

2002), as appropriate, whether antidumping duties have been absorbed by an exporter or producer subject to the review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The request must include the name(s) of the exporter or producer for which the inquiry is requested.

Interested parties must submit applications for disclosure under administrative protective orders in accordance with 19 CFR 351.305.

These initiations and this notice are in accordance with section 751(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1675(a)), and 19 CFR 351.221(c)(1)(i).

Dated: February 21, 2006.

**Thomas F. Futtner,**

*Acting Office Director, AD/CVD Operations, Office 4 for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-823-812]

#### Final Results of Inquiry Into Ukraine's Status as a Non-Market Economy Country.

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

**ACTION:** Final Results

**SUMMARY:** Ukraine has implemented economic and institutional reforms since gaining independence in 1991. The government of Ukraine ("GOU") has undertaken substantial reforms relating to the factors examined by the Department of Commerce ("the Department") under section 771(18)(B) of the Tariff Act of 1930, as amended ("the Act"). See memorandum to David Spooner from Lawrence Norton, Shauna Lee-Alaia, and Anthony Hill, *Decision Memorandum Regarding Ukraine's Status as a Non-Market Economy Country for Purposes of the Antidumping Duty Law Under a Changed Circumstances Review of the Antidumping Duty Order on Carbon and Certain Alloy Steel Wire Rod from Ukraine* (February 16, 2006) ("Decision Memorandum").

Based on the preponderance of evidence on reforms in Ukraine to date, analyzed as required under section 771(18)(B) of the Act, the Department determines that (1) revocation of Ukraine's non-market economy ("NME") status under section 771(18)(B)

of the Act is warranted, and (2) the effective date of this decision is February 1, 2006. Accordingly, Ukrainian producers and exporters will be subject, to the antidumping rules applicable to market economy countries with respect to the analysis of transactions occurring on or after February 1, 2006.

**EFFECTIVE DATE:** February 1, 2006.

**FOR FURTHER INFORMATION CONTACT:**

Lawrence Norton or Shauna Lee-Alaia, Office of Policy, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington DC, 20230; telephone: 202-482-1579 or 202-482-2793, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

The Department has treated Ukraine as an NME country in all past antidumping duty investigations and administrative reviews. See, e.g., *Final Determination of Sales at Less Than Fair Value: Carbon and Certain Alloy Steel Wire Rod from Ukraine*, 67 FR 55785 (August 30, 2002); *Final Determination of Sales at Less Than Fair Value: Certain Hot-Rolled Carbon Steel Flat Products from Ukraine*, 66 FR 50401 (October 3, 2001); and *Final Determination of Sales at Less Than Fair Value: Steel Concrete Reinforcing Bars from Ukraine*, 66 FR 1857 (April 11, 2001). A designation as a NME remains in effect until it is revoked by the Department. See section 771(18)(C)(i) of the Act.

On April 2, 2005, the GOU's Ministry of Economy and European Integration requested that the Department conduct a review of Ukraine's status as a NME country within the context of a changed circumstances review of the antidumping duty order on carbon and certain alloy steel wire rod from Ukraine. In response to this request, the Department initiated a changed circumstances review in order to determine whether Ukraine should continue to be treated as a NME country for purposes of the antidumping law, pursuant to sections 751(b) and 771(18)(C)(ii) of the Act. See *Initiation of a Changed Circumstances Review of the Antidumping Duty Order on Carbon and Certain Alloy Steel Wire Rod from Ukraine*, 70 FR 21396 (April 26, 2005).

In its notice of initiation, the Department invited public comment on Ukraine's ongoing economic reforms. Extensive initial and rebuttal comments were received on July 11, and August 31, 2005, respectively. On January 12, 2006, the Department requested further comment on Ukraine's reforms and

extended the deadline for completion of the proceeding to February 16, 2006. See *Changed Circumstances Review of the Antidumping Duty Order on Carbon and Certain Alloy Steel Wire Rod from Ukraine: Opportunity to Comment on the Status of Ukraine as a Non-Market Economy Country and Extension of Final Results* 71 FR 2904 (January 18, 2006). These comments have been made available to the public on the Import Administration Web site at the following address: <http://ia.ita.doc.gov/>. In addition, the Department has compiled and analyzed information regarding Ukrainian economic reforms from independent third-party sources such as the International Monetary Fund, the World Bank, and the European Bank for Reconstruction and Development.

Ukraine's currency, the *hryvnia*, is freely convertible on the current account and is subject to market forces. Employees and management may freely negotiate wages, and workers have the right to unionize and engage in collective bargaining. Foreign direct investment is encouraged by the GOU in almost all sectors of the economy, and the law afford foreign and domestic investors equal treatment. Ukraine's efforts toward privatizing the economy have been substantial. At least 65 percent of Ukraine's gross domestic product is in the hands of the private sector, and there are relatively few large state-owned enterprises remaining. Land, including land for agricultural use, is privately held, and foreign investors may own the land on which their investments are located. The GOU has withdrawn from its previous role as the primary resource allocator in the economy by privatizing virtually the entire banking sector and eliminating most price controls. Additionally, Ukraine is in the process of joining the World Trade Organization.

Notwithstanding Ukraine's substantial progress, several aspects of Ukraine's economy require additional reform. Foreign direct investment, while increasing, has been very low. Ukraine should enhance the mechanisms for trade in land, particularly agricultural land. Ukraine continues to have a very difficult business environment, due to excessive government regulation, outdated legislation and corruption. In particular, small and medium-size enterprise growth and increases in foreign investment are hampered by Ukraine's difficult business environment.

Overall, though, given the significant reforms discussed above and in the Decision Memorandum, Ukraine warrants designation as a market-

economy country, effective February 1, 2006.

Dated: February 16, 2006.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-601]

#### **Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from the People's Republic of China: Amended Final Results of Administrative Review**

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

**SUMMARY:** On January 17, 2006, the Department of Commerce (the "Department") published *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from the People's Republic of China: Final Results of 2003-2004 Administrative Review and Partial Rescission of Review*, 71 FR 2517 (January 17, 2006) ("*Final Results*"). covering the period of review ("POR") June 1, 2003, through May 31, 2004. We are amending the *Final Results* to correct ministerial errors made in the calculation of the dumping margins for Luoyang Bearing Corporation (Group) ("LYC"), pursuant to section 751(h) of the Tariff Act of 1930, as amended ("the Act").

**EFFECTIVE DATE:** February 24, 2006.

**FOR FURTHER INFORMATION CONTACT:** Laurel LaCivita, Eugene Degnan or Robert Bolling, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-4243, (202) 482-0414 or (202) 482-3434, respectively.

#### **SUPPLEMENTARY INFORMATION:**

##### **Scope of Order**

Merchandise covered by this order is tapered roller bearings ("TRBs") from the People's Republic of China ("PRC"); flange, take up cartridge, and hanger units incorporating tapered roller bearings; and tapered roller housings (except pillow blocks) incorporating tapered rollers, with or without spindles, whether or not for automotive use. This merchandise is currently classifiable under the *Harmonized Tariff Schedule of the United States*

("HTSUS") item numbers 8482.20.00, 8482.91.00.50, 8482.99.30, 8483.20.40, 8483.20.80, 8483.30.80, 8483.90.20, 8483.90.30, 8483.90.80, 8708.99.80.15, and 8708.99.80.80. Although the HTSUS item numbers are provided for convenience and customs purposes, the written description of the scope of the order is dispositive.

#### **Background**

On January 17, 2006, the Department published the *Final Results* in the **Federal Register**. On January 17, 2006, and January 18, 2006, we received ministerial error allegations from Yantai Timken Co., Ltd. ("Yantai Timken") and The Timken Company (Petitioner), respectively. A ministerial error is defined in section 751(h) of the Act and further clarified in 19 CFR 351.224(f) as "an error in addition, subtraction, or other arithmetic function, ministerial error resulting from inaccurate copying, duplication, or the like, and any other similar type of unintentional error which the Secretary considers ministerial." After analyzing the comments by interested parties, we have determined, in accordance with 19 CFR 351.224(e), that a ministerial error existed in the calculations for the *Final Results* with respect to LYC.

Additionally, we disagree that the issue raised by Yantai Timken constitutes a ministerial error. For a detailed explanation of this issue, see the memorandum to the file from Laurel LaCivita, Senior Case Analyst, through Robert Bolling, Program Manager, "Analysis for the Amended Final Results of the 2003-2004 Administrative Review of Tapered Roller Bearings and Parts Thereof, Finished or Unfinished, from the People's Republic of China: Yantai Company, Ltd.," dated February 16, 2006. For a detailed discussion and analysis of the ministerial error raised by Petitioner with respect to LYC and the correction the Department has applied, see the memorandum to the file from Eugene Degnan, Case Analyst, through Robert Bolling, Program Manager, "Analysis for the Amended Final Results of the 2003-2004 Administrative Review of Tapered Roller Bearings and Parts Thereof, Finished or Unfinished, from the People's Republic of China: Luoyang Bearing Corporation (Group)," dated February 16, 2006. Both memoranda are on file in the Central Records Unit, room B-099 in the main building of the Department of Commerce.

Therefore, in accordance with section 751(h) of the Act and 19 CFR 351.224(e), we are amending the *Final Results* of the

administrative review of TRBs from the PRC for LYC.

In addition, our *Final Results* inadvertently failed to include the Department's determination with respect to three companies: Shanghai United Bearing Co., Ltd. ("Shanghai United"), Zhejiang Changshan Bearing (Group) Co., Ltd. ("Changshan Bearing"), and Zhejiang Changshan Change Bearing Co. ("ZCCBC"). In our preliminary results of review, we determined that Shanghai United, Changshan Bearing, and ZCCBC had failed to demonstrate their eligibility for separate rate status. Therefore, we preliminarily determined that they were part of the PRC-wide entity. See *Tapered Roller Bearings and Parts Thereof, Finished or Unfinished, from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review and Notice of Intent to Rescind in Part*, 70 FR 39744, 39751 (July 11, 2005) ("*Preliminary Results*"). Because the PRC-wide entity failed to cooperate in this review, we preliminarily determined that the application of total adverse facts available ("AFA") was warranted and applied the rate of 60.95 percent to the PRC-wide entity. See 70 FR 39744, at 39751 and 39755. Since the *Preliminary Results*, no information has been placed on the record with respect to these companies. Therefore, we have not reconsidered our decision from the *Preliminary Results*. Consequently, for the amended final results of review, we shall continue to apply a total AFA rate of 60.95 percent to the PRC-wide entity (including Shanghai United, Changshan Bearing, and ZCCBC).

The revised weighted-average dumping margin for LYC is detailed in the chart below.

Manufacturer/Exporter	Weighted-Average Margin (Percent)
LYC .....	0.44*

\* This rate is *de minimis*.

The Department shall determine, and U.S. Customs and Border Protection shall assess, antidumping duties on all appropriate entries based on the amended final results. For details on the assessment of antidumping duties on all appropriate entries, see *Final Results*, 71 FR 2517, 2523.

These amended final results are published in accordance with sections 751(h) and 777(i)(1) of the Act.