

**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 Reviews**

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

**ACTION:** Notice of final court decision and amended final results of administrative reviews.

**SUMMARY:** On April 10, 2003, the United States Court of Appeals for the Federal Circuit affirmed the United States Court of International Trade's affirmation of the Department of Commerce's final remand results affecting final assessment rates for the administrative reviews of the antidumping duty orders on antifriction bearings (other than tapered roller bearings) and parts thereof from Japan with respect to NTN Corporation and Koyo Seiko Co. Ltd. and the period May 1, 1997, through April 30, 1998. The classes or kinds of merchandise covered by these reviews are ball bearings and parts thereof, cylindrical roller bearings and parts thereof, and spherical plain bearings and parts thereof. As there is now a final and conclusive court decision in these actions, we are amending our final results of reviews and we will instruct the Bureau of Customs and Border Protection (BCBP) to liquidate entries subject to these reviews.

**EFFECTIVE DATE:** July 24, 2003.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Moats or Richard Rimlinger, AD/CVD Enforcement Group I, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: 202-482-5047 or 202-482-4477, respectively.

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

On July 1, 1999, the Department of Commerce (the Department) published *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France, Germany, Italy, Japan, Romania, Sweden, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews*, 64 FR 35590, and on September 1, 1999, it published *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts*

*Thereof From Italy and Japan; Notice of Amended Final Results of Antidumping Duty Administrative Reviews*, 64 FR 47764 (collectively, *AFBs 9*), which covered the period May 1, 1997, through April 30, 1998. The Japanese companies covered by the reviews are NTN Corporation (NTN), NSK Ltd. (NSK), Koyo Seiko Co., Ltd. (Koyo), Nippon Pillow Block Manufacturing Company (NPBS), and Nachi Fujikoshi (Nachi). The classes or kinds of merchandise covered by these reviews are ball bearings and parts thereof (BBs), cylindrical roller bearings and parts thereof (CRBs), and spherical plain bearings and parts thereof (SPBs). Torrington, NSK, NTN, and Koyo appealed our determination in *AFBs 9*.

On May 10, 2001, the Court of International Trade (CIT) issued an order in *The Torrington Company v. United States*, Consol. Court No. 99-08-00462, Slip Op. 01-56 (May 10, 2001) (*Torrington*), remanding *AFBs 9* to the Department (First Remand). In *Torrington*, the CIT remanded *AFBs 9* to the Department to make the following changes: (1) Annul all findings and conclusions made pursuant to the duty-absorption inquiry conducted for these reviews; (2) clarify what action it took with respect to inputs that NTN obtained from affiliated parties, to articulate the reasoning for this action, and to open the record for additional information, if found necessary; and (3) articulate what methodology it used in conducting the arm's-length test and to apply the test in accordance with 19 CFR 351.403(c) (1998). The First Remand affected the Department's calculations for NTN and Koyo with respect to the antidumping duty orders on BBs, CRBs, and SPBs from Japan for the period May 1, 1997, through April 30, 1998.

The Department submitted its First Remand Results to the CIT on August 8, 2001. On November 26, 2001, the CIT remanded our results a second time (Second Remand). On May 20, 2002, the CIT affirmed the Second Remand Results in their entirety. See *The Torrington Company v. United States*, 206 F.Supp 2d 1296, Sup Op. 0246 (*Torrington II*). NTN appealed the CIT's ruling in *Torrington II*. On April 10, 2003, the United States Court of Appeals for the Federal Circuit (CAFC) affirmed the judgment of *Torrington II*. See *The Torrington Company v. United States*, Fed. Circ. 02-1520.

**Amendment to Final Results**

The time period for appealing the CAFC's Final Decision has expired and no party has appealed this decision. Pursuant to section 516A(e) of the Tariff

Act of 1930, as amended, as there is now a final and conclusive court decision with respect to litigation for NTN and Koyo, we are now amending the final results of administrative reviews of the antidumping duty orders on antifriction bearings (other than tapered roller bearings) and parts thereof from Japan for the period May 1, 1997, through April 30, 1998, to reflect the findings of the Second Remand Results. The rates for NTN for this period are as follows: 4.18 for BBs, 3.63 for CRBs, and 1.44 for SPBs. There are no rate changes for Koyo.

**Assessment Rates**

The Department will determine, and the BCBP shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b)(1), we have calculated an importer/customer-specific assessment rate for merchandise subject to this review. Where the importer/customer-specific assessment rate is above *de minimis*, we will instruct the BCBP to assess antidumping duties on that importer's entries of subject merchandise. The Department will issue appropriate assessment instructions directly to the BCBP within 15 days of publication of these amended final results of review. We will direct the BCBP to assess the resulting assessment rates for the subject merchandise on each of the importer/customer's entries during the review period.

**Notification**

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

This notice also serves as a 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. Timely written 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 notice is published pursuant to section 751(a) of the Act.

Dated: July 18, 2003.

**Jeffrey May,**

*Acting Assistant Secretary for Grant Aldonas,  
Under Secretary.*

[FR Doc. 03-18863 Filed 7-23-03; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-427-801 and A-588-804]

#### Ball Bearings and Parts Thereof From France and Japan; Amended Final Results of Antidumping Duty Administrative Reviews

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

**ACTION:** Notice of amended final results of antidumping duty administrative reviews.

**SUMMARY:** On June 16, 2003, the Department of Commerce published in the **Federal Register** the final results of the administrative reviews of the antidumping duty orders on ball bearings and parts thereof from France, Germany, Italy, Japan, and the United Kingdom. The period of review is May 1, 2001, through April 30, 2002. Based on the correction of certain ministerial errors, we have changed the margins for two companies (i.e., Nippon Pillow Block Sales Company for the administrative review of ball bearings and parts thereof from Japan, and SKF for the administrative review of ball bearings and parts thereof from France).

**FOR FURTHER INFORMATION CONTACT:** Please Contact Susan Lehman at (202) 482-0180 or David Dirstine at (202) 482-3047; AD/CVD Enforcement 3, Import Administration, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230.

#### SUPPLEMENTARY INFORMATION:

##### Background

On June 16, 2003, the Department of Commerce (the Department) published in the **Federal Register** the final results of the administrative reviews of the antidumping duty orders on ball bearings and parts thereof (ball bearings) from France, Germany, Italy, Japan, and the United Kingdom (68 FR 35623) (Final Results).

We received timely allegations of ministerial errors from Timken U.S. Corporation (Timken) and the SKF Group Companies in the United States and France (SKF France). In its comments dated June 18, 2003, Timken alleged that the Department erred when it made a correction to Nippon Pillow

Block Sales Company's (NPBS's) preliminary results margin calculation. Specifically, Timken asserts that the Department erred when it deleted indirect advertising expenses from NPBS's U.S. indirect selling expense total. We agree with the alleged error and, therefore, we have amended the final results to correct the problem.

In its comments dated June 16, 2003, SKF France alleged that the Department made a clerical error in assigning the level of trade (LOT) for U.S. sales. We agree with SKF France that we incorrectly assigned the LOT for U.S. sales. We corrected this error.

#### Amended Final Results of Review

As a result of the correction of clerical errors, the following weighted-average margins exist for exports of ball bearings by NPBS and SKF France for the period May 1, 2001, through April 30, 2002:

| Company                                        | Margin (percent) |
|------------------------------------------------|------------------|
| Nippon Pillow Block Sales Company (NPBS) ..... | 4.82             |
| SKF France .....                               | 6.70             |

The Department will determine, and the U.S. Bureau of Customs and Border Protection (BCBP), formerly known as the U.S. Customs Service, shall assess antidumping duties on all appropriate entries. We will issue appropriate assessment instructions directly to BCBP within 15 days of publication of these amended final results of review.

We will also direct BCBP to collect cash deposits of estimated antidumping duties on all appropriate entries in accordance with the procedures discussed in the Final Results and at the rates as amended by this notice. The amended deposit requirements are effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date these amended final results are published in the **Federal Register**.

We are issuing and publishing these determinations and notice in accordance with sections 751(a)(1) and 777(i) of the Act and 19 CFR 351.224(e).

Dated: July 18, 2003.

**Jeffrey May,**

*Acting Assistant Secretary, for Grant Aldonas,  
Under Secretary.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-862]

#### Notice of Extension of Time Limit of the Preliminary Results of Antidumping Duty Administrative Review: Foundry Coke from the People's Republic of China; Correction.

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

**ACTION:** Notice; Correction.

**SUMMARY:** The Department of Commerce published a notice in the **Federal Register** on May 28, 2003, concerning the extension of time limit of the preliminary results for foundry coke from the People's Republic of China. See *Notice of Extension of Time Limit of the Preliminary Results of Antidumping Duty Administrative Review: Foundry Coke from the People's Republic of China*, 68 FR 31680 (May 28, 2003). The document contained incorrect information on page 31681, at paragraph 2.

**EFFECTIVE DATE:** July 24, 2003

**FOR FURTHER INFORMATION CONTACT:** Michael Holton, AD/CVD Enforcement, Group III, Office IX, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington D.C. 20230; telephone: (202) 482-1324.

#### Extension of Time Limit for Preliminary Results

In the **Federal Register** of May 28, 2003, in 68 FR 31681 in the first column, correct the first sentence of the second paragraph to read:

“Therefore, we are extending the due date for the preliminary results by 120 days, until no later than September 30, 2003.”

Dated: July 16, 2003.

**Barbara E. Tillman,**

*Acting Deputy Assistant Secretary for Import Administration, Group III.*

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