if the Department conducts an expedited review, it should rely on the evidence from the 1995–96 administrative review and forward the margins, as adjusted for duty absorption, for the companies from this review (*see id.* at 17).

NTN, in its substantive response, maintains that the dumping margin likely to prevail if the order were revoked is 0.00 percent. However, NTN alternatively requests that the Department employ margins that were determined during one of the more recent administrative reviews of the subject merchandise (*see* May 3, 1999, substantive response of NTN at 3–4).

In its substantive response, KCUM states that it cannot predict the likely effect of revocation of the order since the existence of the order does not have much of an effect on the prices at which bearings are sold in the United States, and, hence, on the margins generated on those sales (*see* May 3, 1999, substantive response of KCUM at 5). Moreover, KCUM argues that fluctuations in the exchange rate between the dollar and the Japanese yen have a significant impact on dumping margins (*see id.* at 6). They argue that the results of past administrative reviews reveal that antidumping margins tend to increase in periods in which the yen appreciates against the dollar and vice versa. As a result, KCUM argues, the margins that would prevail if the order were revoked cannot be determined because they are dependent on an entirely exogenous factor (*see id.* at 6). In any case, KCUM strenuously objects to the use of the margins calculated in the LTFV determination, arguing that the order is hopelessly obsolete and cannot serve as a realistic indicator of the market and pricing conditions that would exist today if the order were revoked (*see id.* at 6). Therefore, KCUM concludes that the Department should use the results of more recent administrative reviews when determining the margins that would exist for Koyo (*see id.* at 7).

As noted above, the Department determined in the final results of the 1995–96 administrative review that two Japanese producers/exporters, Koyo Seiko and NSK, were absorbing duties.[9] 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 report 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 this case, the margins adjusted to account for the Department's duty absorption findings are less than the margins we would otherwise report to the Commission. As such, the Department will report to the Commission the company-specific and ''all others'' rates from the original investigation as contained in the Final Results of Review section of this notice.

Final Results of Review

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

Manufacturer/ Exporter	Margin (percent)
Koyo Seiko Co., Ltd.	70.44
NTN Toyo Bearing Co., Ltd.	47.05
All Others	47.57

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.

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. 99–28767 Filed 11–3–99; 8:45 am]

BILLING CODE 3510–DS–P

[9] *See Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from Japan, and Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof, from Japan; Final Results of Antidumping Duty Administrative Reviews*, 63 FR 2558 (January 15, 1998).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–485–602]

Final Results of Expedited Sunset Review: Tapered Roller Bearings From Romania

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

ACTION: Notice of final results of expedited sunset review: tapered roller bearings from Romania.

SUMMARY: On April 1, 1999, the Department of Commerce (''the Department'') initiated a sunset review of the antidumping duty order on tapered roller bearings from Romania (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, a waiver) 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: Darla D. Brown 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, DC 20230; telephone: (202) 482–3207 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 merchandise subject to this antidumping duty order is tapered roller bearings and parts thereof (''TRBs'') from Romania. These include flange, take-up cartridge, and hanger units incorporating TRBs, 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 (''HTS'') item numbers 8482.20.00.10, 8482.20.00.20, 8482.20.00.30, 8482.20.00.40, 8482.20.00.50, 8482.20.00.60, 8482.20.00.70, 8482.20.00.80, 8482.91.00.50, 8482.99.15.00, 8482.99.15.40, 8482.99.15.80, 8483.20.40.80, 8483.20.80.80, 8483.30.80.20, 8708.99.80.15, and 8708.99.80.80.[1] The HTS item numbers are provided for convenience and U.S. Customs purposes. The written description remains dispositive.

The Timken Company (''Timken'') and the Torrington Company (''Torrington''), in their substantive response, argue that two scope clarifications the Department made with regard to the antidumping order on TRBs, over four inches, from Japan are relevant to this order (*see* May 3, 1999, Substantive Response of Timken & Torrington at 12). Timken and Torrington argue that since the product description for that order is included in the Romanian order, the two Japanese rulings are relevant to the scope of the Romanian order. In the first ruling, the Department ruled that green rings which had not been heat-treated were within the scope of the order.[2] The Department also ruled that unfinished green forged rings and tower forgings were within the scope of the order.[3]

The Department makes its scope determinations on an order-specific basis. Therefore, we conclude that the two scope clarifications the Department made on the antidumping order on TRBs, over four inches, from Japan cannot be applied to this order.

History of the Order

The Department, in its final determination of sales at less than fair value (''LTFV''), published a country-wide weighted-average dumping margin for Romania (52 FR 17433, May 8, 1987). The antidumping duty order on TRBs from Romania was published in the **Federal Register** on June 19, 1987 (52 FR 23320). Since that time, the Department has conducted several administrative reviews.[4] This sunset review covers imports from all known Romanian producers/exporters. To date, the Department has issued no duty absorption findings in this case.

Background

On April 1, 1999, the Department initiated a sunset review of the antidumping order on TRBs from Romania (64 FR 15727), pursuant to section 751(c) of the Act. The Department received a Notice of Intent to Participate on behalf of Timken and Torrington 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 Timken and Torrington on May 3, 1999, within the 30-day deadline specified in the *Sunset Regulations* in section 351.218(d)(3)(i). Both Timken and Torrington claimed interested party status pursuant to section 771(9)(C) of the Act as U.S. manufacturers of TRBs. In addition, Timken stated that it participated in the original investigation and all administrative reviews of the order. Torrington, on the other hand, stated that it did not participate in the original investigation. On May 3, 1999, we received a waiver of participation from one respondent interested party to this proceeding, Tehnoimportexport S.A. As a result, pursuant to section 351.218(e)(1)(ii)(C) of the *Sunset Regulations,* the Department determined to conduct an expedited, 120-day, review of this order.

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 review of the antidumping duty order on TRBs from Romania is extraordinarily complicated and extended the time limit for completion of the final results of this review until not later than October 28, 1999, in accordance with section 751(c)(5)(B) of the Act.[5]

Determination

In accordance with section 751(c)(1) of the Act, the Department conducted this review to determine whether revocation of the antidumping duty order 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 order, and shall provide to the International Trade Commission (''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.

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*

[1] Per phone conversation with United States Customs officials, the HTS numbers listed above are those that Customs uses for official duty collection. *See* memo to file dated June 8, 1999, re. HTS numbers for TRBs.

[2] *See* unpublished scope ruling dated May 16, 1989.

[3] *See Final Affirmative Determination in Scope Inquiry on Antidumping Duty Order on Tapered Roller Bearings and Parts Thereof from Japan,* 60 FR 6519 (February 2, 1995).

[4] *See Tapered Roller Bearings from Romania; Final Results of Antidumping Duty Administrative Review,* 56 FR 1169 (January 11, 1991); as amended, *Tapered Roller Bearings from Romania; Amended Final Results of Antidumping Duty Administrative Review,* 57 FR 29288 (July 1, 1992); *Tapered Roller Bearings from Romania; Final Results of Antidumping Duty Administrative Review,* 56 FR 41518 (August 21, 1991); *Tapered Roller Bearings from Romania; Final Results of Antidumping Duty Administrative Review,* 61 FR 51427 (October 2, 1996); as amended, *Tapered Roller Bearings from Romania; Amended Final Results of Antidumping Duty Administrative Review,* 61 FR 59416 (November 22, 1996); *Tapered Roller Bearings from Romania; Final Results of Antidumping Duty Administrative Review,* 62 FR 37194 (July 11, 1997); *Tapered Roller Bearings from Romania; Final Results of Antidumping Duty Administrative Review,* 62 FR 31075 (June 6, 1997); and *Tapered Roller Bearings from Romania; Final Results of Antidumping Duty Administrative Review,* 63 FR 36390 (July 6, 1998).

[5] *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).

section II.A.2). In addition, the Department indicated that normally it will determine that revocation of an antidumping 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 of the *Sunset Policy Bulletin*).

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 review, the Department did receive a waiver of participation from one respondent interested party 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, Timken and Torrington argue that revocation of the order on TRBs from Romania would be likely to lead to continuation or recurrence of dumping due to the fact that dumping margins above *de minimis* have been calculated after the issuance of the order. Timken and Torrington argue that the zero margins determined in the 1988–89 and 1993–94 reviews are not representative of the behavior of Romanian producers of TRBs because Romania lost its most-favored-nation (MFN) status from 1989–1993 (*see* May 3, 1999, Substantive Response of Timken & Torrington at 7–8). During that time, imports declined sharply. Whenever there have been significant imports of TRBs from Romania, argue Timken and Torrington, they have been sold at less than fair value (*see id.* at 8).

Timken and Torrington further assert that one major Japanese producer of TRBs, Koyo Seiko, has majority ownership of one of the Romanian bearings companies, Rulmenti Alexandria. Timken and Torrington suggest that since Koyo Seiko has a history of exporting TRBs from Japan to the U.S. at less than fair value, Koyo will not hesitate to sell its Romanian products at less than fair value, given the opportunity (*see id.* at 9).

With respect to whether imports of the subject merchandise ceased immediately following the issuance of the order, Timken and Torrington do not provide any information in their substantive response. They do, however, maintain that in the years during which Romania lost its MFN status (1989–93), imports declined significantly (*see id.* at 8).

In sum, Timken and Torrington maintain that Romania's focus on exports, history of sales in the U.S., the continuing importance of the U.S. market, and enhanced corporate resources provide Romanian producers with incentives to dump the subject merchandise in the U.S. if the order is revoked (*see id.* at 9). They conclude that the Department should determine that there is a likelihood that dumping would continue or recur if the order is revoked because above *de minimis* margins have existed throughout the life of the order.

The Department agrees, based on an examination of the final results of administrative reviews, that dumping margins above *de minimis* levels, with the exception of one country-wide margin of zero[6] and one company-specific margin of zero,[7] have continued throughout the life of the order.[8] Currently, dumping margins above *de minimis* exist on both a country-wide and company-specific basis. As discussed in section II.A.3 of the *Sunset Policy Bulletin*, the SAA at 890, and the House Report at 63–64, if companies continue dumping with the discipline of an order in place, the Department may reasonably infer that dumping would continue if the discipline were removed.

With respect to import levels, the Department agrees that imports of the subject merchandise decreased in 1988, the year following the imposition of the order. However, since that time, imports of TRBs from Romania have fluctuated greatly, showing no overall trend.[9]

Based on this analysis, the Department finds that the existence of dumping margins after the issuance of the order is highly probative of the likelihood of continuation or recurrence of dumping. A deposit rate above a *de minimis* level continues in effect for exports of the subject merchandise for at least one known Romanian producer/exporter. Given that dumping has continued over the life of the order and respondent interested parties waived their right to participate in this review before the Department, and absent argument and evidence to the contrary, the Department determines that dumping is likely to continue or recur if the order were revoked.

Because the Department based this determination on the continued existence of margins above *de minimis* and respondent interested parties' waiver of participation, it is not necessary to address Timken and Torrington's arguments concerning the Japanese bearing producer's ownership of one Romanian company.

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*.)

As noted above, the Department, in its final determination of sales at LTFV, published a country-wide weighted-average dumping margin for Romania (52 FR 17433, May 8, 1987). To date, the Department has not made any duty absorption findings in this case.

In their substantive response, Timken and Torrington suggest that if economic conditions in Romania were normal, the Department should forward to the Commission the margin from the original investigation. However, they suggest that the Department deviate from its general practice of selecting the margin from the original investigation. They argue that the current economic conditions in Romania are not ''normal'' conditions, and therefore, these abnormal circumstances warrant the use of a newly-calculated margin. They elaborate on their argument by stating that the Romanian economy is in a state of flux, such that industries, including the bearing industries, are undergoing significant change and responding to constantly changing circumstances (*see* May 3, 1999, Substantive Response of Timken & Torrington at 10–11). They suggest that Koyo Seiko's twenty-five year history of dumping, at an average

[6] *See Tapered Roller Bearings from Romania; Final Results of Antidumping Duty Administrative Review*, 62 FR 31075 (June 6, 1997).

[7] *See Tapered Roller Bearings from Romania; Final Results of Antidumping Duty Administrative Review*, 56 FR 41518 (August 21, 1991).

[8] *See* footnote 4.

[9] The Department bases this determination on information submitted by Timken and Torrington in their May 3, 1999, submission, as well as U.S. IM146 Reports, U.S. Department of Commerce statistics, U.S. Department of Treasury statistics, and information obtained from the U.S. International Trade Commission.

margin above 25 percent, coupled with its majority ownership of Rulmenti Alexandria, makes it reasonable to conclude that this company would export TRBs to the United States with dumping margins significantly higher than the original Romania rate. Finally, they note that per kilogram values of Romanian exports of the subject merchandise dropped by over 25 percent between the 1994–95 and 1998–99 review periods (*see id.* at 11–12). In conclusion, Timken and Torrington urge the Department to identify a margin, based on the most recent data available, other than the calculated one for forwarding to the Commission (*see id.* at 11).

As noted in the *Sunset Regulations* and *Sunset Policy Bulletin,* only under the most extraordinary circumstances will the Department rely on dumping margins other than those it calculated and published in its prior determinations. The *Sunset Regulations,* at section 351.218(e)(2)(i), explain that ''extraordinary circumstances'' may be considered by the Department in the context of a full sunset review, where the substantive response from both domestic and respondent interested parties are adequate. In this case, however, the Department determined to conduct an expedited review because of a waiver of participation from respondent interested parties.

Further, we are not persuaded that calculation of a new margin is appropriate based on the assertions by Timken and Torrington concerning the state of the Romanian economy, alleged changes in the Romanian bearings industry, Koyo Seiko's ownership of one of the Romanian companies, and whether per kilogram values of exports to the United States have radically declined.

As explained above, the Department may consider the calculation of new margins only in full reviews. However, even if the Department had determined to conduct a full review of this order, Timken's and Torrington's assertions do not give rise to extraordinary circumstances that would warrant the calculation of a new dumping margin.

Therefore, consistent with the *Sunset Policy Bulletin,* the Department determines that the margin calculated in the original investigation is probative of the behavior of Romanian producers/exporters if the order were revoked as it is the only rate that reflects the behavior of these producers and exporters without the discipline of the order. As such, the Department will report to the Commission the country-wide rate from the original investigation as contained in the Final Results of Review section of this notice.

Final Results of Review

As a result of this review, the Department finds that revocation of the antidumping duty order would likely lead to continuation or recurrence of dumping at the margin listed below:

Manufacturer/ Exporter	Margin (percent)
Country-wide rate	8.70

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.

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. 99–28768 Filed 11–3–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–437–601]

Final Results of Expedited Sunset Review: Tapered Roller Bearings From Hungary

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

ACTION: Notice of final results of expedited sunset review: Tapered roller rearings from Hungary.

SUMMARY: On April 1, 1999, the Department of Commerce (''the Department'') initiated a sunset review of the antidumping order on tapered roller bearings from Hungary (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 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 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: Darla D. Brown 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, DC 20230; telephone: (202) 482–3207 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 review are tapered roller bearings (''TRBs''), finished and unfinished, from Hungary. This merchandise includes tapered roller bearings and parts thereof, flange, take-up cartridge, and hanger units incorporating tapered roller bearings and tapered roller housings (excluding pillow block) incorporating tapered rollers, with or without spindles, whether or not for automotive use.

The Timken Company (''Timken'') and the Torrington Company (''Torrington''), in their substantive response, argue that two scope clarifications the Department made with regard to the antidumping order on TRBs, over four inches, from Japan are relevant to this order (*see* May 3, 1999, Substantive Response of Timken & Torrington at 12). Timken and Torrington argue that since the product description for that order is included in the Hungarian order, the two Japanese rulings are relevant to the scope of the Hungarian order. In the first ruling, the