

**DEPARTMENT OF COMMERCE****International Trade Administration**

[A-588-804]

**Antifriction Bearings (Other Than Tapered Roller 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 November 15, 2001, in response to its action in *NSK Ltd. and NSK Corporation, Koyo Seiko Co., Ltd. and Koyo Corporation of U.S.A, NTN Bearing Corporation of America, NTN Corporation, American NTN Bearing Manufacturing Corporation, NTN Driveshaft, Inc. and NTN-Bower Corporation, and Nippon Pillow Block Sales Co., Ltd. and FYH Bearing Units USA Inc. v. United States and The Torrington Company (NSK Ltd. v. United States)*, Consol. Court No. 97-02-00216, Slip. Op. 01-69 (CIT June 6, 2001), the Court of International Trade (CIT) affirmed the Department of Commerce's (the Department's) remand determination affecting final assessment rates for the administrative review of the antidumping duty orders on antifriction bearings (other than tapered roller bearings) and parts thereof from Japan for the period of review May 1, 1994, through April 30, 1995. The merchandise covered by these reviews is ball bearings and parts thereof (BBs), cylindrical roller bearings and parts thereof (CRBs), and spherical plain bearings and parts thereof (SPBs). Because the appeals have been dismissed and there is now a final and conclusive court decision in this action, we are amending our final results of review and we will instruct U.S. Customs and Border Protection to liquidate entries subject to these reviews.

**EFFECTIVE DATE:** June 14, 2005.

**FOR FURTHER INFORMATION CONTACT:** John Holman 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) 482-3683 or (202) 482-4477, respectively.

**SUPPLEMENTARY INFORMATION:****Background**

On January 15, 1997, the Department published *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof from France, Germany,*

*Italy, Japan, Singapore, Sweden, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews*, 62 FR 2081 (January 15, 1997), as amended by *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof from Japan and the United Kingdom: Amended Final Results of Antidumping Duty Administrative Reviews*, 62 FR 45795 (August 29, 1997) (collectively *AFBs 6*), which covered the period of review (POR) May 1, 1994, through April 30, 1995. The classes or kinds of merchandise covered by these reviews are BBs, CRBs, and SPBs.

NSK Ltd. and NSK Corporation (collectively NSK), Koyo Seiko Co., Ltd., and Koyo Corporation of U.S.A (collectively Koyo), NTN Bearing Corporation of America, NTN Corporation, American NTN Bearing Manufacturing Corporation, NTN Driveshaft, Inc., and NTN-Bower Corporation (collectively NTN), Nippon Pillow Block Sales Co., Ltd., FYH Bearing Units USA Inc. (collectively NPB), and The Torrington Company (collectively Torrington) appealed the Department's decisions in *AFBs 6*. On June 6, 2001, the CIT issued its ruling in *NSK Ltd. v. United States*, Consol. Court No. 97-02-00216, Slip Op. 01-69 (CIT June 6, 2001), remanding to the Department the final results in *AFBs 6* as follows: (1) To exclude any transactions that were not supported by consideration from NSK's U.S. sales database; (2) to include the imputed inventory carrying costs in the calculation of the constructed export-price offset for NSK when matching constructed export-price sales to constructed value; (3) to reconsider NSK's supplier relationship; (4) to reconsider the Department's determination that a certain model of Koyo's was outside the ordinary course of trade; (5) to reconsider its determination that a certain home-market ball bearing of Koyo's could be compared to U.S. sales because it is a foreign like product; (6) to recalculate the dumping margins accordingly. This remand affected NSK and Koyo directly with respect to the antidumping duty orders on BBs and CRBs from Japan.

On September 4, 2001, the Department filed its final results of redetermination with the CIT. See *Final Results of Redetermination Pursuant to Court Remand in Administrative Review of the Antidumping Orders on Antifriction Bearings (other than Tapered Roller Bearings) and Parts Thereof from Japan* (September 4, 2001) (Remand Results). In its redetermination, the Department excluded any transactions that were not

supported by consideration from NSK's U.S. sales databases and adjusted the dumping margins accordingly. The Department also calculated the inventory carrying costs for constructed value in the same manner as indirect selling expenses for constructed value, and it included the inventory carrying costs in the calculation of the constructed export-price offset. As a result of the Department's redetermination, NSK's weighted-average margins for the POR changed from 12.61 percent to 12.57 percent with respect to BBs and changed from 21.61 percent to 21.51 percent with respect to CRBs. The Department's redetermination did not result in any changes for Koyo's weighted-average margins or duty-assessment rates. On November 15, 2001, the CIT affirmed the Department's Remand Results in their entirety. See *NSK Ltd. v. United States*, Consol. Court No. 97-02-00216, Slip. Op. 01-133 (CIT November 15, 2001).

NSK, NTN, and Torrington appealed the CIT's remand affirmation but later filed motions with the United States Court of Appeals for the Federal Circuit (CAFC) to sever and dismiss their appeals voluntarily. On February 23, 2004, in response to motions of voluntary dismissal by NSK and Torrington in *NSK Ltd. v. United States*, appeal numbers 02-1172 and 02-1173, the CAFC granted the unopposed motions and dismissed the appeals. On July 19, 2004, in response to a motion of voluntary dismissal by NTN in *NSK Ltd. v. United States*, appeal number 02-1171, the CAFC granted the unopposed motion and dismissed the appeal.

Because all appeals have been dismissed, there is now a final and conclusive court decision with respect to the companies affected by this litigation (Koyo, NSK, NTN, and NPB), pursuant to section 516A(e) of the Tariff Act of 1930, as amended. We are amending our final results of review for these companies and we will instruct U.S. Customs and Border Protection (CBP) to liquidate the relevant entries subject to these reviews in accordance with our remand results.

**Assessment of Duties**

We are now amending the final results of the 1994-1995 administrative reviews of the antidumping duty orders on BBs and CRBs from Japan to reflect revised weighted-average margins for NSK. We determine that revised weighted-average margins of 12.57 percent exist for NSK on BBs and 21.51 percent for NSK on CRBs from Japan for the period May 1, 1994, through April

30, 1995. There were no other changes to the final margins we calculated for other companies as a result of litigation.

Accordingly, the Department will determine and CBP will assess appropriate antidumping duties on entries of the subject merchandise produced or exported by the reviewed companies. Individual differences between U.S. price and normal value may vary from the above percentages. The Department will issue assessment instructions to CBP within 15 days of publication of this notice.

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: June 8, 2005.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[485-806]

#### **Certain Hot-Rolled Carbon Steel Flat Products From Romania: Final Results of Antidumping Duty Administrative Review.**

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

**SUMMARY:** On December 7, 2004, the Department of Commerce (the Department) published the preliminary results of the antidumping duty administrative review of certain hot-rolled carbon steel flat products from Romania. This review covers one manufacturer/exporter of the subject merchandise. The period of review (POR) is November 1, 2002, through October 31, 2003. Based on our analysis of comments received, these final results differ from the preliminary results. The final results are listed below in the "Final Results of Review" section.

**EFFECTIVE DATE:** June 14, 2005.

**FOR FURTHER INFORMATION CONTACT:** David Layton or Paul Stolz, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-0371 and (202) 482-4474, respectively.

**SUPPLEMENTARY INFORMATION:**

#### **Background**

On December 7, 2004, the Department published the preliminary results of the antidumping duty administrative review of certain hot-rolled carbon steel flat products from Romania. *See Certain Hot-Rolled Carbon Steel Flat Products from Romania: Preliminary Results of Antidumping Duty Administrative Review*, 69 FR 70644 (December 7, 2004) (*Preliminary Results*). The review covers one manufacturer/exporter, S.C. Ispat Sidex S.A. (Sidex).

Romania's designation as a non-market-economy (NME) country remained in effect until January 1, 2003.<sup>1</sup> Since the first two months of the POR fell before Romania's graduation to market-economy status and the last ten months of this POR came after its graduation, in its antidumping questionnaire to Ispat Sidex, dated January 26, 2004, the Department determined that it would treat Romania as an NME country from November 1, 2002, through December 31, 2002, and a market-economy (ME) country from January 1, 2003, through October 31, 2003. Ispat Sidex stated in its February 23, 2004, response to the Department's ME Section A questionnaire that it made no sales of subject merchandise during the 10-month ME period. In a separate February 23, 2004, submission, Ispat Sidex provided documentation to support its claim that it had no sales of subject merchandise during the ME portion of the POR. The Department corroborated this claim using U.S. Customs and Border Protection (CBP) import data. *See* Decision Memorandum to Gary Taverman (March 9, 2004) available in the Department's Central Records Unit, room B099, of the main Commerce building (CRU). Therefore, in the section of this notice entitled "Final Results of Review", we have calculated a weighted-average dumping margin for the NME portion of the POR because we found no sales of subject merchandise during the ME portion of the POR. This

<sup>1</sup> In *Certain Small Diameter Carbon and Alloy Seamless Standard, Line, and Pressure Pipe from Romania: Final Results of Antidumping Duty Administrative Review*, 68 FR 12672, 12673 (March 17, 2003), the Department reviewed the non-market-economy status of Romania and determined to reclassify Romania as a market economy for purposes of antidumping and countervailing duty proceedings, pursuant to section 771(18)(A) of Tariff Act of 1930 as amended, effective January 1, 2003. *See* Memorandum from Lawrence Norton, Import Policy Analyst, to Joseph Spetrini, Acting Assistant Secretary for Import Administration: Antidumping Duty Administrative Review of Certain Small Diameter Carbon and Alloy Seamless Standard, Line, and Pressure Pipe from Romania-Non-Market Economy Status Review (March 10, 2003).

weighted-average figure represents the dumping margin for the entire POR.

We invited parties to comment on our preliminary results of review. Sidex and a domestic interested party, United States Steel Corporation (U.S. Steel), filed case briefs on January 6, 2005, and rebuttal briefs on January 18, 2005.

On April 13, 2005, the Department published in the **Federal Register** a notice extending the final results of the administrative review of the antidumping duty order on certain hot-rolled carbon steel flat products from Romania until no later than May 6, 2005. *See Notice of Extension of Time Limit for the Final Results of Antidumping Duty Administrative Review: Certain Hot-Rolled Carbon Steel Flat Products from Romania*, 70 FR 19417 (April 13, 2005).

On May 17, 2005, the Department published in the **Federal Register** a second notice further extending the final results until no later than June 6, 2005. *See Notice of Extension of Time Limit for the Final Results of Antidumping Duty Administrative Review: Certain Hot-Rolled Carbon Steel Flat Products from Romania*, 70 FR 28275 (May 17, 2005).

#### **Scope of the Order**

The products covered by the order are certain hot-rolled carbon steel flat products of a rectangular shape, of a width of 0.5 inch or greater, neither clad, plated, nor coated with metal and whether or not painted, varnished, or coated with plastics or other non-metallic substances, in coils (whether or not in successively superimposed layers), regardless of thickness, and in straight length, of a thickness of less than 4.75 mm and of a width measuring at least 10 times the thickness. Universal mill plate (*i.e.*, flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 mm, but not exceeding 1250 mm, and of a thickness of not less than 4.0 mm, not in coils and without patterns in relief) of a thickness not less than 4.0 mm is not included within the scope of this order.

Specifically included within the scope are vacuum degassed, fully stabilized steels (commonly referred to as interstitial-free (IF) steels), high strength low alloy (HSLA) steels, and the substrate for motor lamination steels. IF steels are recognized as low carbon steels with micro-alloying levels of elements such as titanium or niobium (also commonly referred to as columbium), or both, added to stabilize carbon and nitrogen elements. HSLA steels are recognized as steels with micro-alloying levels of elements such