Dated: January 26, 1995.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 95–2618 Filed 2–1–95; 8:45 am]

BILLING CODE 3510–DS–P

[A–588–604]

Final Affirmative Determination in Scope Inquiry on Antidumping Duty Order on Tapered Roller Bearings and Parts Thereof From Japan

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

ACTION: Notice of final determination of scope inquiry.

SUMMARY: We determine that tower forgings, hot forgings, and cold forgings are within the scope of the antidumping duty order on tapered roller bearings and parts thereof, finished or unfinished, from Japan.

EFFECTIVE DATE: February 2, 1995.

FOR FURTHER INFORMATION CONTACT: Maureen Shields at (202) 482–1690 or John Kugelman at (202) 482–5253, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

SUPPLEMENTARY INFORMATION:

Background

On September 17, 1993, Koyo Seiko Company Ltd. and Koyo Corporation of U.S.A. (Koyo) requested that the Department of Commerce (the Department) issue a ruling that rough forgings, including tower forgings, hot forgings, and cold forgings, be found outside the scope of the antidumping duty order on tapered roller bearings and parts thereof from Japan (52 FR 37352, October 6, 1987). The forgings at issue are formed from bearing grade steel bar, which is sheared, pierced and, through either a hot or a cold process, extruded into the approximate shape of a TRB cup or cone, or, in the case of tower forgings, both a cup and a cone or an inner and an outer raceway. The forgings are not machined in any way prior to exportation. The Department initiated its scope inquiry on September 28, 1993, and granted interested parties an opportunity to comment on whether these forgings fall within the scope of the order. We received comments from the petitioner, the Timken Company, and rebuttal comments from Koyo.

Due to the significant difficulty presented by this scope inquiry, we published a preliminary determination (59 FR 9471, February 28, 1994) in accordance with the Department's regulations (19 CFR 353.29(d)(3) (1993)). We preliminarily determined that Koyo's forgings constitute unfinished parts that are within the scope of the order. We received comments and rebuttal comments on the preliminary determination from Timken and from Koyo, and we held a public hearing on March 24, 1994. In order to ensure a more thorough understanding of the materials and processes used in the production of TRBs, the Department accepted invitations to tour the U.S. manufacturing facilities of American Koyo Bearing Manufacturing Company (AKBMC) and the Timken Company (Timken). We toured AKBMC's plant in Orangeburg, South Carolina, on April 21, 1994, and two Timken plants in Canton, Ohio, on April 22, 1994.

In accordance with 19 CFR 353.29(i)(1), in analyzing the scope request in this proceeding, the Department considered the descriptions of the merchandise contained in the petition, the initial less-than-fair-value (LTFV) investigation, and the determinations of the Department and the International Trade Commission (ITC). The regulations provide that if the Department determines that these descriptions are not dispositive, it will further consider the factors provided for under 19 CFR 353.29(i)(2), known commonly as *Diversified Products* criteria (see *Diversified Products Corp.* v. *United States*, 572 F. Supp. 883 (CIT 1983)).

Timken contends that the petition and the record of the investigation unambiguously include Koyo's forgings in the definition of unfinished parts, and that the Department's analysis of the *Diversified Products* criteria in the preliminary determination was therefore unnecessary. However, Timken claims that an analysis of these criteria further supports its position that Koyo's forgings are within the scope of the order.

Koyo claims that the Department's preliminary affirmative determination contradicts previous scope determinations as well as the Department's acceptance in prior administrative reviews of Koyo's statements that the forgings in question are outside the scope of the order. Koyo has stated during administrative reviews that it imports forgings but has not reported them, since it considers them outside the scope of the order. The Department never challenged these statements.

In this final determination we find that the forgings at issue are ''unfinished parts,'' and are thus within the scope of the order. Because the descriptions in the petition, the LTFV investigation, and the determinations of the Department and the ITC are not dispositive, analysis of the *Diversified Products* criteria is necessary. In determining if forgings are within the order, the Department considered the factors set forth at 19 CFR 353.29(i)(2): (1) the physical characteristics of the product; (2) the expectations of the ultimate purchasers; (3) the ultimate use of the product; and (4) the channels of trade. These criteria indicate that the forgings in question are within the scope of the order because of their size and advanced shape, because they travel through the same channels of trade as other unfinished parts, and because it is highly unlikely that they will be used in anything other than a TRB. We have addressed comments from the parties on each of these issues in our analysis below.

Analysis

1. The Language of the Petition

The original petition describes the subject merchandise as follows:

> The merchandise covered by this petition is all tapered roller bearings, tapered rollers and other parts thereof (both finished and unfinished) including, but not limited to, single-row, multiple-row (e.g., two-, four-), and thrust bearings and self-contained bearing packages (generally pre-set, pre-sealed, and pre-greased), but only to the extent that such merchandise is not presently covered by an outstanding antidumping duty order or finding in the United States. Timken notes that the language of the petition is inclusory rather than exclusionary, requesting protection for *all* unfinished parts not covered by an existing order.

Timken argues that the behavior of the parties during the LTFV investigation reflects a belief that forgings were included in the petition. Referring to a statement by one of the respondents that the inclusion of ''forgings and other unfinished components'' would cause it competitive harm, Timken claims that this argument would be made only if the parties believed that forgings were included in the petition. While Koyo agrees that the petition is clearly intended to include all unfinished parts, it notes that the petition makes no attempt to define an unfinished part.

The Department's Position

While the petition clearly asks for coverage of all unfinished parts, it is unclear what articles should be considered unfinished parts. Although Timken may have intended the term unfinished parts to include the kind of imports Koyo describes as rough

forgings, the language in the petition is not sufficiently clear on this point to be used as a basis for making a scope determination in this case.

2. Language of the Order and Determinations of the Department

Under this heading we have examined arguments relating to the conduct of the Department's LTFV investigation and the scope language of the Department's determinations and order. Although not determinative of scope, we have also addressed here arguments regarding subsequent administrative reviews of the order, which Koyo urges should inform our interpretation of the record of the LTFV investigation.

With respect to the LTFV investigation, Timken argues that Koyo's actions during the investigation indicate that forgings were considered to be within the scope of the investigation because it reported forgings. Specifically, Koyo reported inner rings for two part numbers that were cold-forged. Koyo did not argue during the Department's investigation that forgings should not be considered unfinished parts, but argued more generally that unfinished parts should be outside the scope of the order. At the Department's investigation hearing, in referring to raw material which it considered out of scope, Koyo referred only to steel coil.

Koyo contends that its inclusion of the two cold-formed models in its response to the questionnaire in the LTFV investigation was due to its attempts to be over-inclusive in submitting any information the Department might need, and that this position is supported by the fact that once the scope of the order was defined, Koyo consistently treated forgings as outside the scope. Although not clear from the record of the investigation, Koyo also noted at the public hearing on this scope proceeding that these two cold-formed models had been machined, and that its inclusion of these models in its questionnaire response was therefore not relevant to the question of whether forgings which had not been machined were within the scope of the investigation.

The products covered by the preliminary and final LTFV determinations and the order as it was published in 1987 are

tapered roller bearings and parts thereof, currently classified under Tariff Schedules of the United States (TSUS) item numbers 680.30 and 680.39; flange, take-up cartridge, and hanger units incorporating tapered roller bearings, currently classified under TSUS item number 661.10; and tapered roller housings (except pillow blocks) incorporating tapered rollers, with or without spindles, whether or not for automotive use, and currently classified under TSUS item number 692.32 or elsewhere in the TSUS. Products subject to the outstanding antidumping duty order covering certain tapered roller bearings from Japan (T.D. 76–227, 41 FR 34974) were not included within the scope of this investigation.'' (see Antidumping Duty Order: Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from Japan, 52 FR 37352, October 6, 1987).

Koyo argues that, because there is no disclaimer indicating otherwise, this language includes as parts of TRBs only articles classified under the list of specific tariff provisions. At the time of the investigation and the order, Koyo classified its forgings under a tariff number not listed in the order. Koyo disagrees with the Department's statement in the preliminary scope determination that the classification categories from the Tariff Schedules of the United States (TSUS) listed in the determinations and the order are provided for reference only, and are not definitional.[1] Koyo points out that the Department's determinations contain no disclaimers that would indicate that parts imported under other tariff classification numbers might also be included; the only such disclaimer in the description of the scope appears with respect to tapered roller housings. Koyo argues that if the Department had meant to include items imported under classifications other than those listed, it would have stated so. In Koyo's view, however, because the Department relied specifically on TSUS numbers to define the merchandise, Koyo claims that the classification numbers listed in the scope description with respect to TRB parts are dispositive and exhaustive.

Timken counters that the language of the scope sections in the determinations and in the order should be analyzed in conjunction with the language of the petition, which states that the list of items named in the petition is not intended to be exhaustive. Timken also argues that the fact that Koyo classified the items in question under a provision for forgings and not under any provision mentioned in the order is irrelevant, since the classification was selected by Koyo rather than by Customs. Timken points out that, despite respondents' vigorous arguments during the investigation for the exclusion of unfinished parts, including forgings, from the like-product definition, the ITC and the Department made no move to exclude these items from the scope.

Koyo also argues that, if the Department had believed that these forgings were within the scope of the order, it would have requested Koyo to report the forgings in subsequent administrative reviews. However, Koyo maintains, although Koyo consistently stated in the course of five administrative reviews that it did not report its imported forgings because it considered them to be outside the scope, neither the Department nor Timken ever questioned this practice or asked for further clarification prior to the 1990–92 reviews. Koyo suggests that the fact that Timken never asked for information on Koyo's forgings casts considerable doubt on Timken's claim that forgings have been within the scope since the time the order was issued. Koyo contends that it is impossible that the Department could have been unclear as to ''what form the imports took'', as the Department performed a further-processing verification of Koyo in 1990.

Timken counters that a verification only involves information reported by the respondent; because Koyo submitted no sales information regarding forgings, Koyo cannot rely on this verification to support a conclusion that the Department was aware of the nature of the imported forgings and yet did not seek to include them within the merchandise examined in the administrative reviews. Furthermore, Timken argues that, because the scope was determined at the time of the LTFV investigation, Koyo's decision not to report forgings in subsequent reviews cannot change the scope of the order.

The Department's Position

A respondent's decision during the proceeding to report or not to report particular items does not define whether or not those items are within the scope. Koyo's reporting of two ''cold-formed models does not imply its acceptance that forgings are within the scope; rather, it may have been an attempt to comply with the investigation by providing as much information as possible on U.S. further manufacturing. By the same token, Koyo's subsequent decision not to report its forgings does not establish that those forgings were not within the scope. We note that another respondent, NTN, does not share Koyo's view that forgings are excluded from the order and has reported its imports of forgings in its questionnaire responses.

Moreover, the ''forgings'' to which Koyo refers in subsequent administrative reviews and in the current scope inquiry were not clearly

[1] The Department notes that the TSUS, which was converted to the Harmonized Tariff Schedule in 1989, was in effect at the time the Department issued the order.

defined. As indicated above, the only forgings Koyo ever reported were the machined forgings it reported during the LTFV investigation. Until the matter was brought to the Department's attention in the context of the current scope clarification request, we did not directly address the specific issue of whether the imports subject to this scope proceeding were sufficiently advanced to constitute unfinished parts for purposes of this antidumping duty order.

With respect to the language of the order, the TSUS numbers listed in the scope of the order are not controlling. Only the Department has the authority to define the scope of the order; importers and Customs officials who determine how to classify imports do not determine the scope. This is in accordance with standard Department practice that Tariff Schedule numbers appearing in the scope of an order are only for convenience and Customs purposes, and are not dispositive. Furthermore, Timken is correct in pointing out that the TSUS number Koyo used to classify its forgings at the time of the order is irrelevant, since the forgings may not have been properly classified even at that time.

In conclusion, neither the language of the investigation nor the language of the order provides guidance as to whether forgings are included within the scope.

3. The ITC's Determination

Timken argues that the ITC indicated it considered forgings to be included because it found a single like product consisting of TRBs and all parts, both finished and unfinished, despite the extensive arguments of respondents to find unfinished parts a distinct like product: ''we decline to adopt the respondents' proposed like product definitions.'' (Tapered Roller Bearings and Parts Thereof, and Certain Housings Incorporating Tapered Rollers, from Japan, Inv. No. 731–TA–343 (Final), USITC Pub 2020, September 1987, p.6). In its report, the ITC rejected Koyo's request to consider the following groups as discrete like products:

1. ''Precursor materials'' (i.e., unfinished forged rings) and ''finished bulk parts'' (i.e., rollers and cages) of tapered roller bearings;

2. Unfinished tapered roller bearing components (i.e., unfinished outer rings and inner rings);

3. Finished tapered roller bearings. (Id., p. 5) Furthermore, Timken argues, the ITC defined TRB parts in its questionnaire as those ''that have been shaped sufficiently so they may only be used in the manufacture of tapered roller bearings'', which, Timken submits, applies to Koyo's forgings.

Koyo argues that the ITC's finding of one like product does not imply that the ITC considered precursor materials (a term which Koyo submits describes, among other things, rings cut from tube steel) to be unfinished parts. Koyo also points out that, in its ruling, the ITC defined unfinished parts as having been green-machined. Although Timken argues that this description concerns a tube-based production process and not forgings, Koyo claims that this description of the production process supports the conclusion that the like product determination does not equate forgings with unfinished parts. Furthermore, Koyo disputes the Department's contention that the ITC's description of the production process (in which green-machining marks the first stage of producing a TRB) applies only to tube steel, stating that both forgings and TRB rings manufactured from tubes must undergo the same green-machining process. Finally, Koyo notes that the U.S. Court of International Trade (CIT) has held that the ITC's like-product determination has only minimal relevance in a scope review (*American NTN Bearing Manufacturing Corporation* v. *United States, 14 CIT 320, 325 (1990) (NTN*)).

The Department's Position

The Commission did not explicitly address Koyo's and other respondents' arguments that forgings and other precursor materials should be defined as a distinct like product. However, the ITC's finding of a single like product does not specifically exclude forgings from the range of products under consideration by the Department and by the ITC in its injury determination.

The staff report contained in the ITC's final determination is also ambiguous with respect to the point at which input materials become unfinished parts. Although this report describes green-machining as the first stage in the TRB production process, this discussion seems to deal with the process of producing TRBs from tubes (the predominant process used by Timken), rather than the forging process employed by Koyo. This is evidenced by the footnote on page A–8 of the ITC's determination, which points out that a ''hot roll ring forming'' forging process may be used as an alternative to green-machining.

The Department disagrees with Koyo that the ITC's discussion of the TRB production process amounts to a bright line definition of green-machining as the point of demarcation between inputs and unfinished parts regardless of the production process involved. Indeed, much of the formation process attributed solely to green machining in the fabrication of TRBs from tube, including imparting the characteristic taper, is achieved through the forging process when TRBs are manufactured using the forgings at issue here.

The definition of unfinished parts in the ITC's questionnaire clearly applies to the forgings at issue here, which are formed close enough in shape to the finished parts to be considered dedicated to use.

In summary, although the ITC's determination does not offer a clear indication that forgings are within the scope of the order, the Commission's injury determination did not specifically exclude forgings, and therefore does not foreclose the possibility that forgings may be within the scope of the order.

4. Previous Scope Determinations

In examining the definition of unfinished TRB parts, we also considered previous TRB scope determinations. Koyo argues that the Department's 1989 ruling that green-machined rings that have not been heat treated are within the scope of the order implies that anything that has not been green-machined is outside the scope of the order. Koyo claims that this applies to forgings as well as to rings manufactured from tube steel. Koyo points out that the 1989 ''green rings'' scope ruling made no distinction between different production processes, although the Department was aware, according to Koyo, of the forging production process. Koyo cites several examples of references to forgings on the record of the 1989 scope determination. Koyo also points out that Timken uses the forging process itself, and therefore was very much aware of what forgings are, as well as the fact that Koyo imported forgings. Koyo suggests that if it believed the determination applied to forgings, Timken would have argued at the time of the 1989 ruling that more information on Koyo's forgings was necessary. Koyo argues that the Department may not now reverse its position that green-machining represents the first stage in the TRB production process, because to do so would be to expand the scope of the order ex post facto.

Koyo further asserts that the Department's 1981 scope ruling in the context of the 1976 finding on tapered roller bearings, four inches and under in outer diameter, clearly defined unfinished parts of TRBs as those that have been rough-machined. Koyo argues that the Department must adhere to this

precedent. Moreover, Koyo argues, in its petition in the over four-inch case, which Timken submitted after the 1981 scope ruling, Timken did not disagree with the Department's 1981 definition of unfinished parts.

Timken counters that the issue of articles that had not yet been green-machined was not in question during the green-ring scope proceeding, and that the Department made no decision concerning non-machined parts in that determination.

The Department's Position

The green-ring scope determination dealt only with articles that had already been green-machined, and thus was silent with respect to whether articles that had not been machined were within the scope of the order. Therefore, this prior determination cannot serve as an indication of the Department's position with respect to forgings. We note further that for Koyo products, the forging production process does give some of the shape that green-machining might otherwise give.

As for the 1981 ruling in the under-four-inch case, that ruling is irrelevant to this proceeding since it involved a separate class or kind of merchandise. See *NTN,* 14 CIT at 328. However, we note that even though the Department did refer, in the context of that case, to unfinished TRB components as having been rough-machined, that statement does not preclude other items, such as forgings, from also being included within the definition of unfinished TRB parts.

Diversified Products

After examining the language of the petition, the Department's determinations, the ITC's determination, and the order, the Department determines that the language in these documents is not dispositive. Because there is no definitive language in any of these documents that would allow us to determine conclusively whether these forgings are unfinished parts within the scope of the order, we have determined that an analysis of the *Diversified Products* criteria is necessary.

With respect to the *Diversified* analysis, the Department has determined that it is useful to compare the items in question both to articles which are clearly understood to be within the scope as well as to articles which are admittedly outside the scope. Examining related articles, both in-scope and outside the scope, provides perspective on the products under consideration.

Physical Characteristics

Timken argues that these forgings have undergone significant processing and are advanced beyond the stage of raw materials. Timken states further that forgings are distinct from rings cut from tube steel, as forgings are ''near net shape'' and have already acquired the characteristic taper and the approximate dimensions of the finished product. According to Timken, these forgings have physical characteristics similar to those of unfinished parts. Furthermore, Timken contends that Koyo's comparison of forgings to rings cut from tube is inappropriate, since the tube from which TRBs are made is generally green-machined *before* the ring is sheared off.

Koyo argues that green-machining is an extensive process that cannot be considered a finishing step performed on an unfinished part, and that these forgings, which have not been green-machined, therefore do not constitute unfinished parts. The green-machining process is so extensive, Koyo argues, that the forging must be considered physically distinct from the green-machined rings found to be within the scope in the Department's 1989 scope determination. Koyo argues further that tower forgings are even more distinct from green rings since each tower forging yields two separate parts.

Koyo points out that the forgings at issue undergo the same number of green-machining steps as rings cut from tube steel, and that the major difference is the amount of waste. Koyo asserts that in considering the extent of physical similarity between forgings and the green-machined rings that are clearly within the scope of the order, the significant measure is weight loss, rather than the dimensional tolerances discussed by Timken, which Koyo also contends are inaccurate. Koyo suggests that Timken is contradicting its previous statements that green-machining represents the first stage in the manufacturing process and that a component is dedicated to use after green-machining. Furthermore, Koyo rebuts Timken's contention that Koyo cold-forms its hot forgings in order to bring them closer to the final form. Koyo states that it never cold-forms rings that have previously been hot-formed. Koyo also notes that the ''upset forging process'', which Timken submits is a substitute for green-machining, is no longer used by Koyo. According to Koyo, all of its forgings must be green-machined to some extent.

The Department's Position

We agree with Timken that forgings have undergone significant processing and are advanced beyond the stage of raw materials. Although all parties agree that these forgings still must be green-machined, the amount of green-machining required to produce a finished TRB varies according to the input. Cold forgings, for example, may not need to have all their surfaces worked and require very little green-machining.

The Department disagrees with Koyo's contention that green-machining is the process that defines the boundary between an input and an unfinished part. In this case, the physical characteristics of the forgings at issue, taken as a whole, are much more compelling. These forgings are already very close in shape and size to the in-scope green-machined rings, and already have much of the shape that green-machining imparts to tubing. Although it is true that tower forgings must be cut into two parts, the approximate dimensions of the two rings which the tower will become are already defined in the forging. Thus, these forgings have the physical characteristics of unfinished parts.

Channels of Trade

Koyo claims that forgings move through a separate channel of trade because they are sourced from forgers rather than from bearings manufacturers. Koyo submits that forgings move through the same channels of trade as other raw materials and precursor materials that are admittedly outside the scope.

Timken argues that independent forgers are merely subcontractors, and further adds that Koyo performs its own forging. Timken notes that although forgers may sell to manufacturers of either TRBs or antifriction bearings (AFBs), the forgings at issue already have the profile of either a TRB or an AFB since the tooling and machinery are different depending upon the intended end use.

The Department's Position

Most of Koyo's forgings are purchased from steel forgers or produced by Koyo itself. They travel through the same channel of trade as unfinished parts of TRBs in that they are destined for bearings manufacturers. In this respect, a significant portion of forgings move through the same channel of trade as the green rings referred to in the 1989 decision. Therefore, this criterion indicates that forgings are within the scope of the order.

Expectations of the Ultimate Purchaser

Both parties agree that the expectation of the ultimate purchaser of the forgings at issue is to produce a TRB or an AFB. Timken submits that since the goal of the forging process is to come as close as possible to the shape of the finished part and thus to reduce the amount of scrap metal, the expectation of the purchaser is the same as that of any other unfinished TRB part, which is to produce a finished bearing.

Koyo argues that this criterion is, at best, unhelpful, since the expectation of purchasers of articles that are admittedly outside the scope is also to incorporate them into TRBs.

The Department's Position

All parties agree that the expectation of purchasers of the forgings in question is to incorporate them into TRBs, or, in some cases, AFBs. Although other products, such as raw materials, may be imported with the same expectation, this does not negate the argument that importers of forgings expect to use them in a limited range of model numbers. Forgings are imported into the United States tagged with the specific model number or numbers of TRB parts to be manufactured from the forging. Therefore, this criterion also indicates that forgings are within the scope.

Ultimate Use

Koyo argues that since some forgings, especially tower forgings, are sometimes used for items outside the scope of the order, this criterion indicates that forgings are outside the scope. Koyo argues that forgings are not dedicated to use in the same manner as green rings, which are agreed to be within the scope. Koyo argues that the Department may not base a finding that merchandise is within the scope on the ultimate-use criterion when there is evidence that the product is not dedicated for use solely in merchandise within the scope of the order.

Timken argues that there are no significant alternate uses for these forgings other than the manufacture of TRBs. Although it is possible to make both an AFB and a TRB from a single tower forging, the use of these tapered forgings to produce AFBs or other non-scope merchandise is unusual and not cost-effective. Timken suggests that Koyo knows how the forgings will ultimately be used at the time they are produced, and that Koyo could easily identify which forgings are destined for TRBs and which are for AFBs.

Koyo submits that, regardless of whether the use of these forgings for anything other than TRBs is cost-effective, a forging is not dedicated to use until it is green-machined. This is particularly true of a tower forging, which must be separated into two rings.

The Department's Position

The forgings in question will almost certainly be made into finished cups and cones for TRBs. Although other uses such as incorporation into AFBs are possible, they are merely alternatives to the main use. We agree with Timken that multiple-use forgings are not cost-effective on a commercial scale. We also note that other examiners of the product, such as Customs inspectors, recognize that the essential dedication of these forgings to use in the production of a TRB defines them as TRB parts. For example, in a 1990 ruling on similar forgings manufactured by another company, the U.S. Customs Service stated:

> After importation, the articles will be processed into inner and outer rings for bearings by cutting and forming operations . . . there is no evidence or claim that the forgings have any other use . . . The forgings, which must be cut and machined after importation, are blanks which are unfinished inner and outer rings and classified as parts of ball or roller bearings in subheading 8482.99.10 or 8482.99.30, HTSUSA, depending on whether they are blanks for ball bearings or for tapered roller bearings. (Customs Classification Letter of April 26, 1990, to Robert E. Burke, Esq., of Barnes, Richardson & Colburn (HQ 085579).)

Although classifications decisions by Customs are not determinative of the scope of an antidumping duty order, they can be indicative; this ruling provides perspective on the ultimate-use criterion, and, therefore, merits consideration. The ultimate-use criterion dictates that forgings fall within the scope.

Effective Date

Koyo argues that if the Department concludes in its final determination that forgings are within the scope, the determination must be effective prospectively, as of the date of publication in the **Federal Register**. Timken did not comment on this issue.

Department's Position

A scope determination is, by law, a clarification of what the scope of the order was at the time the order was issued. Therefore, the Department will incorporate this decision into all pending reviews of this order as well as all future reviews.

Conclusion

Based primarily on the physical characteristics of the forgings, their ultimate use, the expectations of the ultimate purchaser, and the channels of trade, the Department determines that Koyo's rough forgings, defined above and including hot forgings, cold forgings, and tower forgings, are within the scope of the order.

Dated: January 26, 1995.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 95–2609 Filed 2–1–95; 8:45 am]

BILLING CODE 3510–DS–P

President's Export Council: Meeting of the President's Export Council

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of a closed meeting.

SUMMARY: The President's Export Council (Council) is holding its inaugural meeting. The meeting must be closed to the public to discuss classified material. The Council will discuss issues relating to relations with our trading partners, export controls and other sensitive matters properly classified under Executive Order 12356. The President's Export Council was established on December 20, 1973, and reconstituted May 4, 1979 to advise the President on matters relating to U.S. export trade. It was most recently renewed on September 30, 1993, by Executive Order 12689.

A Notice of Determination to close meetings or portions of meetings of the Council to the public on the basis of 5 U.S.C. 5522b(c)(1) has been approved in accordance with the Federal Advisory Committee Act. A copy of the notice is available for public inspection and copying in the Central Reference and Records Inspection Facility, room 6204, U.S. Department of Commerce, 202–482–4115.

DATES: February 13, 1995, from 9:00 a.m.–12:30 p.m.

ADDRESSES: Indian Treaty Room, Old Executive Office Building, Washington, DC.

FOR FURTHER INFORMATION CONTACT:

Jane Siegel, President's Export Council, room 2015B, Washington, DC 20230.

Dated: January 26, 1995.

Jane Siegel,

Staff Director and Executive Secretary, President's Export Council.

[FR Doc. 95–2508 Filed 2–1–95; 8:45 am]

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