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#### SUPPLEMENTARY INFORMATION:

##### I. Background

The Commission is needed to provide expert consensus advice to the Department of Commerce on management and safety issues arising from a spill of a hazardous material that took place on June 9, 2008 at the Department's National Institute of Standards and Technology (NIST) laboratory in Boulder, Colorado.

This incident has been or is being investigated by the Department of Energy's Radiological Assistance Program; the NIST Ionizing Radiation Safety Committee; the NIST Safety, Health, and Environment Division; the Department of Commerce's Inspector General; and five radiation and physics experts who provided their preliminary individual recommendations to NIST. The Nuclear Regulatory Commission is also conducting an inspection and review in response to the incident.

Preliminary findings from these investigations suggest that the root causes of the incident include systemic organizational and cultural issues at NIST. Only through bringing together outside analysts can NIST assure itself and the public that the review is unbiased.

The Department of Commerce now requires consensus advice from a group of scientific experts on whether (a) the training, safety, security, and response protocols, (b) the implementation of those protocols and internal controls, and (c) the management structure at the NIST are appropriate to ensure the safe operation of all NIST programs. While individual advice has sufficed to identify existing problems, the Department requires consensus advice from outside experts to identify measures that can be used to address the organizational and cultural issues in the future.

The Commission shall begin its investigation within fourteen days of establishment. It shall provide an oral briefing of its preliminary findings to the Secretary within 45 days of beginning its investigation, and written findings within 90 days of beginning its investigation.

##### II. Structure

The Commission shall consist of seven members who are qualified experts with public or private sector experience in one or more of the following areas:

- Management and organizational structure;
- Training and human resources operations;
- Laboratory management and safety;
- Hazardous materials safety;
- Emergency medical response;
- Environmental safety;
- Environmental remediation; and
- Security for hazardous materials.

These members shall serve as Special Government Employees as such employees are defined in 18 U.S.C. 202(a).

Management and support services shall be provided by NIST.

##### III. Compensation

Members shall receive per diem and travel expenses as authorized by 5 U.S.C. 5703, as amended, for persons employed intermittently in the Government service. No other compensation shall be provided.

##### IV. Preliminary Notice of Public Meeting

The first public meeting will be held within fourteen days after the Commission is established. Details of this meeting will be provided in another **Federal Register** Notice, and posted on the Department's Web site as soon as they are finalized.

Dated: August 13, 2008.

**David K. Bowsher,**

*Deputy General Counsel.*

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#### DEPARTMENT OF COMMERCE

##### International Trade Administration

[A-588-804]

##### Ball Bearings and Parts Thereof from Japan: Amended Final Results of Antidumping Duty Administrative Review Pursuant to Final Court Decision

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

**SUMMARY:** On October 23, 2006, the United States Court of International Trade (CIT) sustained the Department of Commerce's (the Department's) redetermination on remand of the final results of the administrative review of the antidumping duty order on ball bearings and parts thereof from Japan for the period May 1, 2002, through April 30, 2003. Koyo Seiko Co., Ltd., and Koyo Corp. of U.S.A. (collectively, Koyo Seiko), NSK Ltd., NSK Corp., and NSK Precision America, Inc. (collectively, NSK), and NTN

Corporation, NTN Bearing Corp. of America, American NTN Bearing Manufacturing Corp., NTN Driveshaft, Inc., and NTN-BCA Corp. (collectively, NTN) appealed the CIT's decision to the United States Court of Appeals for the Federal Circuit (CAFC). On December 14, 2007, the CAFC affirmed the CIT's decision. Because all litigation has concluded, the Department is now issuing these amended final results of review. We will instruct U.S. Customs and Border Protection (CBP) to liquidate entries subject to these amended final results.

**EFFECTIVE DATE:** August 15, 2008.

##### FOR FURTHER INFORMATION CONTACT:

Thomas Schauer or Richard Rimlinger, AD/CVD Operations, Office 5, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-0410 or (202) 482-4477, respectively.

##### SUPPLEMENTARY INFORMATION:

##### Background

On September 15, 2004, the Department published the final results of administrative review of the antidumping duty order on ball bearings and parts thereof from Japan for the period May 1, 2002, through April 30, 2003. See *Antifriction Bearings and Parts Thereof From France, Germany, Italy, Japan, Singapore, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews, Rescission of Administrative Reviews in Part, and Determination To Revoke Order in Part*, 69 FR 55574 (September 15, 2004) (*AFBs 14*). Koyo Seiko, NSK, NTN, and Timken US Corporation (Timken) filed lawsuits with the CIT challenging the final results of *AFBs 14*. On January 31, 2006, the CIT affirmed the Department's final results in part and remanded the case to the Department in part to reexamine its treatment of the lump-sum billing adjustments reported by Koyo Seiko. The CIT also remanded the case to the Department to explain its treatment of the high-profit sales reported by NTN. See *NSK Ltd. v. United States*, 416 F. Supp. 2d 1334 (CIT 2006) (*NSK Ltd.*).

The Department filed its remand results on April 3, 2006. In those remand results, the Department denied all of the lump-sum billing adjustments reported by Koyo Seiko and recalculated the antidumping margin for Koyo Seiko accordingly. The Department also explained its treatment of the high-profit sales reported by NTN. See *Remand Determination NSK Ltd. v. United States*, Consol. Court No. 04-00519 (April 3, 2006), which is available

at <http://ia.ita.doc.gov/remands/06-19.pdf>. The results of redetermination affected only the calculation of the antidumping margin for Koyo Seiko.

On October 23, 2006, the CIT affirmed the Department's final results of remand redetermination. See *NSK Ltd. v. United States*, 462 F. Supp. 2d 1254 (CIT 2006). Koyo Seiko, NSK, and NTN appealed the portion of the CIT's decision in which it sustained the Department's treatment of non-dumped sales. Also, Koyo Seiko appealed the Department's treatment of Koyo Seiko's lump-sum billing adjustments, NSK appealed the Department's decision to consider changing its model-match methodology for future reviews, and NTN appealed the Department's inclusion of high-profit sales in its calculation of normal value.

On December 14, 2007, the CAFC affirmed the CIT's decision. See *NSK Ltd. v. United States*, 510 F.3d 1375 (CAFC 2007). Koyo Seiko filed a petition for panel rehearing and for rehearing *en banc* with the CAFC, which was denied on March 12, 2008. Because the period in which to file a petition for writ of *certiorari* with the United States Supreme Court has ended and no party filed the same, there is now a final and conclusive court decision in this case.

#### Amendment to Final Results

We are now amending the final results of this review to reflect the final and conclusive decision in this case. Our revised calculations for Koyo Seiko changed the weighted-average margin for ball bearings and parts thereof from Japan from 5.56 percent to 5.55 percent for the period May 1, 2002, through April 30, 2003. The Department will instruct CBP to liquidate entries of ball bearings and parts thereof from Japan exported by Koyo Seiko during the review period in accordance with these amended final results of review. We intend to issue the assessment instructions to CBP 15 days after the date of publication of these amended final results of review.

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended.

Dated: August 8, 2008.

David M. Spooner,

Assistant Secretary for Import Administration.

[FR Doc. E8-18942 Filed 8-14-08; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-552-801]

#### Amended Final Results of Antidumping Duty New Shipper Review: Certain Frozen Fish Fillets from the Socialist Republic of Vietnam

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

**EFFECTIVE DATE:** August 15, 2008.

**FOR FURTHER INFORMATION CONTACT:** Matthew Renkey, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-2312.

#### SUPPLEMENTARY INFORMATION:

##### Background

On June 30, 2008, the Department of Commerce ("Department") published in the **Federal Register** the final results of the new shipper reviews of the antidumping duty order on certain frozen fish fillets from the Socialist Republic of Vietnam ("Vietnam"). See *Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Final Results and Partial Rescission of New Shipper Reviews*, 73 FR 36840 (June 30, 2008) ("Final Results") and accompanying Issues and Decision Memorandum. The period of review ("POR") covered August 1, 2006, through January 1, 2007. On July 3, 2008, Anvifish filed a timely ministerial error allegation with respect to the Department's antidumping duty margin calculation in the *Final Results*. No other party filed ministerial error comments or rebuttal comments.

##### Scope of the Order

The product covered by this order is frozen fish fillets, including regular, shank, and strip fillets and portions thereof, whether or not breaded or marinated, of the species *Pangasius Bocourti*, *Pangasius Hypophthalmus* (also known as *Pangasius Pangasius*), and *Pangasius Micronemus*. Frozen fish fillets are lengthwise cuts of whole fish. The fillet products covered by the scope include boneless fillets with the belly flap intact ("regular" fillets), boneless fillets with the belly flap removed ("shank" fillets), boneless shank fillets cut into strips ("fillet strips/finger"), which include fillets cut into strips, chunks, blocks, skewers, or any other shape. Specifically excluded from the scope are frozen whole fish (whether or

not dressed), frozen steaks, and frozen belly-flap nuggets. Frozen whole dressed fish are deheaded, skinned, and eviscerated. Steaks are bone-in, cross-section cuts of dressed fish. Nuggets are the belly-flaps.

The subject merchandise will be hereinafter referred to as frozen "basa" and "tra" fillets, which are the Vietnamese common names for these species of fish. These products are classifiable under tariff article codes 1604.19.4000, 1604.19.5000, 0305.59.4000, 0304.29.6033 (Frozen Fish Fillets of the species *Pangasius* including basa and tra) of the Harmonized Tariff Schedule of the United States ("HTSUS").<sup>1</sup> This order covers all frozen fish fillets meeting the above specification, regardless of tariff classification. Although the HTSUS subheading is provided for convenience and customs purposes, our written description of the scope of the order is dispositive.

##### Ministerial Errors

A ministerial error is defined in section 751(h) of the Act and further clarified in 19 CFR 351.224(f) as "an error in addition, subtraction, or other arithmetic function, clerical error resulting from inaccurate copying, duplication, or the like, and any other similar type of unintentional error which the Secretary considers ministerial." Anvifish contends that the Department's margin calculation program contains a ministerial error in the deduction for port electricity charges. Based on verification, we noted that for one of the shipments to its affiliated U.S. customer, Anvifish incurred additional electricity charges at the port. Anvifish states that in the *Final Results*, the deduction for port electricity charges was calculated incorrectly using the individual quantities of the CEP sales observations as the denominator, whereas the denominator should actually be the total quantity of all CEP sales made from that shipment.

After analyzing Anvifish's comments, we have determined, in accordance with 19 CFR 351.224(e), that a ministerial error was made. Specifically, we agree with Anvifish that we used the incorrect denominator for the port electricity deduction. The language in the margin

<sup>1</sup> Until July 1, 2004, these products were classifiable under tariff article codes 0304.20.60.30 (Frozen Catfish Fillets), 0304.20.60.96 (Frozen Fish Fillets, NESOI), 0304.20.60.43 (Frozen Freshwater Fish Fillets) and 0304.20.60.57 (Frozen Sole Fillets) of the HTSUS. Until February 1, 2007, these products were classifiable under tariff article code 0304.20.60.33 (Frozen Fish Fillets of the species *Pangasius* including basa and tra) of the HTSUS.