

where the Department has found duty absorption, the Department will normally 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 our 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.

Therefore, the Department agrees with the domestic interested parties concerning the margin likely to prevail if the order were to be revoked. We find that the dumping margins calculated in the original investigation are the only calculated rates that reflect the behavior of exporters without the discipline of the order. Consistent with the *Sunset Policy Bulletin*, we determine that the margin calculated in the Department's original investigation is probative of the behavior of Singaporean producers and exporters of BBs if the order were revoked. Therefore, we will report to the Commission the company-specific and "all others" rates from the original investigation 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)
NMB/Pelmec	25.08
All Other Producers/Exporters ..	25.08

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. 99-28772 Filed 11-3-99; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration [A-475-801]

Final Results of Expedited Sunset Review: Cylindrical Roller Bearings From Italy

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

ACTION: Notice of final results of
expedited sunset review: cylindrical
roller bearings from Italy.

SUMMARY: On April 1, 1999, the Department of Commerce ("the Department") initiated a sunset review of the antidumping duty order on cylindrical roller bearings ("CRBs") from Italy (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 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:
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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 CRBs and parts thereof from Italy. 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 reviews 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 on CRBs from Italy on May 3, 1989.¹ In this determination, the Department published a weighted-average dumping margin of 212.45 percent for SKF Industrie S.p.A. ("SKF"). The Department also published an all others rate of 212.45 percent. Since that time, the Department has conducted nine administrative reviews.² This sunset

¹ See *Final Determinations of Sales at Less Than Fair Value: Antifriction Bearings (Other Than Spherical Plain and Tapered Roller Bearings) and Parts Thereof From Italy; and Final Determination of Sales at Not Less Than Fair Value: Spherical Plain Bearings and Parts Thereof, From Italy*, 54 FR 19096 (May 3, 1989). This determination was subsequently amended. See *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*, 54 FR 20910 (March 8, 1993).

² See *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From Italy: Final Results of Antidumping Duty Administrative Reviews*, 56 FR 31751 (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, 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 Italy; Amendment to Final Results of Antidumping Duty Administrative Review*, 58 FR 53914 (October 19, 1993); *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France and Italy; Amendment to Final Results of Antidumping Duty Administrative Reviews*, 58 FR 65576 (December 15, 1993); *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France, et al.; Amended Final Results of*

Continued

review covers imports from all Italian producers and/or exporters of CRBs, excluding those imports from SKF.³ We note that, to date, we have made no duty absorption findings with regards to CRBs from Italy.⁴

Antidumping Duty Administrative Reviews, 63 FR 18877 (April 16, 1998); *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 Italy: Amended Final Results of Antidumping Duty Administrative Reviews*, 63 FR 70100 (December 18, 1998); *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From Italy: Final Results of Antidumping Duty Administrative Reviews and Revocation in Part of an Antidumping Duty Order*, 60 FR 10959 (February 28, 1995); *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From Germany and Italy: Amended Final Results of Antidumping Duty Administrative Reviews*, 60 FR 31142 (June 13, 1995); *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof from Italy: Amended Final Results of Antidumping Duty Administrative Review*, 60 FR 33791 (June 29, 1995); *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France, Germany, Italy, Japan, Singapore, Sweden, and the United Kingdom: Amended 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 Germany, Italy, Japan, and the United Kingdom: Amended Final Results of Antidumping Duty Administrative Reviews*, 62 FR 3003 (January 21, 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 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*, (March 26, 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*, 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: Final Results of Antidumping Duty Administrative Reviews*, 63 FR 33320 (June 18, 1998); *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From Italy, Romania, and the United Kingdom: Amended Final Results of Antidumping Duty Administrative Reviews*, 63 FR 40878 (July 31, 1998).

³ The order was revoked with respect to SKF. See *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From Italy: Final Results of Administrative Reviews and Revocation in Part of Antidumping Duty Order*, 60 FR 10959 (February 28, 1995).

⁴ The Department has issued duty absorption findings for two producers and/or exporters of ball bearings from Italy in the 1995-1996 and 1997-1998 administrative reviews. However, no duty absorption findings have been issued with respect to CRBs from Italy. 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).

Background

On April 1, 1999, the Department initiated a sunset review of the antidumping duty order on CRBs from Italy (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") and MPB Corp. ("MPB"), and on behalf of the Roller Bearing Company of America ("RBC"), 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 the domestic interested parties on May 3, 1999, within the 30-day deadline specified in the *Sunset Regulations* under section 351.218(d)(3)(i). We did not receive a complete substantive response from Link-Belt.

Torrington, MPB, RBC, and NHBB claimed interested party status under 19 U.S.C. 1677(9)(C) as U.S. manufacturers of CRBs. In addition, Torrington stated that it was the petitioner in the original investigation and has participated actively in all administrative reviews of this order. MPB stated that it participated in the Commission's injury investigation. RBC and NHBB stated that they had not previously participated in any segment of this proceeding before the Department.

The Department also received a complete substantive response from FAG Italia S.p.A and FAG Bearings Corporation (collectively, "FAG") on May 3, 1999. FAG stated that it participated in the original investigation and each subsequent administrative review of the Department's proceeding on CRBs from Italy.

Based on the information submitted by FAG concerning the volume and value of its exports and volume of imports as reported in U.S. Census Bureau IM146 Reports, the Department determined that FAG's exports of subject merchandise to the United States accounted for less than 50 percent of the total volume of subject merchandise to the United States over the five calendar years preceding the initiation of this sunset review.⁵ Therefore, respondent interested parties provided inadequate response to the notice of initiation and, pursuant to 19 CFR 351.218(e)(1)(ii)(C), the Department determined to conduct an expedited, 120-day, review of this order.⁶

⁵ FAG stated that it has not sold any CRBs in the United States over the past five years.

⁶ On May 24, 1999, the Department informed the Commission that, on the basis of inadequate

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). Therefore, on August 5, 1999, the Department determined that the sunset review of the antidumping duty order on CRBs from Italy 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.⁷

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 duty order, and it 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 an expedited review of this order. On June 10, 1999, we received comments on behalf of MPB and Torrington supporting our determination to conduct an expedited review. NHBB also submitted comments on whether an expedited sunset review was warranted. In its submission, it asserts that most of the domestic interested parties that submitted substantive responses are in favor of revocation of the Department's various

response from respondent interested parties, it was conducting an expedited sunset review of this order 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.)

⁷ 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).

antidumping duty orders on antifriction bearings. NHBB also offered new argument regarding the likely effect of revocation of these 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 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 it will normally 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 their substantive responses, Torrington and MPB argue that revocation of the antidumping duty order on the subject merchandise would be likely to lead to continuation of dumping. They base this conclusion on the fact that dumping continued at levels above *de minimis* after the issuance of the order. RBC also argues that, given that dumping margins continue to exist after the issuance of the order, the Department must conclude that dumping would be likely to continue or recur if the order were revoked. Torrington and MPB assert further that an examination of import volumes is not necessary because dumping continued.

Arguing that the Department's import statistics do not permit a comparison of pre- and post-order import volumes of CRBs, Torrington and MPB suggest that the Department examine data regarding the import value of all roller bearings, the narrowest category of products for which a consistent set of data is available regarding pre- and post-order imports. Torrington and MPB suggest that these data are conservative because declines in import volumes could be obscured by increases in import values and inclusion of non-covered products. They argue that the data will demonstrate that total import value of CRBs dropped dramatically following the order, from more than \$6 million in 1988 to less than \$1 million in 1993 and import values were below 1988 totals in every year until (and including) 1995.⁸ This data, they argue, provides strong additional support for a determination that dumping is likely to continue or recur were the order 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 assert that revocation of the order 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.

FAG asserts that the dumping margin likely to prevail if the order were to be revoked would be 0.00 percent, the dumping margin it has maintained since the 1993-1994 administrative review. With respect to whether import volumes ceased following the imposition of the order, FAG states that it has not shipped subject merchandise to the United States over the past five years. In addition, FAG indicates that total exports of the subject merchandise from Italy have continued throughout the life of the order (see May 3, 1999, substantive response of FAG, Appendix 2).

Torrington and MPB, in their rebuttal comments, state that the cessation of imports from FAG strongly supports an affirmative determination of likelihood of dumping in this case. Further, Torrington and MPB note that the Department's sunset determinations are made on an order-wide basis.

In addition, 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. Further, 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

⁸Torrington and MPB note that imports of CRBs from Italy increased sharply after 1995, coincident with the revocation of the order on CRBs exported by SKF. See *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From Italy; Final Results of Administrative Reviews and Revocation in Part of Antidumping Duty Order*, 60 FR 10959 (February 28, 1995).

investigation and subsequent administrative reviews and the volume of imports. Therefore, the arguments of NHBB with respect to the effect revocation would have on the U.S. market, even if correct, do not rebut the fact that dumping continues and has continued over the life of the order.

In the instant proceeding, dumping margins above *de minimis* continue to exist for at least one known producer and/or exporter. Therefore, given that dumping has continued over the life of the order, the Department determines that dumping is likely to continue if the order 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 investigation of CRBs from Italy, published a weighted-average dumping margin of 212.45 percent for SKF. In addition, the Department also published a weighted-average dumping margin of 212.45 percent on all other imports of the subject merchandise from Italy.⁹ As noted above, the Department has not issued any duty absorption findings with respect to CRBs from Italy.

In their substantive response, Torrington and MPB argue that the

margins likely to prevail are those from the Department's original investigation. 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. Furthermore, RBC states that the margins from the original investigation 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 order in place.

NHBB argues that the dumping margins likely to prevail if the order 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.

As noted above, FAG argues that the dumping margin likely to prevail if the order were revoked is its current dumping margin of 0.00 percent. FAG states that it has remained at a 0.00 percent dumping level since the 1993–1994 administrative review period. FAG states further that this is due principally to the absence of any imports of Italian CRBs by FAG Bearings Company. Lastly, FAG states that, were the dumping order revoked, there would be no change in FAG's current sourcing and resale patterns of Italian CRBs.

Torrington and MPB, in their rebuttal comments, stated that FAG's reliance on its current rate ignores the fact that current rates do not reflect the behavior of producers and/or exporters without

the discipline of the antidumping duty order. As such, they contend, the Department should not rely on this current rate.

Additionally, 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 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 since imports of CRBs from Italy have actually declined since the imposition of the order.

We agree with Torrington, MPB, and RBC that, normally, we will provide 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 Department's dumping margins we calculated in the original investigation. Specifically, the Department finds that there is no basis to reject margins calculated in an investigation because of subsequent changes in methodology since such changes do not invalidate margins calculated under the prior methodology. Therefore, the dumping margins from the original investigation are the only rates which reflect the behavior of exporters without the

⁹ See *Final Determinations of Sales at Less Than Fair Value; Antifriction Bearings (Other Than Spherical Plain and Tapered Roller Bearings) and Parts Thereof From Italy; and Final Determination of Sales at Not Less Than Fair Value; Spherical Plain Bearings and Parts Thereof, From Italy*, 54 FR 19096 (May 3, 1989). This determination was subsequently amended. See *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*, 54 FR 20910 (March 8, 1993).

discipline of the order, regardless of the methodology used to calculate that margin 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 life of the order and imports have remained steady or increased. However, NHBB provided no evidence to support these claims and nothing submitted in the course of this sunset proceeding indicates that imports have remained steady or increased. In fact, FAG submitted information claiming that it ceased exporting subject merchandise, indicating that import volumes may have decreased. Furthermore, evidence submitted by Torrington and MPB indicate that post-order import volumes (1989–1998) are lower than pre-order volumes (1989) in each year.

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 argument may disguise company-specific behavior demonstrating increased dumping coupled with increased market share.

With respect to FAG's arguments concerning the dumping margin likely to prevail, the Department disagrees. FAG participated in and had shipments during both the 1991–1992 and 1993–1994 administrative reviews. The SAA at 890 and the House Report at 63–64 state that the cessation of imports after the order is highly probative of the likelihood of continuation or recurrence of dumping. Furthermore, if imports ceased after the order is issued, it is reasonable to assume that exporters could not sell in the United States without dumping and that, to reenter the U.S. market, they would have to resume dumping. As such, we find that the 0.00 percent dumping margin we calculated for FAG for the 1993–1994 administrative review is not probative of the dumping margin likely to prevail if the order were to be revoked. The cessation of imports by FAG following the establishment of this margin strongly suggests to the Department that FAG cannot sell subject merchandise in the United States without dumping. Consequently, we find that the dumping margins calculated in the original investigation are the only calculated rates that reflect the behavior of exporters without the discipline of the order. Consistent with the *Sunset Policy Bulletin*, we determine that the margins we calculated in the Department's original investigation is probative of the behavior of Italian producers and exporters of CRBs if the order were revoked. Therefore, we will report to the Commission the "all others" rate from the original investigation contained in

the Final Results of Review section of this notice.¹⁰

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)
SKF	Revoked
All Other Producers/Exporters	212.45

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. 99–28773 Filed 11–3–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–475–801]

Final Results of Expedited Sunset Review: Ball Bearings From Italy

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

ACTION: Notice of final results of expedited sunset review: ball bearings from Italy.

SUMMARY: On April 1, 1999, the Department of Commerce ("the Department") initiated a sunset review of the antidumping duty order on ball

¹⁰ The Department calculated only one company-specific rate in the original investigation. The order was subsequently revoked with respect to this one company, SKF (see *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From Italy: Final Results of Administrative Reviews and Revocation in Part of Antidumping Duty Order*, 60 FR 10959 (February 28, 1995). Because of this, the Department will report to the Commission only the "all others" rate from the original investigation.