

**Scope Rulings Completed Between April 1, 1993, and June 30, 1993 (See Scope Rulings, 58 FR 47124 (September 7, 1993))**

*Products covered:*

- Certain series of INA bearings

*Products excluded:*

- SAR series of ball bearings
- Certain eccentric locking collars that are part of housed bearing units

**Scope Rulings Completed Between October 1, 1993, and December 31, 1993 (See Scope Rulings, 59 FR 8910 (February 24, 1994))**

*Products excluded:*

- Certain textile machinery components

**Scope Rulings Completed Between January 1, 1994, and March 31, 1994**

*Products excluded:*

- Certain textile machinery components

**Scope Rulings Completed Between October 1, 1994 and December 31, 1994 (See Scope Rulings, 60 FR 12196 (March 6, 1995))**

*Products excluded:*

- Rotek and Kaydon—Rotek bearings, models M4 and L6, are slewing rings outside the scope of the order.

**Scope Rulings Completed Between April 1, 1995 and June 30, 1995 (See Scope Rulings, 60 FR 36782 (July 18, 1995))**

*Products covered:*

- Consolidated Saw Mill International (CSMI) Inc.—Cambio bearings contained in CSMI's sawmill debarker are within the scope of the order.
- Nakanishi Manufacturing Corp.—Nakanishi's stamped steel washer with a zinc phosphate and adhesive coating used in the manufacture of a ball bearing is within the scope of the order.

**Scope Rulings Completed Between January 1, 1996 and March 31, 1996 (See Scope Rulings, 61 FR 18381 (April 25, 1996))**

*Products covered:*

- Marquardt Switches—Medium carbon steel balls imported by Marquardt are outside the scope of the order.

**Scope Rulings Completed Between April 1, 1996 and June 30, 1996 (See Scope Rulings, 61 FR 40194 (August 1, 1996))**

*Products excluded:*

- Dana Corporation—Automotive component, known variously as a center bracket assembly, center bearings assembly, support bracket, or shaft support bearing, is outside the scope of the order.
- Rockwell International Corporation—Automotive component, known variously as a cushion suspension unit, cushion assembly unit, or center bearing assembly, is outside the scope of the order.
- Enkotec Company, Inc.—“Main bearings” imported for incorporation into Enkotec Rotary Nail Machines are slewing rings and, therefore, are outside the scope of the order.

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-401-801]

#### Final Results of Expedited Sunset Review: Antifriction Bearings From Sweden

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

ACTION: Notice of final results of expedited sunset review: antifriction bearings from Sweden.

**SUMMARY:** On April 1, 1999, the Department of Commerce (“the Department”) initiated sunset reviews of the antidumping duty orders on ball bearings (“BBs”) and cylindrical roller bearings (“CRBs”) (collectively, antifriction bearings) from Sweden (64 FR 15727) pursuant to section 751(c) of the Tariff Act of 1930, as amended (“the Act”).<sup>1</sup> On the basis of a notice of intent to participate and adequate substantive comments filed on behalf of domestic interested parties and inadequate response (in these cases, no response) from respondent interested parties, the Department determined to conduct expedited sunset reviews. As a result of these reviews, the Department finds that revocation of the antidumping duty orders on antifriction bearings from Sweden would be likely to lead to continuation or recurrence of dumping at the levels indicated in the Final Results of Review section of this notice. **FOR FURTHER INFORMATION CONTACT:** Scott E. Smith or Melissa G. Skinner, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230; telephone: (202) 482-6397 or (202) 482-1560, respectively.

**EFFECTIVE DATE:** November 4, 1999.

#### Statute and Regulations

These reviews were 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*”), and 19 CFR Part 351 (1998) in general. Guidance on methodological or analytical issues relevant to the Department's conduct of

<sup>1</sup> The orders on antifriction bearings from Sweden include CRBs and BBs. The Department has no antidumping duty order on spherical plain bearings from Sweden.

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 products covered by these orders are CRBs and BBs and parts thereof from Sweden. For a detailed description of the products covered by these orders, including a compilation of all pertinent scope determinations, refer to the notice of final results of expedited sunset review on antifriction bearings from Japan (A-588-804), publishing concurrently with this notice.

#### History of the Order

The Department published its less-than-fair-value (“LTFV”) determination of antifriction bearings from Sweden on May 3, 1989.<sup>2</sup> In this determination, the Department published a weighted-average dumping margin of 105.92 percent for BBs for SKF Sverige AB (“SKF”) and 105.92 percent for all other producers and/or exporters of Swedish BBs. The Department also published a weighted-average dumping margin of 13.69 percent for CRBs for SKF and 13.69 percent for all other producers and/or exporters of Swedish CRBs. Since that time, the Department has conducted eight administrative reviews.<sup>3</sup> These sunset reviews cover

<sup>2</sup> See *Final Determinations of Sales at Less Than Fair Value: Antifriction Bearings (Other Than Needle Roller Bearings, Spherical Plain Bearings, and Tapered Roller Bearings) and Parts Thereof From Sweden; and Final Determinations of Sales at Not Less Than Fair Value: Needle Roller Bearings and Spherical Plain Bearings, and Parts Thereof, From Sweden*, 54 FR 19114 (May 3, 1989); *Notice of Redetermination of Final Margin of Sales at Less Than Fair Value, Pursuant to Court Remand: Ball Bearings and Parts Thereof From Italy and Sweden*, 58 FR 12932 (March 8, 1993).

<sup>3</sup> See *Final Determinations of Sales at Less Than Fair Value: Antifriction Bearings (Other Than Needle Roller Bearings, Spherical Plain Bearings, and Tapered Roller Bearings) and Parts Thereof From Sweden; and Final Determinations of Sales at Not Less Than Fair Value: Needle Roller Bearings and Spherical Plain Bearings, and Parts Thereof, From Sweden*, 54 FR 19114 (May 3, 1989); *Notice of Redetermination of Final Margin of Sales at Less Than Fair Value, Pursuant to Court Remand: Ball Bearings and Parts Thereof From Italy and Sweden*, 58 FR 12932 (March 8, 1993); *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From Sweden; Final Results of Antidumping Duty Administrative Review*, 56 FR 31762 (July 11, 1991); *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From Germany; et al.; Amended Final Results of Antidumping Duty Administrative Reviews*, 62 FR 32755 (June 17, 1997); *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France; et al.; Final Results of Antidumping Duty Administrative Reviews*, 57 FR 28360 (June 24, 1992); *Antifriction Bearings (Other Than Tapered*

imports from all Swedish producers and/or exporters of antifriction bearings. With respect to duty absorption, the Department issued a duty-absorption finding for SKF for BBs from Sweden in the 1995–1996 administrative review. In addition, the Department determined that SKF was absorbing duties with respect to BBs and CRBs in the 1997–1998 administrative review.<sup>4</sup>

### Background

On April 1, 1999, the Department initiated sunset reviews of the antidumping duty orders on antifriction bearings from Sweden (64 FR 15727), pursuant to section 751(c) of the Act. The Department received Notices of Intent to Participate on behalf of The Torrington Company (“Torrington”), MPB Corp. (“MPB”), the Roller Bearing Company of America (“RBC”), the NSK Corp. (“NSK”), New Hampshire Ball

*Roller Bearings) and Parts Thereof From France, Germany, Italy, Japan, Romania, Singapore, Sweden, Thailand, and the United Kingdom; Amendment to Final Results of Antidumping Duty Administrative Reviews*, 57 FR 32969 (July 24, 1992); *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France, Germany, Italy, Japan, Sweden, and the United Kingdom; Amendment to Final Results of Antidumping Duty Administrative Reviews*, 57 FR 59080 (December 14, 1992); *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France, et al.; Amended Final Results of Antidumping Duty Administrative Reviews*, 63 FR 8908 (February 23, 1998); *Final Results of Antidumping Duty Administrative Reviews and Revocation in Part of an Antidumping Duty Order*, 58 FR 39729 (July 26, 1993); *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From Germany, Italy, and Sweden; Amended Final Results of Antidumping Duty Administrative Reviews*, 63 FR 38369 (July 16, 1998); *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France, et al.; Final Results of Antidumping Duty Administrative Reviews, Partial Termination of Administrative Reviews, and Revocation in Part of Antidumping Duty Orders*, 60 FR 10900 (February 28, 1995); *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France, Germany, Italy, Japan, Singapore, Sweden, and the United Kingdom; Final Results of Antidumping Duty Administrative Reviews and Partial Termination of Administrative Reviews*, 61 FR 66472 (December 17, 1996); *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France, Germany, Italy, Japan, Romania, Singapore, Sweden, and the United Kingdom; Final Results of Antidumping Duty Administrative Reviews*, 63 FR 33320 (June 18, 1998); *Final Results of Antidumping Duty Administrative Reviews*, 64 FR 35590 (July 1, 1999).

<sup>4</sup> See *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France, Germany, Italy, Japan, Romania, Singapore, Sweden, and the United Kingdom; Final Results of Antidumping Duty Administrative Reviews*, 62 FR 54043 (October 17, 1997), and *Final Results of Antidumping Duty Administrative Reviews*, 64 FR 35590 (July 1, 1999).

Bearings, Inc. (“NHBB”), and Link-Belt Bearing Division (“Link-Belt”) on April 16, 1999, within the deadline specified in section 351.218(d)(1)(i) of the *Sunset Regulations*. We received complete substantive responses from Torrington, MPB, RBC and NHBB on May 3, 1999, within the 30-day deadline specified in the *Sunset Regulations* under section 351.218(d)(3)(i). The Department also received the complete substantive response from NSK on April 30, 1999. The Department did not receive a complete substantive response from Link-Belt.<sup>5</sup>

Torrington, MPB, RBC and NHBB claimed interested-party status under 19 U.S.C. 1677(9)(C) as U.S. manufacturers of bearings. NSK claimed interested-party status under 19 U.S.C. 1677(9). In addition, Torrington stated that it was the petitioner in the original investigations and has participated actively in all administrative reviews of these orders. MPB stated that it had participated in the International Trade Commission’s (“the Commission”) injury investigations. RBC and NHBB stated that they have not participated previously in any segment of these proceedings before the Department.

On May 3, 1999, the Department received a waiver of participation on behalf of SKF. We did not receive a response from any other respondent interested party to these proceedings. As a result, pursuant to 19 CFR 351.218(e)(1)(ii)(C), the Department determined to conduct expedited, 120-day, reviews of these orders.<sup>6</sup>

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). On August 5, 1999, the Department determined that the sunset reviews of the antidumping duty orders on antifriction bearings from Sweden are extraordinarily complicated and extended the time limit for completion of the final results of these reviews until not later than October 28, 1999, in

<sup>5</sup> All participants, except Link-Belt and NSK, filed substantive responses on both CRBs and BBs from Sweden. Link-Belt did not file a substantive response to the notice of initiation for either of these sunset reviews. NSK filed a substantive response on only BBs from Sweden.

<sup>6</sup> On May 24, 1999, we informed the Commission that, on the basis of inadequate response from respondent interested parties, we were conducting expedited sunset reviews of these orders consistent with 19 CFR 351.218(e)(1)(ii)(C)(2). (See Letter to Lynn Featherstone, Director, Office of Investigations from Jeffrey A. May, Director, Office of Policy.)

accordance with section 751(c)(5)(B) of the Act.<sup>7</sup>

### Determination

In accordance with section 751(c)(1) of the Act, the Department conducted these reviews to determine whether revocation of the antidumping duty orders would be likely to lead to continuation or recurrence of dumping. Section 752(c) of the Act provides that, in making this determination, the Department shall consider the weighted-average dumping margins determined in the investigation and subsequent reviews and the volume of imports of the subject merchandise for the period before and the period after the issuance of the antidumping duty order, and shall provide to the Commission the magnitude of the margin of dumping likely to prevail if the order is revoked.

The Department’s determinations concerning continuation or recurrence of dumping and the magnitude of the margin are discussed below. In addition, interested parties’ comments with respect to continuation or recurrence of dumping and the magnitude of the margin are addressed within the respective sections below.

### Adequacy

As noted above, we notified the Commission that we intended to conduct expedited reviews of these orders. On June 10, 1999, we received comments on behalf of MPB and Torrington supporting our determination to conduct expedited reviews. NHBB and NSK also submitted comments on whether expedited sunsets review were warranted. In their submissions, both parties assert that most of the domestic interested parties that submitted substantive responses are in favor of revocation of the orders. These parties also offered new arguments regarding the likely effect of revocation of the orders.

The magnitude of domestic support for continuation or revocation of an order, however, does not enter into the Department’s determination of adequacy of participation nor, for that matter, the Department’s determination of likelihood. The Department made clear in its regulations that a complete substantive response from one domestic interested party would be considered adequate for purpose of continuing a sunset review (see section 351.218(e)(1)). Nowhere in the statute or legislative history is there reference to consideration of domestic industry

<sup>7</sup> See *Tapered Roller Bearings, 4 Inches and Under From Japan, et al.; Extension of Time Limit for Final Results of Five-Year Reviews*, 64 FR 42672 (August 5, 1999).

support during the course of a sunset review (other than the statutory provision that if there is *no* domestic industry interest in continuation of the order, the Department will revoke the order automatically). In fact, the Senate Report (at Rep. No. 103-412 at 46 (2nd Session 1994)) makes clear that the purpose of adequacy determinations in sunset reviews is for the Department to determine whether to issue a determination based on the facts available without further fact-gathering. Further, the statute, at section 751(c)(1), specifies that the Department is to determine whether revocation of an order would be likely to lead to continuation or recurrence of dumping. Section 752(c) specifies that the Department is to consider the weighted-average dumping margins determined in the investigation and subsequent reviews, as well as the volume of imports of the subject merchandise for the period before and the period after the issuance of the order.

#### **Continuation or Recurrence of Dumping**

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 bases for likelihood determinations. In its *Sunset Policy Bulletin*, the Department indicated that determinations of likelihood will be made on an order-wide basis (see section II.A.3). In addition, the Department indicated that normally it will determine that revocation of an antidumping duty order is likely to lead to continuation or recurrence of dumping where (a) dumping continued at any level above *de minimis* after the issuance of the order, (b) imports of the subject merchandise ceased after the issuance of the order, or (c) dumping was eliminated after the issuance of the order and import volumes for the subject merchandise declined significantly (see section II.A.3).

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 an order is likely to lead to continuation or recurrence of dumping where a respondent interested party waives its participation in the sunset review. In the instant reviews,

the Department received a waiver of participation on behalf of SKF and did not receive a response 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, Torrington and MPB argue that revocation of the antidumping duty orders on the subject merchandise would be likely to lead to continuation of dumping. They base this conclusion on the fact that dumping continued at above *de minimis* levels after the issuance of the orders. RBC also argues that, given that dumping margins continue to exist after the issuance of the orders, the Department must conclude that dumping would be likely to continue or recur if the orders were revoked. Torrington and MPB assert further that an examination of import volumes is not necessary because dumping continued.

Torrington and MPB contend, however, that should the Department decide to consider import volumes, Torrington and MPB assert that the data will demonstrate that 1998 import volumes are significantly below the 1988 pre-order volumes. Moreover, according to Torrington and MPB, post-order import volumes are lower than pre-order volumes in every year since the imposition of the orders. Using pre- and post-order statistics for complete unmounted BBs, which Torrington and MPB assert is the only category for which statistics are available on a consistent basis, they argue that post-order declines in import volumes provide strong additional support for a determination that dumping is likely to continue or recur were the orders revoked. In conclusion, Torrington and MPB assert that no "good cause" exists to consider other factors, such as sales below the cost of production.

NHBB and NSK assert that revocation of the orders is not likely to result in continuation or recurrence of dumping. NHBB bases its assertion on the fact that dumping would undercut the U.S. domestic price structure, thus causing injury to the very industry of which foreign owners are a part. NSK appears to support its assertion on the basis that the margin of dumping has fallen during the life of the order.

In their rebuttal comments, Torrington and MPB assert that the Department should take into account the submitter's affiliation in its consideration of comments of various parties filing as domestic producers. Further, citing to *Ball Bearings and Parts Thereof From Thailand; Final Results of Changed Circumstances*

*Countervailing Duty Review and Revocation of Countervailing Duty Order*, 61 FR 20799, 20800 (May 8, 1996), they argue that the Department has recognized that domestic producers who are affiliated with subject foreign producers and exporters do not have a common "stake" with the petitioner in the maintenance of the order. Additionally, Torrington and MPB argue that other parties' comments addressing issues other than margins and import volumes should not be considered unless such parties establish "good cause" to consider such additional factors, which, in these reviews, they have not done.

As discussed in section II.A.3 of the *Sunset Policy Bulletin*, the SAA at 890, and the House Report at 63-64, existence of dumping margins after the order is highly probative of the likelihood of continuation or recurrence of dumping. If companies continue to dump with the discipline of an order in place, the Department may reasonably infer that dumping would continue if the discipline of the order were removed. Thus, as noted above, in determining whether revocation of an order is likely to lead to continuation or recurrence of dumping, the Department considers the margins determined in the investigation and subsequent administrative reviews and the volume of imports. Whatever relevance the arguments of NHBB and NSK concerning possible disincentives for producers and/or exporters to dump in the U.S. market might have had is mooted by the evidence that dumping continues and has continued over the life of the order.

In the instant proceedings, dumping margins above *de minimis* continue to exist with respect to each of the orders. Therefore, given that dumping has continued over the life of the orders and respondent interested parties have waived their right to participate in this review before the Department, we determine that dumping is likely to continue if the orders were revoked. Because we have based this determination on the fact that dumping continued at levels above *de minimis*, we have not addressed the comments submitted by Torrington and MPB with respect to "good cause," nor have we addressed the arguments of other interested parties regarding the condition of the U.S. market.

#### **Magnitude of the Margin**

In the *Sunset Policy Bulletin*, the Department stated that it will normally provide to the Commission the margin that was determined in the final determination in the original

investigation. Further, for companies not specifically investigated or for companies that did not begin shipping until after the order was issued, the Department normally will provide a margin based on the "all others" rate from the investigation. (See section II.B.1 of the *Sunset Policy Bulletin*.) Exceptions to this policy include the use of a more recently calculated margin, where appropriate, and consideration of duty-absorption determinations. (See sections II.B.2 and 3 of the *Sunset Policy Bulletin*.)

The Department, in its LTFV determinations, published a weighted-average dumping margin of 105.92 percent for BBs for SKF and 105.92 percent for all other producers and/or exporters of Swedish BBs. The Department also published a weighted-average dumping margin of 13.69 percent for CRBs for SKF and 13.69 percent for all other producers and/or exporters of Swedish CRBs. As noted above, the Department issued duty-absorption findings for SKF for BBs from Sweden in the 1995–1996 administrative review and for BBs and CRBs in the 1997–1998 administrative review.<sup>8</sup>

In their substantive responses, Torrington and MPB argue that the margins likely to prevail are those from the Department's original investigations. They also note that the Department issued a duty-absorption finding with respect to BBs from Sweden in the 1995–1996 administrative review and should consider this in determining the margin likely to prevail. Specifically, Torrington and MPB argue that the dumping margins found for each company in the original investigation (as opposed to margins calculated in succeeding annual administrative reviews) are the dumping margins likely to prevail, including margins based on best information available, except where the most current margin, increased by the Department's duty-absorption determination, exceeds the original investigation margin. RBC states that the margins from the original investigations are most probative of the rates likely to prevail as they are the only calculated rates that reflect the behavior of exporters without the discipline of the orders in place.

NHBB argues that the dumping margins likely to prevail if the orders

were revoked would be *de minimis*. NHBB goes on to argue that it would be illogical for companies with significant U.S. bearings investments to undercut that investment by dumping. In addition, NHBB argues that the Department should not report margins from the original investigation. In support of this argument, NHBB notes that the SAA provides that, in certain instances, it is more appropriate to rely on a more recently calculated margin. NHBB asserts that one such instance is where, as in the antifriction bearings cases, dumping margins have declined over the life of the order and imports have remained steady or increased. Finally, NHBB argues that, in light of changes in the methodology used to calculate antidumping duty margins introduced by the Uruguay Round, use of margins calculated by the Department prior to the URAA would be unfair and would be contrary to the WTO Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994.

Similarly, NSK argues that the margins likely to prevail would be *de minimis*. As support, NSK argues that, were the order not in existence, the Department would apply the average-to-average methodology used in an investigation, as opposed to the transaction-to-average methodology common to administrative reviews, to measure the extent of any dumping. In such a case, NSK states that it believes any margin found would be below the 2.0 percent *de minimis* level applicable in investigations. NSK argues further that the Department's unorthodox approach during the original investigation, plus the liberal use of best information available, skewed the results of the original investigation seriously, rendering those results inappropriate indicators of the magnitude of the margin likely to prevail were the orders revoked. Finally, NSK also argues that dumping margins have declined over time with respect to BBs while, at the same time, imports have remained at or around 20 percent of the U.S. market. As support, NSK cites to *The Economic Effects of Antidumping and Countervailing Duty Orders and Suspension Agreements*, USITC Pub. 2900, Inv. No. 332–334, at 14–26—14–31 (June 1995).

In their rebuttal comments, Torrington and MPB argue that other parties' comments ignore the Department's stated policies regarding the selection of margins likely to prevail and ignore the Department's duty-absorption findings. Citing to the *Sunset Policy Bulletin*, Torrington and MPB argue that the Department's policies are

clear—normal reliance on the margins from the investigation as the only margins that reflect the behavior of exporters without the discipline of the order and rejection of margins from administrative reviews in which the Department found duty absorption. Torrington and MPB argue that the two-percent *de minimis* standard is not applicable to sunset reviews. Further, they contend that there is no authority which would authorize or justify the rejection of the investigation rate on the basis of the particular methodology used at the time of the investigation. Additionally, with respect to claims that more recent margins should be used based on declining margins accompanied by steady or increasing imports, Torrington and MPB argue that it is the responsibility of such claimants to provide information regarding companies' relative market share. Since no such information was provided, they contend, the Department should not accept these assertions. In fact, they assert, imports of BBs have actually declined since the imposition of the orders.

We agree with Torrington, MPB, and RBC that, normally, we will provide the Commission with a margin from the original investigation because that is the rate that reflects the behavior of exporters absent the discipline of the order. As noted above, exceptions to this policy include the use of a more recently calculated margin, where appropriate, and consideration of duty-absorption determinations.

With respect to NSK's argument concerning the magnitude of the margin likely to prevail, we disagree. As discussed above, we do find that there is a likelihood of continuation or recurrence of dumping. Furthermore, we find the level of dumping likely to prevail is best reflected by the dumping margins calculated in the original investigations. Specifically, the Department finds that there is no basis to reject margins calculated in an investigation due to subsequent changes in methodology because such changes do not invalidate margins calculated under the prior methodology. Therefore, the dumping margins from the original investigations are the only rates which reflect the behavior of exporters without the discipline of the orders, regardless of the methodology used to calculate those margins or the use of best information available (see section 752(c)(3) of the Act).

With respect to NHBB's argument concerning the dumping margin likely to prevail, the Department disagrees. First, NHBB claims that dumping margins have declined over the lives of

<sup>8</sup> See *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France, Germany, Italy, Japan, Romania, Singapore, Sweden and the United Kingdom*; *Final Results of Antidumping Duty Administrative Reviews*, 62 FR 54043 (October 17, 1997); *Final Results of Antidumping Duty Administrative Reviews*, 64 FR 35590 (July 1, 1999).

the orders and imports have remained steady or increased. However, NHBB provided no evidence to support these claims. Nothing submitted in the course of these sunset proceedings indicates that imports have remained steady or increased. In fact, evidence submitted by Torrington and MPB indicate that post-order import volumes (1989–1998) are lower than pre-order volumes (1989) in each year. Furthermore, the Department finds no consistent downward trend in dumping margins over the lives of the orders with respect to either BBs or CRBs from Sweden. Regardless of the level of imports, dumping margins above *de minimis* levels continue as do imports of the subject merchandise; dumping continues to exist.

In the *Sunset Policy Bulletin* we indicated that, consistent with the SAA at 889–90 and the House Report at 63, we may determine, in cases where declining (or no) dumping margins are accompanied by steady or increasing imports, that a more recently calculated rate reflects that companies do not have to dump to maintain market share in the United States and, therefore, that dumping is less likely to continue or recur if the order were revoked. Alternatively, if a company chooses to increase dumping in order to increase or maintain market share, the Department may provide the Commission with a more recently calculated margin for that company. The *Sunset Policy Bulletin* provides that we will entertain such considerations in response to arguments from an interested party. Further, we noted that, in determining whether a more recently calculated margin is probative of an exporters behavior absent the discipline of an order, we normally will consider the company's relative market share, with such information to be provided by the parties. It is clear, therefore, that in determining whether a more recently calculated margin is probative of the behavior of exporters were the order revoked, the Department considers company-specific exports and company-specific margins. Additionally, although we expressed a clear preference for market-share information, in past sunset reviews where market-share information was not available, we relied on changes in import volumes between the periods before and after the issuance of the order. (See, e.g., *Final Results of Expedited Sunset Review: Stainless Steel Plate from Sweden*, 63 FR 67658 (December 8, 1998), and *Final Results of Expedited Sunset Reviews: Certain Iron Construction Castings From Brazil*,

*Canada, and the People's Republic of China*, 64 FR 30310 (June 7, 1999).)

In sunset reviews, although we make likelihood determinations on an order-wide basis, we report company-specific margins to the Commission. Therefore, it is appropriate that our determinations regarding the magnitude of the margin likely to prevail be based on company-specific information. Generic arguments that margins decreased over the life of the orders while, at the same time, exporters' share of the U.S. market remained constant do not address the question of whether any particular company decreased its margin of dumping while at the same time maintaining or increasing market share. In fact, such generic arguments may disguise company-specific behavior demonstrating increased dumping coupled with increased market share. In these reviews, we did not receive any such company-specific arguments.

In their comments, Torrington and MPB argue that the Department should report to the Commission the higher of the margin from the original investigation or the margin from a more recent final results of administrative review, adjusted to reflect the finding of duty absorption. In the instant cases, the Department agrees. As noted above, the Department determined in the final results of the 1995–96 administrative review of BBs that SKF was absorbing duties.<sup>9</sup> Furthermore, the Department determined in the final results of the 1997–1998 administrative review of BBs and CRBs that SKF was absorbing duties.<sup>10</sup> Therefore, consistent with the statute and the *Sunset Policy Bulletin*, the Department will notify the Commission of its findings regarding duty absorption when conducting a sunset review.

Additionally, the *Sunset Policy Bulletin* refers to the SAA at 885 and the House Report at 60 and provides that, where the Department has found duty absorption, the Department normally will provide to the Commission the higher of the margin that the Department otherwise would have reported or the most recent margin for that company, adjusted to account for the Department's findings on duty absorption. In the case of BBs from Sweden in both the 1995–1996 and 1997–1998 administrative reviews, the margins adjusted to account for duty-

absorption findings are less than the margins we would otherwise report to the Commission. In the case of CRBs from Sweden in the 1997–1998 administrative review, SKF's margins adjusted to account for duty-absorption findings are higher than the margins we would otherwise report to the Commission.

Therefore, the Department agrees with the domestic interested parties concerning the margins likely to prevail. We find that the dumping margin calculated in the original investigation for BBs is the only calculated rate that reflects the behavior of exporters without the discipline of the order. With respect to CRBs produced and/or exported by SKF, the Department finds that the margin adjusted for the Department's duty-absorption findings from the 1997–1998 administrative review is the most appropriate to report to the Commission. Consistent with the *Sunset Policy Bulletin*, we will report to the Commission the company-specific and "all others" rates for BBs from the original investigation and the adjusted margin from the 1997–1998 administrative review for CRBs produced and/or exported by SKF. These margins are contained in the Final Results of Review section of this notice.

#### Final Results of Review

As a result of these reviews, the Department finds that revocation of the antidumping duty orders would likely lead to continuation or recurrence of dumping at the margins listed below:

Manufacturer/ Exporter	Margin (percent)
For BBs:	
SKF .....	105.92
All Other Producers/Exporters .....	105.92
For CRBs:	
SKF .....	27.38
All Other Producers/Exporters .....	13.69

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.

<sup>9</sup> See *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France, Germany, Italy, Japan, Romania, Singapore, Sweden and the United Kingdom*; *Final Results of Antidumping Duty Administrative Reviews*, 62 FR 54043 (October 17, 1997).

<sup>10</sup> See *Final Results of Antidumping Duty Administrative Reviews*, 64 FR 35590 (July 1, 1999).

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

Dated: October 28, 1999.

**Richard W. Moreland,**  
Acting Assistant Secretary for Import  
Administration.

[FR Doc. 99-28771 Filed 11-3-99; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-559-801]

### Final Results of Expedited Sunset Review: Ball Bearings From Singapore

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

**ACTION:** Notice of final Results of  
expedited sunset review: ball bearings  
from Singapore.

**SUMMARY:** On April 1, 1999, the Department of Commerce ("the Department") initiated a sunset review of the antidumping duty order on ball bearings ("BBs") from Singapore (64 FR 15727) 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 adequate substantive comments 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 antidumping duty order would be likely to lead to continuation or recurrence of dumping at the levels indicated in the Final Results of Review section of this notice.

**FOR FURTHER INFORMATION CONTACT:**  
Scott E. Smith or Melissa G. Skinner,  
Office of Policy for Import  
Administration, International Trade  
Administration, U.S. Department of  
Commerce, 14th Street and Constitution  
Avenue, NW, Washington, D.C. 20230;  
telephone: (202) 482-6397 or (202) 482-  
1560, respectively.

**EFFECTIVE DATE:** November 4, 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"), and 19 CFR Part 351

(1998) in general. 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 products covered by this order are BBs and parts thereof from Singapore. For a detailed description of the products covered by this order, including a compilation of all pertinent scope determinations, refer to the notice of final results of expedited sunset review on antifriction bearings from Japan (A-588-804), publishing concurrently with this notice.

### History of the Order

The Department published its less-than-fair-value ("LTFV") determination of BBs from Singapore on May 3, 1989.<sup>1</sup> In this determination, the Department published a weighted-average dumping margin of 25.08 percent for NMB/Pelmec Singapore ("NMB/Pelmec"). The Department also published an all others rate of 25.08. Since that time, the Department has conducted eight administrative reviews.<sup>2</sup> This sunset

<sup>1</sup> See *Final Determination of Sales at Less Than Fair Value: Ball Bearings and Parts Thereof From Singapore*, 52 FR 19112 (May 3, 1989).

<sup>2</sup> See *Final Determination of Sales at Less Than Fair Value: Ball Bearings and Parts Thereof From Singapore*, 52 FR 19112 (May 3, 1989); *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From Singapore*; Final Results of Antidumping Duty Administrative Review, 56 FR 31759 (July 11, 1991); *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From Germany*; et al.; *Amended Final Results of Antidumping Duty Administrative Reviews*, 62 FR 32755 (June 17, 1997); *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France*; et al.; *Final Results of Antidumping Duty Administrative Reviews*, 57 FR 28360 (June 24, 1992); *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France, Germany, Italy, Japan, Romania, Singapore, Sweden, Thailand, and the United Kingdom*; *Amendment to Final Results of Antidumping Duty Administrative Reviews*, 57 FR 32969 (July 24, 1992); *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France*, et al.; *Amended Final Results of Antidumping Duty Administrative Reviews*, 63 FR 8908 (February 23, 1998); *Final Results of Antidumping Duty Administrative Reviews and Revocation in Part of an Antidumping Duty Order*, 58 FR 39729 (July 26, 1993); *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France*, et al.; *Amended Final Results of Antidumping Duty Administrative Reviews*, 63 FR 18877 (April 16, 1998); *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France*, et al.; *Final Results of Antidumping Duty Administrative Reviews, Partial Termination of Administrative Reviews, and Revocation in Part of*

review covers imports from all Singaporean producers and/or exporters of BBs. With respect to duty absorption, the Department issued a duty absorption finding for NMB/Pelmec in the 1995-1996 administrative review.<sup>3</sup>

### Background

On April 1, 1999, the Department initiated a sunset review of the antidumping duty order on BBs from Singapore (64 FR 15727), pursuant to section 751(c) of the Act. The Department received Notices of Intent to Participate on behalf of The Torrington Company ("Torrington"), MPB Corp. ("MPB"), the Roller Bearing Company of America ("RBC"), NSK Corp. ("NSK"), New Hampshire Ball Bearings, Inc. ("NHBB") and Link-Belt Bearing Division ("Link-Belt") on April 16, 1999, within the deadline specified in section 351.218(d)(1)(i) of the *Sunset Regulations*. We received a complete substantive response from Torrington, MPB, RBC, and NHBB on May 3, 1999, within the 30-day deadline specified in the *Sunset Regulations* under section 351.218(d)(3)(i). The Department received the complete substantive response from NSK on April 30, 1999. The Department did not receive a

*Antidumping Duty Orders*, 60 FR 10900 (February 28, 1995); *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France*, et al.; *Final Results of Antidumping Duty Administrative Reviews, Partial Termination of Administrative Reviews, and Revocation in Part of Antidumping Duty Orders*, 61 FR 66472 (December 17, 1996); *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From Singapore: Amended Final Results of Antidumping Duty Administrative Review*, 61 FR 68228 (December 27, 1996); *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France, Germany, Italy, Japan, Singapore, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews*, 62 FR 2081 (January 15, 1997); *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France, Germany, Italy, Japan, and Singapore*; *Amended Final Results of Antidumping Duty Administrative Reviews*; 62 FR 14391 (March 26, 1997); *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France, Germany, Italy, Japan, Singapore, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews*, 62 FR 54043 (October 17, 1997); *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France, Germany, Italy, Japan, Romania, Singapore, Sweden and the United Kingdom: Amended Final Results of Antidumping Duty Administrative Reviews*, 62 FR 61963 (November 20, 1997); *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France, Germany, Italy, Japan, Romania, Singapore, Sweden, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews*, 63 FR 33320 (June 18, 1998).

<sup>3</sup> See *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France, Germany, Italy, Japan, Romania, Singapore, Sweden and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews*, 62 FR 54043 (October 17, 1997).