

DEPARTMENT OF COMMERCE**International Trade Administration****[A-428-801]****Ball Bearings and Parts Thereof From Germany: Amended Final Results of Antidumping Duty Administrative Review Pursuant to a Court Decision**

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

SUMMARY: On July 7, 2010, the United States Court of International Trade (CIT) sustained the Department of Commerce's (the Department) results of redetermination on remand concerning the final results of the administrative review of the antidumping duty order on ball bearings and parts thereof from Germany. *See SKF USA Inc. v. United States*, Slip Op. 10-76 (CIT 2010). The Department is amending the final results of the administrative review of the antidumping duty order on ball bearings and parts thereof from Germany covering the period of review May 1, 2006, through April 30, 2007, to reflect the CIT's order.

DATES: *Effective Date:* October 13, 2010.

FOR FURTHER INFORMATION CONTACT: Hermes Pinilla or Richard Rimlinger, AD/CVD Operations, Office 5, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; *telephone:* (202) 482-3477 or (202) 482-4477.

SUPPLEMENTARY INFORMATION:**Background**

On September 11, 2008, the Department published 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 for the period May 1, 2006, through April 30, 2007. *See Ball Bearings and Parts Thereof From France, Germany, Italy, Japan, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews and Rescission of Reviews in Part*, 73 FR 52823 (September 11, 2008).

SKF USA Inc., SKF France S.A., SKF Aerospace France S.A.S., SKF GmbH,¹ and SKF Industrie S.p.A. filed a lawsuit challenging certain aspects of the final results. On December 21, 2009, the CIT concluded that the Department acted within its authority and according to

law in requesting cost-of-production (COP) data from SKF Germany's unaffiliated suppliers. *See SKF USA Inc. v. United States*, 675 F. Supp. 2d 1264 (CIT 2009). The CIT also upheld the Department's decision to reject the COP information submitted by SKF Germany's unaffiliated supplier as untimely and to resort to facts otherwise available. Specifically, the CIT stated that "the Department has broad authority to set, and extend, its deadlines for submission of requested information, but on the uncontested facts of this case it acted within its authority in deeming the COP data an untimely submission." *Id.* at 1272-74. The CIT held, however, that "{the Department} acted contrary to law in drawing an inference adverse for SKF {Germany} upon the failure of the unaffiliated supplier to make a timely submission of the requested COP data" without a finding that SKF Germany had failed to act to the best of its ability. *Id.* at 1268.

In its remand order, the CIT directed the Department to recalculate SKF Germany's margin after redetermining the value of the subject merchandise SKF Germany obtained from the unaffiliated supplier using information that is not adverse to SKF Germany. *Id.* at 1278. In accordance with the CIT's remand order, the Department filed its redetermination on remand of the final results (remand results) on March 16, 2010, in which the Department recalculated the margin for SKF Germany without use of an adverse inference. On July 7, 2010, the CIT affirmed the Department's remand results. *See SKF USA Inc. v. United States*, Slip Op. 10-76 (CIT 2010).

Amended Final Results of the Review

Based on the remand results, the amended weighted-average margin for SKF Germany for the period May 1, 2006, through April 30, 2007, is 1.97 percent.

Assessment of Duties

The Department has determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by these amended final results. The Department intends to issue liquidation instructions to CBP 15 days after publication of these amended final results in the **Federal Register**.

Notifications

This notice 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 Department'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 as explained in the APO itself. *See* 19 CFR 351.305(a)(3). Timely written notification of the destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

We are issuing and publishing these amended final results of administrative review in accordance with sections 751(a)(1) and 777(i) of the Tariff Act of 1930, as amended.

Dated: October 6, 2010.

Ronald K. Lorentzen,

Deputy Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE**International Trade Administration****Application(s) for Duty-Free Entry of Scientific Instruments**

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, as amended by Pub. L. 106-36; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be postmarked on or before November 2, 2010. Address written comments to Statutory Import Programs Staff, Room 3720, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 a.m. and 5 p.m. at the U.S. Department of Commerce in Room 3720.

Docket Number: 10-061. *Applicant:* Georgia Institute of Technology, 771 Ferst Drive, NW., School of Materials Science and Engineering, Atlanta, GA 30332-0245. *Instrument:* Electron Microscope. *Manufacturer:* FEI

¹ The CIT refers to the German company as "SKF GmbH" in its decision. The Department refers to the company as "SKF Germany" in its determination and in this notice.

Company, the Netherlands. *Intended Use:* The instrument will be used to examine the crystalline structures of strain-tunable quantum dots, mapping valence states of transition-metal elements, and other experiments. The high-resolution as well as the analytical components of the instrument are necessary to elicit information from core-shell nanoparticles. *Justification for Duty-Free Entry:* There are no instruments of the same general category manufactured in the United States. *Application accepted by Commissioner of Customs:* September 22, 2010.

Docket Number: 10–062. *Applicant:* Washington State University, 220 French Administration Building, P.O. Box 641020, Pullman, WA 99164–1020. *Instrument:* Electron Microscope. *Manufacturer:* FEI Company, Czech Republic. *Intended Use:* The instrument will be used to study materials in the nanometer range such as catalyzer, tissues, and cells. This instrument will be used for high resolution analysis of cell internal structures. *Justification for Duty-Free Entry:* There are no instruments of the same general category manufactured in the United States. *Application accepted by Commissioner of Customs:* September 16, 2010.

Docket Number: 10–063. *Applicant:* National Institutes of Health, 50 South Dr., Bldg. 50, Rm. 1517, Bethesda, MD 20892–8025. *Instrument:* Electron Microscope. *Manufacturer:* JEOL Limited, Japan. *Intended Use:* The instrument will be used to study viruses using cryo-electron tomography. Interpretability of the tomograms will be greatly enhanced by extending the resolution using phase-plate technology with this instrument. The instrument is also uniquely capable of single-particle analyses. *Justification for Duty-Free Entry:* There are no instruments of the same general category manufactured in the United States. *Application accepted by Commissioner of Customs:* September 22, 2010.

Dated: October 6, 2010.

Gregory W. Campbell,
Acting Director, IA Subsidies Enforcement
Office.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–469–814, A–570–898]

Chlorinated Isocyanurates From Spain and the People's Republic of China: Continuation of Antidumping Duty Order

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

SUMMARY: As a result of the determinations by the Department of Commerce (“the Department”) and the International Trade Commission (“ITC”) that revocation of the antidumping duty orders on chlorinated isocyanurates (“chlorinated isos”) from Spain and the People's Republic of China (“PRC”) would be likely to lead to continuation or recurrence of dumping and of material injury to an industry in the United States, respectively, the Department is publishing notice of the continuation of these antidumping duty orders.

DATES: *Effective Date:* October 13, 2010.

FOR FURTHER INFORMATION CONTACT: Brandon Petelin, 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) 482–8173.

SUPPLEMENTARY INFORMATION: On May 3, 2010, the Department published the notice of initiation of the first sunset reviews of the antidumping duty orders on chlorinated isos from Spain and the PRC, pursuant to section 751(c) of the Tariff Act of 1930, as amended (“Act”).¹

The Department conducted an expedited sunset review of these orders.² As a result of its review, the Department found that revocation of the antidumping duty orders would likely lead to continuation or recurrence of dumping and, thus, notified the ITC of the magnitude of the margins likely to prevail if the orders were revoked.³

On October 6, 2010, the ITC published its determination, pursuant to section 751(c) of the Act, which stated

¹ See *Initiation of Five-Year (“Sunset”) Review*, 75 FR 23240 (May 3, 2010); see also *Notice of Antidumping Duty Order: Chlorinated Isocyanurates from the People's Republic of China*, 70 FR 36561 (June 24, 2005) (“PRC Order”); see also *Chlorinated Isocyanurates from Spain: Notice of Antidumping Duty Order*, 70 FR 36562 (June 24, 2005) (“Spain Order”).

² See *Chlorinated Isocyanurates from Spain and the People's Republic of China: Final Results of the Expedited Sunset Reviews of the Antidumping Duty Orders*, 75 FR 49464 (August 13, 2010).

³ See *id.*

that revocation of the antidumping duty orders on chlorinated isos from Spain and the PRC would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.⁴

Scope of the Orders

The products covered by the orders are chlorinated isos, which are derivatives of cyanuric acid, described as chlorinated s-triazine triones. There are three primary chemical compositions of chlorinated isos: (1) Trichloroisocyanuric acid (Cl₃(NCO)₃), (2) sodium dichloroisocyanurate (dihydrate) (NaCl₂(NCO)₃(2H₂O)), and (3) sodium dichloroisocyanurate (anhydrous) (NaCl₂(NCO)₃). Chlorinated isos are available in powder, granular, and tableted forms. The orders cover all chlorinated isos. Chlorinated isos are currently classifiable under subheadings 2933.69.6015, 2933.69.6021, 2933.69.6050, 3808.40.50, 3808.50.40 and 3808.94.50.00 of the Harmonized Tariff Schedule of the United States (“HTSUS”).⁵ The tariff classification 2933.69.6015 covers sodium dichloroisocyanurates (anhydrous and dihydrate forms) and trichloroisocyanuric acid. The tariff classifications 2933.69.6021 and 2933.69.6050 represent basket categories that include chlorinated isos and other compounds including an unfused triazine ring. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the orders is dispositive.

Continuation of the Orders

As a result of the determinations by the Department and the ITC that revocation of the antidumping duty orders would be likely to lead to continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, the Department hereby orders the continuation of these antidumping duty orders on chlorinated isos from Spain and the PRC. U.S. Customs and Border Protection will continue to collect antidumping duty cash deposits at the rates in effect at the time of entry for all imports of subject merchandise.

⁴ See *Chlorinated Isocyanurates From China and Spain; Determinations*, 75 FR 61772 (October 6, 2010).

⁵ The *Spain Order* currently covers HTSUS subheadings 2933.69.6015, 2933.69.6021, and 2933.69.6050, while the *PRC Order* currently covers HTSUS subheadings 2933.69.6015, 2933.69.6021, 2933.69.6050, 3808.40.50, 3808.50.40 and 3808.94.50.00.