

Entries of subject merchandise prior to the effective date of revocation will continue to be subject to suspension of liquidation and antidumping duty deposit requirements. The Department will complete any pending administrative reviews of these orders and will conduct administrative reviews of all entries prior to the effective date of revocation in response to appropriately filed requests for review.

Dated: March 26, 1999.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 99-8075 Filed 3-31-99; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-588-054]

Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof, From Japan: Final Court Decisions and Amended Final Results of Antidumping Duty Administrative Reviews

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

ACTION: Notice of Final Court Decisions and Amended Final Results of Antidumping Duty Administrative Reviews.

SUMMARY: On December 16, 1991, the Department of Commerce (the Department) published the final results of its administrative review of the antidumping finding on tapered roller bearings (TRBs), finished and unfinished, and parts thereof, from Japan during the period August 1, 1988 through July 31, 1989. See *Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Certain Components Thereof, from Japan; Final Results of Antidumping Duty Administrative Review* 56 FR 65228. Subsequent to our publication of these final results, parties to the proceeding challenged certain aspects of our final results determinations before the Court of International Trade (CIT) (the Court) and, in certain instances, before the United States Court of Appeals for the Federal Circuit (CAFC).

The Court recently affirmed final remand results with respect to the 1988-89 final results. As there are now final and conclusive court decisions with respect to litigation for these final results, where applicable, we are amending our final results of review and will subsequently instruct customs to

liquidate entries subject to these reviews.

EFFECTIVE DATE: April 1, 1999.

FOR FURTHER INFORMATION CONTACT:

Ilissa Kabak or John Kugelman, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482-1395 or (202) 482-0649, respectively.

SUPPLEMENTARY INFORMATION:

Background

Below is a summary of the litigation for the 1998-1989 final results for which the Court has issued final and conclusive decisions. It is important to note that, due to the fact that litigation for each TRBs final results was unconsolidated, the Court issued two or more orders throughout the course of litigation which required us to recalculate a respondent's final results margin several times. To ensure the accurate calculation of amended final results, any recalculation we performed for a given respondent pursuant to a specific order reflected all recalculations we performed for that respondent pursuant to earlier orders. As a result, the last Court order requiring a recalculation of a respondent's margin reflects the final amended margin for the respondent, provided that final and conclusive decisions have been made by the Court with respect to litigation which affected the respondent's final results.

On December 16, 1991, we published in the **Federal Register** our notice of the final results of administrative reviews for the 1988-89 period of review (POR). This notice covered the administrative reviews for (1) Koyo Seiko Co., Ltd. (Koyo), (2) NSK Ltd. (NSK), (3) Isuzu Motors, Ltd., (4) Toyota Motors Corporation, and (5) Nachi-Fujikoshi Corporation. Subsequent to the publication of these final results, Koyo, NSK, and The Timken Company (Timken), the petitioners in this case, challenged certain issues before the CIT (Court Nos. 92-01-00047, 92-01-00028, and 92-01-00031, respectively). The CIT has issued final and conclusive decisions with respect to each of these proceedings.

The decisions issued by the Court with respect to the Department's final results for Koyo were:

- *Koyo v. U.S.*, Slip Op. 93-87 (June 1, 1993) (The CIT ruled in favor of the Department on all issues and dismissed the case).
- *Timken v. U.S.*, Slip Op., 94-107 (July 1, 1994) (The CIT ordered the Department to recalculate the foreign market value without

a circumstance-of-sale adjustment and reconsider its treatment of commissions and home market pre-sale freight expenses where foreign market value was calculated using purchase price).

- *Timken v. U.S.*, Slip Op. 96-126 (August 7, 1996) (On December 28, 1994, the CIT granted a stay in the Timken proceedings pending a decision by the CAFC with respect to the Japanese value added tax (VAT) issue in *Koyo v. U.S.*, CAFC Nos. 94-1097, -1044. Based on a motion by plaintiff (Timken), in Slip Op. 96-126 the CIT lifted the stay in these proceedings and remanded the case to the Department to apply the tax-neutral VAT adjustment methodology approved by the CAFC in *Koyo v. U.S.*, 63 F.3d 1572 (Fed. Cir. 1995). The CIT affirmed these results and dismissed the 92-01-00031 litigation in Slip Op. 98-79 on June 17, 1998).

The decisions issued by the Court with respect to the Department's final results for NSK were:

- *NSK v. U.S.*, Slip Op. 93-211 (November 5, 1993) (The CIT ruled in favor of the Department on all issues and dismissed the case).

- *Timken v. U.S.*, Slip Op., 94-107 (July 1, 1994) (The CIT ordered the Department to recalculate the foreign market value without a circumstance-of-sale adjustment and reconsider its treatment of commissions and home market pre-sale freight expenses where foreign market value was calculated using purchase price).

- *Timken v. U.S.*, Slip Op. 96-126 (August 7, 1996) (On December 28, 1994, the CIT granted a stay in the Timken proceedings pending a decision by the CAFC with respect to the Japanese value added tax (VAT) issue in *Koyo v. U.S.*, CAFC Nos. 94-1097, -1044. Based on a motion by plaintiff (Timken), in Slip Op. 96-126 the CIT lifted the stay in these proceedings and remanded the case to the Department to apply the tax-neutral VAT adjustment methodology approved by the CAFC in *Koyo v. U.S.*, 63 F.3d 1572 (Fed. Cir. 1995). The CIT affirmed these results and dismissed the 92-01-00031 litigation in Slip Op. 98-79 on June 17, 1998).

Status

All Other Firms: No firms except Koyo and NSK pursued litigation and the existing litigation had no impact on their final results. Because the Department has not yet issued instructions to Customs to liquidate entries made by these firms during the applicable period, where appropriate, we will issue instructions to Customs to liquidate entries of merchandise subject to the antidumping funding made by these firms pursuant to our December 16, 1991, 1998-89 final results.

Koyo: As there are now final and conclusive court decisions with respect to both the 92-01-00031 (Timken) and 92-01-00047 (Koyo) litigation, we are amending our final results of review for Koyo based on the last court order

which required a recalculation of Koyo's rate (*Timken v. U.S.*, Slip Op. 96-126). The amended final results margin for Koyo is 16.09%. We will issue instructions to Customs to liquidate entries of subject merchandise made by Koyo during this period pursuant to these amended final results.

NSK: As there are now final and conclusive court decisions with respect to both the 92-01-00031 (*Timken*) and 92-01-00028 (NSK) litigation, we are amending our final results of review for NSK based on the last court order which required a recalculation of NSK's rate (*Timken v. U.S.*, Slip Op. 96-126). The amended final results margin for NSK is 6.01%. We will issue instructions to Customs to liquidate entries of subject merchandise made by NSK during this period pursuant to these amended final results.

Amendment to Final Determinations

Pursuant to 19 U.S.C. 1516a(e), we are now amending the final results of the 1988-89 administrative review of the antidumping finding on TRBs from Japan. The weighted-average margins are:

| Manufacturer/exporter | Margin (percent) |
|-----------------------------------|--------------------|
| Koyo Seiko Company, Ltd | ¹ 16.09 |
| NSK Ltd | 16.01 |
| Isuzu Motors, Ltd | ² 15.89 |
| Toyota Motors Corporation | ² 15.89 |
| Nachi-Fujikoshi Corporation | ³ 18.07 |

¹ Pursuant to these amended final results.

² BIA rate-highest rate for any other reviewed firm.

³ No shipments, margin from last review in which there were shipments.

The above rates will become the antidumping duty deposit rates for those firms that have not had a deposit rate established for them in subsequent reviews.

Accordingly, the Department will determine and Customs will assess appropriate antidumping duties on entries of the subject merchandise made by firms covered by the review of the

period listed above. Individual differences between United States price and foreign market value may vary from the percentages listed above. The Department will issue appraisal instructions directly to Customs.

Dated: March 18, 1999.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 99-8039 Filed 3-31-99; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

Quarterly Update to Annual Listing of Foreign Government Subsidies on Articles of Cheese Subject to an In-Quota Rate of Duty

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

ACTION: Publication of Quarterly Update to Annual Listing of Foreign Government Subsidies on Articles of Cheese Subject to an In-Quota Rate of Duty.

SUMMARY: The Department of Commerce, in consultation with the Secretary of Agriculture, has prepared its quarterly update to the annual list of foreign government subsidies on articles of cheese subject to an in-quota rate of duty during the period October 1, 1998 through December 31, 1998. We are publishing the current listing of those subsidies that we have determined exist.

EFFECTIVE DATE: April 1, 1999.

FOR FURTHER INFORMATION CONTACT: Russell Morris or Tipten Troidl, Office of AD/CVD Enforcement VI, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW, Washington, DC 20230, telephone: (202) 482-2786.

SUPPLEMENTARY INFORMATION: Section 702(a) of the Trade Agreements Act of

1979 (as amended) (the Act) requires the Department of Commerce (the Department) to determine, in consultation with the Secretary of Agriculture, whether any foreign government is providing a subsidy with respect to any article of cheese subject to an in-quota rate of duty, as defined in section 702(g)(b)(4) of the Act, and to publish an annual list and quarterly updates of the type and amount of those subsidies. We hereby provide the Department's quarterly update of subsidies on cheeses that were imported during the period October 1, 1998 through December 31, 1998.

The Department has developed, in consultation with the Secretary of Agriculture, information on subsidies (as defined in section 702 (g)(b)(2) of the Act) being provided either directly or indirectly by foreign governments on articles of cheese subject to an in-quota rate of duty. The appendix to this notice lists the country, the subsidy program or programs, and the gross and net amounts of each subsidy for which information is currently available.

The Department will incorporate additional programs which are found to constitute subsidies, and additional information on the subsidy programs listed, as the information is developed.

The Department encourages any person having information on foreign government subsidy programs which benefit articles of cheese subject to an in-quota rate of duty to submit such information in writing to the Assistant Secretary for Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

This determination and notice are in accordance with section 702(a) of the Act.

Dated: March 26, 1999.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

APPENDIX—SUBSIDY PROGRAMS ON CHEESE SUBJECT TO AN IN-QUOTA RATE OF DUTY

| Country | Program(s) | Gross ¹ Subsidy | Net ² Subsidy |
|-------------------|--|----------------------------|--------------------------|
| Austria | European Union Restitution Payments | \$0.25 | \$0.25 |
| Belgium | EU Restitution Payments | 0.10 | 0.10 |
| Canada | Export Assistance on Certain Types of Cheese | 0.22 | 0.22 |
| Denmark | EU Restitution Payments | 0.18 | 0.18 |
| Finland | EU Restitution Payments | 0.28 | 0.28 |
| France | EU Restitution Payments | 0.20 | 0.20 |
| Germany | EU Restitution Payments | 0.20 | 0.20 |
| Greece | EU Restitution Payments | 0.00 | 0.00 |
| Ireland | EU Restitution Payments | 0.18 | 0.18 |
| Italy | EU Restitution Payments | 0.03 | 0.03 |
| Luxembourg | EU Restitution Payments | 0.10 | 0.10 |
| Netherlands | EU Restitution Payments | 0.10 | 0.10 |