

that revocation of the antidumping duty orders on certain stainless steel plate from Belgium, Italy, South Korea, South Africa, and Taiwan, and the countervailing duty orders on Belgium, Italy, and South Africa would likely lead to continuation or recurrence of dumping and countervailable subsidies, and material injury to an industry in the United States, the Department is publishing notice of continuation of these antidumping and countervailing duty orders.

**EFFECTIVE DATE:** July 18, 2005.

**FOR FURTHER INFORMATION CONTACT:**

Martha V. Douthit or Dana Mermelstein, AD/CVD Operations, Office 6, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-5050 or (202) 482-1391, respectively.

**SUPPLEMENTARY INFORMATION:**

**Scope of the Orders**

The product covered by these orders is certain stainless steel plate in coils. Stainless steel is an alloy steel containing, by weight, 1.2 percent or less of carbon and 10.5 percent or more of chromium, with or without other elements. The subject plate products are flat-rolled products, 254 mm or over in width and 4.75 mm or more in thickness, in coils, and annealed or otherwise heat treated and pickled or otherwise descaled. The subject plate may also be further processed (*e.g.*, cold-rolled, polished, etc.) provided that it maintains the specified dimensions of plate following such processing. Excluded from the scope of these orders are the following: (1) Plate not in coils, (2) plate that is not annealed or otherwise heat treated and pickled or otherwise descaled, (3) sheet and strip, and (4) flat bars. The merchandise subject to these orders is currently classifiable in the Harmonized Tariff Schedule of the United States ("HTS") at subheadings: 7219.11.00.30, 7219.11.00.60, 7219.12.00.05, 7219.12.00.20, 7219.12.00.25, 7219.12.00.50, 7219.12.00.55, 7219.12.00.65, 7219.12.00.70, 7219.12.00.80, 11521 7219.31.00.10, 7219.90.00.10, 7219.90.00.20, 7219.90.00.25, 7219.90.00.60, 7219.90.00.80, 7220.11.00.00, 7220.20.10.10, 7220.20.10.15, 7220.20.10.60, 7220.20.10.80, 7220.20.60.05, 7220.20.60.10, 7220.20.60.15, 7220.20.60.60, 7220.20.60.80, 7220.90.00.10, 7220.90.00.15, 7220.90.00.60, and 7220.90.00.80. Although the HTS subheadings are provided for

convenience and Customs purposes, the written description of the merchandise subject to these orders is dispositive.

This scope language reflects the March 11, 2003, amendment of the antidumping and countervailing duty orders and suspension of liquidation which the Department implemented in accordance with the Court of International Trade decision in *Allegheny Ludlum v. United States*, Slip Op. 02-147 (Dec. 12, 2002). See also *Notice of Amended Antidumping Duty Orders; Certain Stainless Steel Plate in Coils from Belgium, Canada, Italy, the Republic of Korea, South Africa, and Taiwan*, 68 FR 11520 (March 11, 2003), and *Notice of Amended Countervailing Duty Orders; Certain Stainless Steel Plate in Coils from Belgium, Italy, and South Africa*, 68 FR 11524 (March 11, 2003).

**Background**

On April 1, 2004, the Department initiated and the ITC instituted sunset reviews of the antidumping duty orders on certain stainless steel plate in coils from Belgium, Italy, South Korea, South Africa, and Taiwan, and the countervailing duty orders on certain stainless steel plate in coils from Belgium, Italy, and South Africa, pursuant to section 751(c) of the Tariff Act of 1930, as amended ("the Act").<sup>1</sup>

As a result of its review, the Department found that revocation of the antidumping and countervailing duty orders would likely lead to continuation or recurrence of dumping and countervailable subsidies, and notified the ITC of the magnitude of the margins and the net countervailable subsidies likely to prevail were the orders to be revoked.<sup>2</sup> On July 5, 2005, the ITC determined pursuant to section 751(c) of the Act, that revocation of the antidumping duty orders on certain stainless steel plate in coils from Belgium, Italy, South Korea, South Africa, and Taiwan, and the countervailing duty orders on certain

stainless steel plate in coils from Belgium, Italy, and South Africa would likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.<sup>3</sup>

**Determination**

As a result of the determinations by the Department and the ITC that revocation of these antidumping and countervailing duty orders would likely lead to continuation or recurrence of dumping and countervailable subsidies, 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 the antidumping duty orders on certain stainless steel plate in coils from Belgium, Italy, South Korea, South Africa, and Taiwan, and countervailing duty orders on certain stainless steel plate in coils from Belgium, Italy, and South Africa.

The Department will notify U.S. Customs and Border Protection ("CBP") to continue to collect antidumping and countervailing duty cash deposits at the rates in effect at the time of entry for all imports of subject merchandise.

The effective date of continuation of these orders will be the date of publication in the **Federal Register** of this Notice of Continuation. Pursuant to section 751(c)(2) of the Act, the Department intends to initiate the next five-year review of these orders not later than June 2010.

These five-year (sunset) reviews and notice are in accordance with sections 751(c) and 777(i)(1) of the Act.

**Susan H. Kuhbach,**

*Acting Assistant Secretary for Import Administration.*

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**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 Pursuant to Final Court Decision**

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

<sup>3</sup> See *Certain Stainless Steel Plate from Belgium, Canada, Italy, Korea, South Africa, and Taiwan*, 70 FR 38710 (July 5, 2005), and *USITC Publication 3784, Investigation Nos. 701-TA-376, 377, & 379 and 731-TA-788-793 (Review)*.

<sup>1</sup> See *Initiation of Five-Year ("Sunset") Reviews*, 69 FR 17129 (April 1, 2004), and *ITC Investigation Nos. 701-TA-376, 377, & 379 and 731-TA-788-793 (Review)*, 70 FR 38710 (July 5, 2005).

<sup>2</sup> See *Stainless Steel Plate in Coils from Canada, South Africa, and Taiwan, Notice of Expedited Sunset Review: Final Results*, 69 FR 47416 (August 5, 2004), *Stainless Steel Plate in Coils from Belgium, Italy, and the Republic of Korea; Notice of Final Results of Expedited Sunset Review of Antidumping Duty Orders*, 69 FR 61798 (October 21, 2004), *Stainless Steel Plate in Coils from Belgium; Final Results of Expedited Sunset Review of Countervailing Duty Order*, 69 FR 64277 (November 4, 2004), *Stainless Steel Plate in Coils from Italy, Final Result of Full Sunset Review of Countervailing Duty Order*, 70 FR 10357 (March 3, 2005), *Stainless Steel Plate in Coils from South Africa, Final Result of Expedited Sunset Review*, 69 FR 47418 (August 5, 2004).

**SUMMARY:** On April 8, 2005, in response to appeals in *NTN Corporation, NTN Bearing Corporation of America, American NTN Bearing Manufacturing Corporation, NTN Driveshaft, Inc., NTN Bower Corporation, and NTN-BCA Corporation v. United States and Timken U.S. Corporation (NTN v. United States)*, 125 Fed. Appx. 1011 (CAFC April 8, 2005), the United States Court of Appeals for the Federal Circuit (CAFC) affirmed the Court of International Trade's (CIT's) decision of the Department of Commerce's (the Department's) final remand determination, Court No. 00-09-00443, Slip. Op. 04-64 (CIT June 9, 2004). This remand determination affects 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 for the period of review May 1, 1998, through April 30, 1999. 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 there is now a final and conclusive court decision, 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:** July 18, 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 August 11, 2000, 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 and Revocation of Orders in Part*, 65 FR 49219 (August 11, 2000), (collectively *AFBs 10*), which covered the period of review (POR) May 1, 1998, through April 30, 1999. The classes or kinds of merchandise covered by these reviews are BBs, CRBs, and SPBs.

NTN Bearing Corporation of America, NTN Corporation, American NTN Bearing Manufacturing Corporation, NTN Driveshaft, Inc., and NTN-Bower Corporation (collectively NTN), and Timken U.S. Corporation (Timken)

appealed the Department's decisions in *AFBs 10*. On February 3, 2004, the CIT issued its ruling in *NTN v. United States*, 306 F. Supp. 2d 1319, (CIT February 3, 2004), remanding to the Department the final results in *AFBs 10* as follows: (1) to apply the arm's-length test to the sales prices of certain affiliated resellers to determine whether the sales prices were comparable to the price at which NTN sold the subject merchandise to unaffiliated parties; (2) to explain how the record supports the Department's decision to recalculate NTN's home-market indirect selling expenses without regard to level of trade; (3) to clarify the reasoning for the Department's treatment of affiliated-party inputs, apply the major-input rule to NTN where appropriate, and open the record for additional information, if necessary. The remand affected NTN with respect to the administrative reviews of the antidumping duty orders on BBs, CRBs and SPBs from Japan for the period May 1, 1998, through April 30, 1999.

On April 28, 2004, the Department filed its final results of redetermination with the CIT. See *Final Remand Determination in NTN Corp., et al, v. United States*, (April 28, 2004) (Remand Results). In its redetermination, the Department conducted the arm's-length test for two of NTN's affiliated resellers and recalculated the antidumping duty margin applicable to NTN Corporation to account for the results of that test. As a result of the Department's redetermination and calculation changes, NTN's weighted-average margins for the POR changed to 4.71 percent for BBs, 3.50 percent for CRBs, and remained 2.78 percent for SPBs. On June 9, 2004, the CIT affirmed the Department's Remand Results in their entirety. See *NTN v. United States*, Court No. 00-09-00443, Slip. Op. 04-64 (CIT June 9, 2004).

NTN and Timken appealed the CIT's remand affirmation to the CAFC. On April 8, 2005, the CAFC affirmed the CIT's June 9, 2004, decision in *NTN v. United States*, 125 Fed. Appx. 1011 (CAFC April 8, 2005).

There is now a final and conclusive court decision with respect to the company affected by this litigation (NTN). Pursuant to section 516A(e) of the Tariff Act of 1930, as amended, we are amending our final results of review for this company 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 hereby amend the final results of the 1998-1999 administrative reviews of the antidumping duty orders on BBs, CRBs, and SPBs from Japan to reflect revised weighted-average margins for NTN. We determine that NTN's revised weighted-average margins are 4.71 percent for BBs, 3.50 percent for CRBs, and 2.78 percent for SPBs from Japan for the period May 1, 1998, through April 30, 1999.

Accordingly, the Department will determine and CBP will assess appropriate antidumping duties on entries of the subject merchandise produced or exported by the reviewed company. 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: July 12, 2005.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[A-570-846]

**Brake Rotors From the People's Republic of China: Final Results of Changed Circumstances Antidumping Duty Administrative Review**

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

**SUMMARY:** On May 13, 2005, the Department of Commerce ("Department") published the notice of preliminary results of its changed circumstances review examining whether Shanxi Fengkun Foundry Ltd., Co. ("Fengkun Foundry") is the successor-in-interest to Shanxi Fengkun Metallurgical Ltd., Co. ("Fengkun Metallurgical") by virtue of its name change. See *Notice of Preliminary Results of Changed Circumstances Antidumping Duty Administrative Review: Brake Rotors From the People's Republic of China*, 70 FR 25545 (May 13, 2005) ("*Preliminary Results*"). In those *Preliminary Results*, the Department found that Fengkun Foundry is not the successor-in-interest to Fengkun Metallurgical.