued by the Court which were not in harmony with and/or required a recalculation of Koyo's final results margin were:

- *Koyo v. U.S.*, Slip Op. 94-127 (August 11, 1995) affirmed/dismissed, Slip Op. 95-63 (April 13, 1995).
- *Timken v. U.S.*, Slip Op. 94-157 (October 7, 1994).
- *Timken v. U.S.*, Slip Op. 96-127 (August 7, 1996) (On April 13, 1995 the CIT granted a stay in the Timken proceedings pending a decision by the CAFC with respect to the Japanese value added tax (VAT) issue in *Koyo v. U.S.*, CAFC Nos. 94-1097, -1044. Based on a motion by plaintiff (Timken), in Slip Op. 96-127 the CIT lifted the stay in these proceedings and remanded the case to the Department to apply the tax-neutral VAT adjustment methodology approved by the CAFC in *Koyo v. U.S.*, 63 F.3d 1572 (Fed. Cir. 1995). We filed our final remand results pursuant to Slip Op. 96-127 on September 7, 1996. These results were affirmed and the CIT dismissed the 92-03-00163 litigation on October 18, 1996).

The opinions/decisions issued by the Court which were not in harmony with and/or required a recalculation of NSK's final results margin were:

- *Timken v. U.S.*, Slip Op. 94-157 (October 7, 1994).
- *Timken v. U.S.*, Slip Op. 96-127 (August 7, 1996) (As explained above for Koyo, the CIT granted a stay in the Timken proceedings pending a decision by the CAFC with respect to the Japanese VAT issue in *Koyo v. U.S.*, CAFC Nos. 94-1097, -1044. Based on a motion by plaintiff (Timken), in Slip Op. 96-127 the CIT lifted the stay in these proceedings and remanded the case to the Department to apply the tax-neutral VAT adjustment methodology approved by the CAFC in *Koyo v. U.S.*, 63 F.3d 1572 (Fed. Cir. 1995). However, it was not until after the CIT affirmed our September 7, 1996 remand results on October 18, 1996 that we realized that we inadvertently excluded NSK from our September 7, 1996 recalculations pursuant to Slip Op. 96-127. We sought to amend our September 7, 1996 final remand results to include NSK's recalculation but, based on the extremely small effect the recalculation had on NSK's final results margin, and the fact that the CIT had already

affirmed our remand results and dismissed the 92-03-00163 litigation, NSK agreed that amended remand results were unnecessary).

While the CIT also issued an order in the 92-03-00159 (NSK) litigation (*NSK v. U.S.*, Slip Op. 94-22, February 8, 1994), the CIT's opinion in this order was in harmony with the Department's final results and did not require a recalculation of NSK's margin. As a result, it stands as the Court's final and conclusive decision with respect to the 92-03-00159 litigation.

Status

Koyo: As there are now final and conclusive court decisions with respect to both the 92-03-00163 (Timken) and 92-03-00170 (Koyo) litigation, we are amending our final results of review for Koyo based on the last court order which required a recalculation of Koyo's rate (*Timken v. U.S.*, Slip Op. 96-127). Because the margin we calculated for Koyo pursuant to Slip Op. 96-127 reflected previous recalculations of Koyo's rate we made pursuant to earlier orders, the amended final results margin for Koyo is that which we calculated pursuant to Slip Op. 96-127 (15.96%). We will subsequently issue instructions to Customs to liquidate entries of subject merchandise made by Koyo during this period pursuant to these amended final results.

NSK: As there are now final and conclusive court decisions with respect to each segment of the litigation affecting NSK's final results, we are amending our final results of review for NSK based on that which we calculated pursuant to *Timken v. U.S.*, Slip Op. 94-157. As indicated in our summary above, while Slip Op. 96-127 is technically the last order which called for a recalculation of NSK's final results margin, we inadvertently did not include NSK in our recalculations pursuant to this order and did not amend these remand results with NSK's agreement. Therefore, the last calculated rate for NSK for this period is that which we calculated pursuant to Slip Op. 94-157 (2.76%). We will subsequently issue instructions to Customs to liquidate entries of subject merchandise made by NSK during this period pursuant to these amended final results.

G. The 1989-90 Final Results for A-588-604

Summary

On February 11, 1992, we published in the **Federal Register** the final results of our 1989-90 review of the A-588-604 TRBs case (57 FR 4960). On March 16,

1992, we published amended final results for this same period (57 FR 9104). These final results covered the administrative reviews for Koyo, NTN, NSK, and Nachi. Subsequent to the publication of these final results, Timken, Koyo, NTN, and NSK challenged certain aspects of our final results before the CIT (Court numbers 92-03-00161, 93-03-00156, 92-03-00168, -00257, and 92-03-00157, respectively). While the CIT has issued final and conclusive decisions with respect to the 92-03-00161 (Timken), 93-03-00156 (NSK), and 92-03-00157 (Koyo) litigation, it has yet to issue a final and conclusive decision for the NTN segment of the litigation for these final results.

The opinions/decisions issued by the Court which were not in harmony with and/or required a recalculation of NSK's final results margin were:

- *Timken v. U.S.*, Slip Op. 94-141 (September 14, 1994) affirmed/dismissed, Slip Op. 95-26 (February 10, 1995).

While the CIT also issued an order with respect to the 92-03-00157 (NSK) litigation (Slip Op. 93-89, June 1, 1993), the order was in harmony with the Department's final results for NSK, did not require a recalculation of NSK's final results margin, and dismissed the NSK litigation. As a result, Slip Op. 93-89 stands as the final and conclusive court decision with respect to the 92-03-00157 (NSK) litigation.

Status

NSK: As there are now final and conclusive court decisions with respect to each segment of the litigation affecting NSK's final results, we are amending our final results of review for NSK based on that which we calculated pursuant to *Timken v. U.S.*, Slip Op. 94-141. Because the margin we calculated for NSK pursuant to Slip Op. 94-141 reflects our only recalculation of NSK's margin, the amended final results margin for NSK is that which we calculated pursuant to Slip Op. 94-141 (1.54%). We will subsequently issue instructions to Customs to liquidate entries of subject merchandise made by NSK during this period pursuant to these amended final results.

NTN: Because the Court has not yet issued a final and conclusive decision with respect to the NTN segment of litigation for these final results, we are unable at this time to instruct Customs to liquidate entries of subject merchandise made by NTN during the 1989-90 period. Upon the issuance of a final and conclusive Court decision with respect to this litigation, we will publish amended final results for NTN

and will subsequently issue instructions to Customs to liquidate entries of A-588-604 merchandise made by NTN during this period.

Koyo: Although there are now final and conclusive court decisions with respect to both the 92-03-00161 (Timken) and 92-03-00156 (Koyo) litigation, we cannot amend our final results of review for Koyo based on the last court order (*Koyo v. U.S.*, Slip Op. 95-193) at this time due to pending litigation regarding the forgings case (*Timken v. U.S.*, Slip Op. 97-109). Upon completion of the forgings litigation at the CIT, we will publish an amended final results of this review.

H. The 1990-92 Period for A-588-054 and A-588-604

Summary

On December 9, 1993, we published in the **Federal Register** the 1990-92 final results for the A-588-054 and A-588-604 reviews (58 FR 64720). Subsequent to the publication of these final results, Timken, Koyo, NSK, and NTN challenged various aspects of our final results before the CIT (Court Nos. 94-01-00008, 93-12-00795, 93-12-00831, and 93-12-000793, respectively). The CIT has issued final and conclusive decisions with respect to each segment of the litigation for these final results.

The opinions/decisions issued by the Court which were not in harmony with and/or required a recalculation of Koyo's final results margin were:

- *Koyo v. U.S.*, Slip Op. 96-101 (June 19, 1996) affirmed/dismissed, Slip Op. 96-173 (October 25, 1996).

- *Timken v. U.S.*, Slip Op. 96-86 (May 31, 1996) affirmed/dismissed, Slip Op. 97-87 (July 3, 1997).

The opinions/decisions issued by the Court which were not in harmony with and/or required a recalculation of NSK's final results margin were:

- *NSK v. U.S.*, Slip Op. 96-53 (March 13, 1996) affirmed/dismissed, Slip Op. 96-174 (October 25, 1996).

- *NSK v. U.S.*, Slip Op. 95-204 (December 18, 1995) affirmed/dismissed, Slip Op. 96-118 (July 26, 1996).

- *Timken v. U.S.*, Slip Op. 96-86 (May 31, 1996) affirmed/dismissed, Slip Op. 97-87 (July 3, 1997).

The opinions/decisions issued by the Court which were not in harmony with and/or required a recalculation of NTN's final results margin were:

- *Timken v. U.S.*, Slip Op. 96-86 (May 31, 1996) affirmed/dismissed, Slip Op. 97-87 (July 3, 1997).

Status

Nachi: Nachi did not pursue litigation and the existing litigation had no impact on its final results. Because the Department has not yet issued instructions to Customs to liquidate entries made by this firm during the applicable periods, where appropriate, we will issue instructions to Customs to liquidate entries of A-588-054 and A-588-604 merchandise made by Nachi pursuant to our January 18, 1994 amended final results.

Koyo: As there are now final and conclusive court decisions with respect to each segment of the litigation affecting Koyo's final results, we are amending our final results of review for Koyo based on that which we calculated pursuant to *Timken v. U.S.*, Slip Op. 96-86. Because the margin we calculated for Koyo pursuant to Slip Op. 96-86 reflected all prior recalculations made to Koyo's margin pursuant to earlier orders, the amended final results margin for Koyo for the 1990-91 and 1991-92 periods for A-588-054 merchandise is that which we calculated pursuant to Slip Op. 96-86 (23.97% for 1990-91 and 35.37% for 1991-92). We will subsequently issue instructions to Customs to liquidate entries of A-588-054 merchandise made by Koyo during these periods pursuant to these amended final results.

Although there are now final and conclusive court decisions with respect to both the 94-01-00008 (Timken) and 93-12-00795 (Koyo) litigation, at this time we cannot amend our final results of review for Koyo for A-588-604 merchandise based on the last court order (*Koyo v. U.S.*, Slip Op. 95-193) due to pending litigation regarding the forgings case (*Timken v. U.S.*, Slip Op. 97-109). Upon completion of the forgings litigation at the CIT, we will publish an amended final results of this review for A-588-604 merchandise.

NSK: As there are now final and conclusive court decisions with respect to each segment of the litigation affecting NSK's final results, we are amending our final results of review for NSK based on that which we calculated pursuant to *Timken v. U.S.*, Slip Op. 96-86. Because the margin we calculated for NSK pursuant to Slip Op. 96-86 reflected all prior recalculations made to NSK's margin pursuant to earlier orders, the amended final results margin for NSK for the 1990-91 and 1991-92 periods for A-588-054 and A-588-604 merchandise is that which we calculated pursuant to Slip Op. 96-86. The margins for the A-588-054 merchandise are 17.87% for 1990-91 and 12.66% for 1991-92, while the

margins for the A-588-604 merchandise are 12.17% for 1990-91 and 8.40% for 1991-92. We will subsequently issue instructions to Customs to liquidate entries of subject merchandise made by NSK during this period pursuant to these amended final results.

NTN: As there are now final and conclusive court decisions with respect to each segment of the litigation affecting NTN's final results, we are amending our final results of review for NTN based on the that which we calculated pursuant to *Timken v. U.S.*, Slip Op. 96-86. Because the margin we calculated for NTN pursuant to Slip Op. 96-86 reflected all prior recalculations made to NTN's margin pursuant to earlier orders, the amended final results margin for NTN for the 1990-91 and 1991-92 periods for A-588-604 merchandise is that which we calculated pursuant to Slip Op. 96-86 (16.03% for 1990-91 and 19.25% for 1991-92). We will subsequently issue instructions to Customs to liquidate entries of A-588-604 merchandise made by NTN during this period pursuant to these amended final results.

Amendment to Final Determinations

Pursuant to 19 U.S.C. 1516a(e), we are now amending the final results of administrative reviews of the antidumping duty order and finding on TRBs from Japan. The weighted-average margins are as follows.

Period	Manufacturer/ exporter	Final results margin (percent)
For the A-588-054 Case		
8/1/79-7/31/80	Koyo	(1).
8/1/80-7/31/81	NSK	(1).
8/1/80-7/31/81	Koyo	(1).
8/1/80-7/31/81	Mitsubishi Corp	(1).
8/1/80-7/31/81	Sumitomo Yale	(1).
8/1/81-7/31/82	NSK	(1).
8/1/81-7/31/82	Koyo	(1).
8/1/81-7/31/82	Mitsubishi Corp	(1).
8/1/81-7/31/82	Sumitomo Yale	(1).
8/1/82-7/31/83	NSK	(1).
8/1/82-7/31/83	Koyo	(1).
8/1/82-7/31/83	Mitsubishi Corp	(1).
8/1/82-7/31/83	Sumitomo Yale	(1).
8/1/83-7/31/84	NSK	(1).
8/1/83-7/31/84	Koyo	(1).
8/1/83-7/31/84	Mitsubishi Corp	(1).
8/1/83-7/31/84	Sumitomo Yale	(1).
8/1/84-7/31/85	NSK	(1).
8/1/84-7/31/85	Koyo	(1).
8/1/84-7/31/85	Mitsubishi Corp	(1).
8/1/84-7/31/85	Sumitomo Yale	(1).
8/1/85-7/31/86	NSK	(1).
8/1/85-7/31/86	Koyo	(1).
8/1/85-7/31/86	Sumitomo Corp	(2).
8/1/85-7/31/86	Nachi	(2).
8/1/85-7/31/86	Toyosha	(1).
8/1/85-7/31/86	Toyota	(1).
8/1/85-7/31/86	Yamaha	(1).

Period	Manufacturer/ exporter	Final results margin (percent)
8/1/85-7/31/86	Suzuki	(1).
8/1/85-7/31/86	Maekawa	(1).
8/1/85-7/31/86	Nissan	(3).
8/1/85-7/31/86	Mazda	(4).
8/1/85-7/31/86	MC Inter- national.	(3).
8/1/85-7/31/86	Niigata Con- verter.	(2).
8/1/86-7/31/87	Koyo	⁵ 40.89.
8/1/86-7/31/87	NSK	⁵ 15.41.
8/1/86-7/31/87	Toyota	(1).
8/1/86-7/31/87	Nissan	(1).
8/1/86-7/31/87	Nachi	(2).
8/1/86-7/31/87	Isuzu	⁶ 40.89.
8/1/89-7/31/90	Koyo	⁵ 15.96.
8/1/89-7/31/90	NSK	⁵ 2.76.
8/1/89-7/31/90	Nachi	(2).
8/1/90-7/31/91	Nachi	¹ 18.07.
8/1/90-7/31/91	Koyo	⁵ 23.97.
8/1/90-7/31/91	NSK	⁵ 17.87.
8/1/91-7/31/92	Nachi	¹ 18.07.
8/1/91-7/31/92	Koyo	⁵ 35.37.
8/1/91-7/31/92	NSK	⁵ 12.66.

For the A-588-604 Case

3/27/87-9/30/88	NTN/Caterpillar	⁵ 10.19.
10/1/88-9/30/89	NSK	⁵ 15.59.
10/1/88-9/30/89	NTN/Caterpillar	⁵ 7.08.
10/1/89-9/30/90	NSK	⁵ 1.54.
10/1/89-9/30/90	Nachi	(2).
10/1/90-9/30/91	Nachi	⁷ 40.37.
10/1/90-9/30/91	NSK	⁵ 12.17.
10/1/90-9/30/91	NTN	⁵ 16.03.
10/1/91-9/30/92	Nachi	⁷ 40.37.
10/1/91-9/30/92	NSK	⁵ 8.40.
10/1/91-9/30/92	NTN	⁵ 19.25.

¹Litigation for period did not result in a change in the final results margin for the firm. The Department will instruct Customs to assess duties pursuant to the final results notice published for the corresponding review period.

²The firm had no entries of subject merchandise during the period.

³The review for this firm was terminated. The Department will assess duties using the rate in effect at the time of entry.

⁴The review for the firm was terminated. The Department will assess duties using the rate in effect at the time of entry and in the manner explained in our 11/10/94 notice of final results for the 1979-86 period.

⁵This is an amended final results margin resulting from recalculations pursuant to Court orders.

⁶In our 1986-87 final results for Isuzu we applied a total BIA margin equal to the highest rate we calculated for any firm for the final results. Because that rate was Koyo's final results margin, and because Koyo's final results margin has been amended pursuant to litigation, we are accordingly amending the BIA rate applied to Isuzu.

⁷Litigation for period did not result in a change in the final results margin for the firm. The Department will instruct Customs to assess duties pursuant to the amended final results notice published for the corresponding review period.

The above rates will become the antidumping duty deposit rates for those firms that have not had a deposit

rate established for them in subsequent reviews.

Accordingly, the Department will determine and Customs will assess appropriate antidumping duties on entries of the subject merchandise made by firms covered by the reviews of the periods listed above. Individual differences between United States price and foreign market value may vary from the percentages listed above. The Department will issue appraisement instructions directly to Customs.

Dated: April 2, 1998.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[I.D. 032598C]

Magnuson-Stevens Act Provisions; Overfished Fishery for Spiny Dogfish

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notification of an overfished fishery.

SUMMARY: In September 1997, NMFS identified overfished stocks or stocks that are approaching an overfished condition, as required by the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). As a result of a stock assessment completed since the identification of these fisheries, an additional stock, spiny dogfish (*Squalus acanthias*), has been identified as overfished. The intent of this action is to notify interested persons that the spiny dogfish stock is being added to the list of overfished stocks.

FOR FURTHER INFORMATION CONTACT: Mary Tokarcik, NMFS, 978-281-9326.

SUPPLEMENTARY INFORMATION: Section 304(e) of the Magnuson-Stevens Act (16 U.S.C. 1801 *et seq.*) requires that the Secretary of Commerce (Secretary) report annually to Congress and the Regional Fishery Management Councils on the status of fisheries within each Council's geographical area of authority and identify those fisheries that are overfished or are approaching a condition of being overfished. The Councils were notified by letter on September 30, 1997, of the stocks that were overfished or approaching an

overfished condition based on information available at that time. Since that time, an additional stock has been determined to be overfished. The 26th Northeast Regional Stock Assessment Workshop assessed the current status of the spiny dogfish resource. This assessment concluded that reproductive biomass and recruitment have declined due to high fishing mortality on mature females. Minimum biomass estimates of mature females have decreased by nearly 50 percent since 1990. Harvest rates of spiny dogfish have exceeded the replacement level of the stock and recruitment has declined. The stock is overexploited. Spiny dogfish are distributed in the Northwest Atlantic between Labrador and Florida and are most abundant between Nova Scotia and Cape Hatteras. Seasonal migrations occur northward in spring/summer and southward in autumn/winter.

Section 304(e) of the Magnuson-Stevens Act requires that, within 1 year of being notified of the identification of a stock as being overfished, the Councils develop measures to end overfishing and to rebuild the stock. On April 3, 1998, the Mid-Atlantic and New England Fishery Management Councils, which share joint management responsibilities for spiny dogfish, were notified of the overfished status of this stock. The letter to these Councils reads as follows:

Dear Council Chair:

In September of 1997, you received a copy of the Report on the Status of Fisheries of the United States, prepared pursuant to section 304 of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), as amended by the Sustainable Fisheries Act on October 11, 1996.

Since your receipt of that report, an additional stock has been identified as being overfished. In January 1998, the 26th Northeast Regional Stock Assessment Workshop determined that spiny dogfish are over-exploited. This assessment concluded that mean lengths of spiny dogfish are declining rapidly, minimum biomass estimates of mature females have decreased by nearly 50 percent since 1990, and fishing mortality rates are well above sustainable levels. Based on this information, spiny dogfish are being added to the list of overfished stocks.

This letter serves as your official notification of the identification of spiny dogfish as an overfished species. Section 304(e) of the Magnuson-Stevens Act states that a Council will have one year from the identification of a stock as being overfished to develop measures to end overfishing and rebuild the stock. This letter initiates the 1-year period for spiny dogfish.

I am pleased that you have begun work on management measures for this fishery, as it means the time requirement will be more