

<sup>2</sup>In the initiation notice that published on September 22, 2004 (69 FR 56745) the following footnote for frozen fish fillets from the Socialist Republic of Vietnam was inadvertently omitted—"If one of the above named companies does not qualify for a separate rate, all other exporters of frozen fish fillets from the Socialist Republic of Vietnam who have not qualified for a separate rate are deemed to be covered by this review as part of the single Vietnam entity of which the named exporters are a part."

<sup>3</sup>If one of the above named companies does not qualify for a separate rate, all other exporters of freshwater crawfish tail meat from the People's Republic of China who have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporters are a part.

## Countervailing Duty Proceedings

None.

## Suspension Agreements

None.

During any administrative review covering all or part of a period falling between the first and second or third and fourth anniversary of the publication of an antidumping duty order under section 351.211 or a determination under section 351.218(f)(4) to continue an order or suspended investigation (after sunset review), the Secretary, if requested by a domestic interested party within 30 days of the date of publication of the notice of initiation of the review, will determine, consistent with *FAG Italia v. United States*, 291 F.3d 806 (Fed. Cir. 2002), as appropriate, whether antidumping duties have been absorbed by an exporter or producer subject to the review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The request must include the name(s) of the exporter or producer for which the inquiry is requested.

Interested parties must submit applications for disclosure under administrative protective orders in accordance with 19 CFR 351.305.

These initiations and this notice are in accordance with section 751(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1675(a)) and 19 CFR 351.221(c)(1)(I).

Dated: October 18, 2004.

**Holly A. Kuga,**

*Senior Office Director, Office 4 for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-427-801, A-428-801, A-475-801, A-401-801, A-412-801]

### Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France, Germany, Italy, Sweden, and the United Kingdom; 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 April 26, 2004, and May 4, 2004, the United States Court of Appeals for the Federal Circuit dismissed appeals and lifted the stay of proceedings against the United States Court of International Trade's affirmations 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 Italy, Sweden, and the United Kingdom for the period of review May 1, 1995, through April 30, 1996, and from France, Germany, Italy, and Sweden for the period of review May 1, 1997, through April 30, 1998, respectively. 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 are now final and conclusive court decisions in these actions, we are amending our final results of reviews and we will instruct U.S. Customs and Border Protection to liquidate entries subject to these reviews.

**EFFECTIVE DATE:** October 22, 2004.

#### FOR FURTHER INFORMATION CONTACT:

Yang Jin Chun 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) 482-5760 or (202) 482-4477, respectively.

## SUPPLEMENTARY INFORMATION:

### Background

On October 17, 1997, the Department of Commerce (the Department) published *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, as amended by *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof from France, Germany, Italy, Japan, Romania, Singapore, Sweden, and the United Kingdom: Amended Final Results of Antidumping Duty Administrative Review*, 62 FR 61963 (November 20, 1997) (collectively AFBs 7), which covered the period of review (POR) May 1, 1995, through April 30, 1996. On July 1, 1999, 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, as amended by *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 (September 1, 1999) (collectively AFBs 9), which covered the POR May 1, 1997, through April 30, 1998. 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).

In *FAG Italia S.p.A. v. United States*, 24 CIT 587 (2000) (FAG), *SKF USA Inc. and SKF Sverige AB v. United States*, 24 CIT 349 (2000) (SKF), *RHP Bearings Ltd. v. United States*, 110 F. Supp. 2d 1043 (CIT 2000) (RHP I), and *RHP Bearings Ltd. v. United States*, 132 F. Supp. 2d 1097 (CIT 2001) (RHP II), the United States Court of International Trade (CIT) ordered remands for AFBs 7. In *SKF USA Inc., SKF France S.A. and Sarma v. United States*, 116 F. Supp. 2d 1257 (CIT 2000) (SKF France), *SKF USA Inc. and SKF GmbH v. United States*, 94 F. Supp. 2d 1351 (CIT 2000) (SKF Germany), *SKF USA Inc. and SKF*

*Industrie S.p.A. v. United States*, 24 CIT 583 (2000) (*SKF Italy*), and *SKF USA Inc. and SKF Sverige AB v. United States*, 24 CIT 836 (2000) (*SKF Sweden*), the CIT ordered remands for *AFBs 9*.

As there are now final and conclusive court decisions with respect to companies affected by these remand orders directly, we are amending our final results of review for these companies and we will subsequently instruct U.S. Customs and Border Protection (CBP) to liquidate the relevant entries subject to these reviews.

#### 1. Remands for *AFBs 7*

##### a. *FAG*

In *FAG*, the CIT remanded *AFBs 7* to the Department to address the following instructions: (1) annul all findings and conclusions made pursuant to the duty-absorption inquiry conducted for the subject reviews and (2) attempt to match U.S. sales to non-identical but similar home-market sales before resorting to constructed value when sales of identical merchandise have been found to be outside the ordinary course of trade. This remand affected *FAG Italia S.p.A.* and *FAG Bearings Corporation* (collectively *FAG Italy*) and *SKF Industrie*, *RIV-SKF Officina de Villar Perosa*, *SKF Cuscinetti Specialti*, *SKF Cuscinetti*, and *RFT* (collectively *SKF Italy*) directly with respect to the antidumping duty order on BBs from Italy for the POR May 1, 1995, through April 30, 1996.

On October 11, 2000, the Department filed its Remand Results with the CIT. On May 24, 2002, the U.S. Court of Appeals for the Federal Circuit (CAFC) remanded for further explanation the Department's use of different definitions of "foreign like product" in its normal value calculations; the CAFC affirmed the CIT's decision with respect to duty absorption. See *FAG Italia S.p.A. v. United States*, 291 F.3d 806 (CAFC 2002). On November 7, 2002, the Department filed its second remand determination explaining the definitions of "foreign like product" used in calculating normal value. On January 30, 2003, the CIT affirmed the remand results in their entirety. See *FAG Italia S.p.A. v. United States*, Consol. No. 97-11-01984, slip op. 03-12 (CIT 2003). *FAG Italy* and *SKF Italy* appealed the CIT's remand affirmation but later filed with the CAFC motions to sever and dismiss their appeals voluntarily. On February 17, 2004, the CAFC granted *FAG Italy's* unopposed motion to dismiss. On April 26, 2004, the CAFC granted *SKF Italy's* unopposed motion to dismiss and lifted the stay of proceedings.

##### b. *SKF*

In *SKF*, the CIT remanded *AFBs 7* to the Department to annul all findings and conclusions made pursuant to the duty-absorption inquiry conducted for the subject review. This remand affected *SKF USA Inc.* and *SKF Sverige AB* (collectively *SKF Sweden*) directly with respect to the antidumping duty order on BBs from Sweden for the POR May 1, 1995, through April 30, 1996.

On August 23, 2000, the Department filed its Remand Results with the CIT. On November 17, 2000, the CIT affirmed the Department's Remand Results in their entirety. See *SKF USA, Inc. and SKF Sverige AB v. United States*, 24 CIT 1310 (2000). *SKF Sweden* and the United States appealed the CIT's remand affirmation but later filed with the CAFC motions to sever and dismiss their appeals voluntarily. On April 26, 2004, the CAFC granted the United States' and *SKF Sweden's* unopposed motions to dismiss and lifted the stay of proceedings.

##### c. *RHP I and RHP II*

In *RHP I*, the CIT remanded *AFBs 7* to the Department to address the following instructions: (1) annul all findings and conclusions made pursuant to the duty-absorption inquiry conducted for the subject reviews; (2) attempt to match U.S. sales to non-identical but similar home-market sales before resorting to constructed value when sales of identical merchandise have been found to be outside the ordinary course of trade; and (3) recalculate Barden's dumping margin without regard to the results of the below-cost test. This remand affected the Barden Corporation (U.K.) Ltd., the Barden Corporation, and *FAG Bearing Corporation* (collectively Barden) and *RHP Bearings Ltd.*, *NSK Bearings Europe Ltd.*, and *NSK Corporation* (collectively *NSK/RHP*) directly with respect to the antidumping duty orders on BBs and CRBs from the United Kingdom for the POR May 1, 1995, through April 30, 1996.

On October 20, 2000, the Department filed its Remand Results with the CIT. On February 23, 2001, the CIT in *RHP II* affirmed the Department's Remand Results partially and remanded *AFBs 7* to the Department again with a new order to clarify the reasons behind its decision to conduct the below-cost test and to take any further action that it deems appropriate. On May 18, 2001, the Department filed its Remand Results with the CIT pursuant to the remand order in *RHP II*. On August 20, 2001, the CIT affirmed the Department's Remand Results in their entirety. See *RHP*

*Bearings Ltd. v. United States*, Consol. No. 97-11-01983, slip op. 01-106 (CIT 2001). Barden, *NSK/RHP*, Timken US Corporation (Timken), and the United States appealed the CIT's remand affirmation but later filed with the CAFC motions to sever and dismiss their appeals voluntarily. On February 17, 2004, the CAFC granted Barden's, *NSK/RHP's*, and Timken's motions to dismiss. On April 26, 2004, the CAFC granted the United States' motion to dismiss and lifted the stay of proceedings.

#### 2. Remands for *AFBs 9*

In *SKF France*, *SKF Germany*, *SKF Italy*, and *SKF Sweden*, the CIT remanded *AFBs 9* to the Department to annul all findings and conclusions made pursuant to the duty-absorption inquiry conducted for the subject reviews. These four remand orders affected, in the respective order, *SKF Compagnie d'Applications Mecaniques, S.A.* (Clamart), *ADR*, and *SARMA* (collectively *SKF France*), *SKF GmbH*, *SKF Service GmbH*, and *Steyr Walzlager* (collectively *SKF Germany*), *SKF Italy*, and *SKF Sweden* directly with respect to the antidumping duty orders on antifriction bearings and parts thereof from France, Germany, Italy, and Sweden for the POR May 1, 1997, through April 30, 1998.

The Department filed its Remand Results for *SKF France* and *SKF Sweden* on November 22, 2000, *SKF Germany* on June 20, 2000, and *SKF Italy* on October 10, 2000, with the CIT. The CIT affirmed the Department's Remand Results for *SKF France*<sup>1</sup> and *SKF Sweden*<sup>2</sup> on January 30, 2001, *SKF Germany*<sup>3</sup> on August 18, 2000, and *SKF Italy*<sup>4</sup> on December 15, 2000, in their entirety.

The CIT's remand affirmations in *SKF France*, *SKF Germany*, *SKF Italy*, and *SKF Sweden* were appealed by the plaintiffs, i.e., *SKF France*, *SKF Germany*, *SKF Italy*, and *SKF Sweden*, respectively. Timken and the United States appealed in all four cases. All parties later filed with the CAFC motions to sever and dismiss their appeals voluntarily. On February 17, 2004, the CAFC granted *SKF France's*, *SKF Italy's*, *SKF Sweden's*, and Timken's motions to dismiss appeals in *SKF France*, *SKF Italy*, and *SKF Sweden*. On February 18, 2004, the CAFC granted

<sup>1</sup> *SKF USA Inc.*, *SKF France S.A.* and *Sarma v. United States*, No. 99-08-00475, slip op. 01-12 (CIT 2001).

<sup>2</sup> *SKF USA Inc.* and *SKF Sverige AB v. United States*, No. 99-08-00470, slip op. 01-11 (CIT 2001).

<sup>3</sup> *SKF USA Inc.* and *SKF GmbH v. United States*, 126 F. Supp. 2d 567 (CIT 2000).

<sup>4</sup> *SKF USA Inc.* and *SKF Industrie S.p.A. v. United States*, 24 CIT 1393 (2000).

SKF Germany's and Timken's motions to dismiss appeals in *SKF Germany*. On April 26, 2004, the CAFC granted the United States' motion to dismiss appeals in all four cases and lifted the stay of proceedings.

#### Assessment of Duties

The remands for *AFBs 7* had no effect on weighted-average margins or duty-assessment rates for FAG Italy, SKF Italy, SKF Sweden, Barden, and NSK/RHP. The remands for *AFBs 9* had no effect on weighted-average margins or duty-assessment rates for SKF France,

SKF Germany, SKF Italy, and SKF Sweden.

Accordingly, the Department will determine and CBP will assess appropriate antidumping duties on entries of the subject merchandise produced by the affected companies. Individual differences between U.S. price and foreign market value may vary from the percentages published. The Department has disclosed or will disclose assessment instructions to the parties in advance. The Department will issue assessment instructions to CBP

within 15 days of publication of these amended final results of reviews.

The CIT remanded *AFBs 7* and *AFBs 9* to the Department to annul all findings and conclusions made pursuant to the duty-absorption inquiries it conducted in both segments of proceeding. The Department hereby complies with the remand as directed by the CIT and annuls all findings and conclusions made pursuant to its duty-absorption inquiries conducted for the subject reviews with respect to the following companies:

Segments	Country	Company	Class or Kind of Merchandise
AFBs 7 .....	Italy	FAG Italy	BBs
.....	.....	SKF Italy	BBs
.....	Sweden	SKF Sweden	BBs
.....	United Kingdom	Barden	BBs
.....	.....	NSK/RHP	BBs, CRBs
AFBs 9 .....	France	SKF France	BBs
.....	Germany	SKF Germany	BBs, CRBs, SPBs
.....	Italy	SKF Italy	BBs
.....	Sweden	SKF Sweden	BBs, CRBs

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

Dated: October 15, 2004.

James J. Jochum,

Assistant Secretary for Import Administration.

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-853]

#### Bulk Aspirin From the People's Republic of China: Amended Notice of Court Decision and Suspension of Liquidation

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

**SUMMARY:** On August 24, 2004, the United States Court of International Trade issued an amendment to its order, clarifying a June 29, 2004, decision regarding liquidation of entries of bulk aspirin from the People's Republic of China. Consistent with the decision of the United States Court of Appeals for the Federal Circuit in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) ("*Timken*"), the Department is notifying the public of the Court's amendment.

**DATES:** Effective October 22, 2004.

#### FOR FURTHER INFORMATION CONTACT:

Scott Holland, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-1279.

#### SUPPLEMENTARY INFORMATION:

##### Background

On June 29, 2004, the United States Court of International Trade ("CIT") issued its decision to invalidate certain sets of liquidation instructions issued by the Department of Commerce ("the Department") in the antidumping proceeding covering entries of bulk aspirin from the People's Republic of China ("PRC"). See *Jilin Henghe Pharmaceutical Co. and Jilin Pharmaceutical USA v. United States*, Consol. Court No. 04-00151, Slip. Op. 04-77 (CIT 2004) ("*Jilin Henghe*").

Pursuant to *Timken*, on July 9, 2004, the Department published a notice of the CIT's decision in the **Federal Register**. See *Bulk Aspirin from the People's Republic of China: Notice of Court Decision and Suspension of Liquidation*, 69 FR 41458 (July 9, 2004).

On August 24, 2004, the CIT issued an amendment to its order to clarify that entries of bulk aspirin that (1) were manufactured and exported to the United States by Jilin Henghe Pharmaceutical Co. Ltd. ("Jilin") and imported by Jilin Pharmaceutical USA ("Jilin USA"); and (2) were entered, or withdrawn from warehouse, for consumption during the time period of

July 1, 2002, through September 29, 2002, or entered pursuant to Customs number D09-0929517-8, shall be liquidated in accordance with the Court's decision in *Rhodia Inc. v. United States*, 240 F. Supp. 2d 1247 (CIT 2002).

#### Timken Notice

In its decision in *Timken*, the Federal Circuit held that, pursuant to section 516A(c)(1) and (e) of the Tariff Act of 1930 ("the Act"), the Department must publish notice of a decision of the CIT which is not in harmony with the Department's determination. The CIT's decision in *Jilin Henghe* was not in harmony with the Department's *Notice of Amended Final Determination and Amended Order Pursuant to Final Court Decision: Bulk Aspirin from the People's Republic of China*, 68 FR 75208 (December 30, 2003), *Notice of Amended Final Results of Antidumping Duty Administrative Review: Bulk Aspirin from the People's Republic of China*, 68 FR 12036 (March 13, 2003), or *Notice of Amended Final Results of Antidumping Duty Administrative Review: Bulk Aspirin from the People's Republic of China*, 68 FR 54890 (September 19, 2003). Therefore, publication of this notice fulfills the statutory obligation.

#### Suspension of Liquidation

This notice will serve to continue the suspension of liquidation pending a final decision by the Federal Circuit. The Department will instruct Customs and Border Protection to continue to