

## Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the Tariff Act of 1930 (the Act). In addition, unless otherwise indicated, all citations to the Department's regulations are to the current regulations, codified at 19 CFR part 351 (2001).

## Background

On June 1, 2001, the Department initiated (66 FR 29771), and the Commission instituted (66 FR 29771), sunset reviews of the countervailing and the antidumping duty orders on pasta from Italy and Turkey, and antidumping duty order on clad steel plate from Japan pursuant to section 751(c) of the Act. As a result of these reviews, the Department found that revocation of the countervailing and antidumping duty orders would be likely to lead to continuation or recurrence of a countervailable subsidy or dumping, and notified the Commission of the magnitude of the margins likely to prevail were the orders revoked.<sup>2</sup>

On November 2, 2001, the Commission determined, pursuant to section 751(c) of the Act, that revocation of the countervailing and antidumping duty orders on pasta from Italy and Turkey, would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.<sup>3</sup>

## Scope of Orders

### Italy and Turkey: Pasta

The scope of the order covers shipments of certain non-egg dry pasta in packages of five pounds (2.27 kilograms) or less, whether or not enriched or fortified or containing milk or other optional ingredients such as chopped vegetables, vegetable purees, milk, gluten, diastasis, vitamins, coloring and flavorings, and up to two percent egg white. Pasta covered by this order is typically sold in the retail market, in fiberboard or cardboard cartons or polyethylene or polypropylene bags, of varying dimensions. Excluded from the order on pasta from Turkey and Italy are

refrigerated, frozen, or canned pastas, as well as all forms of egg pasta, with the exception of non-egg dry pasta containing up to two percent egg white. Excluded from the order on pasta from Italy are imports of organic pasta from Italy that are accompanied by the appropriate certificate issued by the Istituto Mediterraneo Di Certificazione ("IMC"), by Bioagricoop Scrl, by QC&I International Services, by Ecocert Italia, by the Conzorzio per il Controllo dei Prodotti Biologici, or by the Associazione Italiana per l'Agricoltura Biologica.

The subject merchandise is currently classifiable under subheading 1902.19.20 of the Harmonized Tariff Schedule of the United States ("HTSUS"). Although the HTSUS subheading is provided for convenience and Customs purposes, our written description of the scope of these orders is dispositive.

### Japan: Clad Steel Plate

The scope of the order is all clad steel plate of a width of 600 millimeters ("mm") or more and a composite thickness of 4.5 mm or more. Clad steel plate is a rectangular finished steel mill product consisting of a layer of cladding material (usually stainless steel or nickel) which is metallurgically bonded to a base or backing of ferrous metal (usually carbon or low alloy steel) where the latter predominates by weight. Cladding is the association of layers of metals of different colors or natures by molecular interpenetration of the surfaces in contact. This limited diffusion is characteristic of clad products and differentiates them from products metalized in other manners (*i.e.*, by normal electroplating). The various cladding processes include pouring molten cladding metal onto the basic metal followed by rolling; simple hot-rolling of the cladding metal to ensure efficient welding to the basic metal; any other method of deposition of superimposing of the cladding metal followed by any mechanical or thermal process to ensure welding (*i.e.*, electrocladding), in which the cladding metal (nickel, Chromium, etc.) is applied to the basic metal by electroplating, molecular interpenetration of the surfaces in contact then being obtained by heat treatment at the appropriate temperature with subsequent cold rolling. See Harmonized Commodity Description and Coding System Explanatory Notes, Chapter 72, General Note (IV)(C)(2)(e). Stainless clad steel plate is manufactured to American Society for Testing and Materials ("ASTM") specifications A263 (400 series stainless

types) and A264 (300 series stainless types). Nickel and nickel-base alloy clad steel plate is manufactured to ASTM specification A265. These specifications are illustrative but not necessarily all-inclusive. Clad steel plate within the scope of this order is classifiable under the Harmonized Tariff Schedule of the United States ("HTSUS") 7210.90.10.00. Although the HTSUS subheading is provided for convenience and Customs purposes, our written description of the scope of these orders is dispositive.

## Determinations

As a result of the determinations by the Department and the Commission that revocation of the countervailing and antidumping duty orders would be likely to lead to continuation or recurrence of a countervailable subsidy or 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 the countervailing and antidumping duty orders on pasta from Italy and Turkey, and the antidumping duty order on clad steel plate from Japan. 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 October 2006.

Dated: November 9, 2001.

**Faryar Shirzad,**

*Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-428-801]

### Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From Germany; Notice of Amended Final Results of Antidumping Duty Administrative Reviews Pursuant to Final Court Decision

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

**ACTION:** Notice of amended final results of administrative reviews pursuant to final Court decision.

**SUMMARY:** The United States Court of International Trade and the United States Court of Appeals for the Federal Circuit have affirmed the Department of

<sup>2</sup> *Final Results of Expedited Sunset Reviews: Certain Pasta From Italy and Turkey*, 66 FR 51015 (October 5, 2001). *Final Results of Sunset Review: Countervailing Duty Order on Certain Pasta From Italy*, 66 FR 51640 (October 10, 2001). *Final Results of Expedited Sunset Review: Countervailing Duty Order on Certain Pasta From Turkey*, 66 FR 51019 (October 5, 2001). *Final Results of Expedited Sunset Review: Clad Steel Plate From Japan*, 66 FR 51007 (October 5, 2001).

<sup>3</sup> See USITC Publication 3462, (October 2001), Investigations Nos. 701-TA-365-366 (Review) and 731-TA-734-735 (Review) (66 FR 55697).

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 Germany. 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. The period of review is May 1, 1992, through April 30, 1993. As there is now a final and conclusive court decision in this case, we are amending our final results of reviews and we will instruct the Customs Service to liquidate entries subject to these reviews.

**EFFECTIVE DATE:** November 16, 2001.

**FOR FURTHER INFORMATION CONTACT:**

Katja Kravetsky or Mark Ross, AD/CVD Enforcement 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482-4733.

**SUPPLEMENTARY INFORMATION:**

**The Applicable Statute**

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are references to the provisions in effect as of December 31, 1994. In addition, unless otherwise indicated, all citations to the Department of Commerce's (the Department's) regulations are to the regulations as codified at 19 CFR part 353 (1995).

**Background**

On February 28, 1995, the Department published its final results of administrative reviews of the antidumping duty orders on antifriction bearings (other than tapered roller bearings) and parts thereof from France, Germany, Italy, Japan, Singapore, Sweden, Thailand, and the United Kingdom, covering the period May 1, 1992, through April 30, 1993. See *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts*

*Thereof From France, et al.; Final Results of Antidumping Duty Administrative Reviews, Partial Termination of Administrative Reviews, and Revocation in Part of Antidumping Duty Orders*, 60 FR 10900 (February 28, 1995). These final results were amended on February 28, 1995, June 13, 1995, and September 26, 1995 (see 60 FR 10967, 60 FR 31142, and 60 FR 49568, respectively). 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). A domestic producer, the Torrington Company, and a number of respondent interested parties challenged the final results in the United States Court of International Trade (CIT).

In *INA Walzlager Schaeffler KG, and INA Bearing Company, Inc., FAG Kugelfischer Georg Schafer AG, FAG Bearings Corporation, SKF USA Inc., and SKF GmbH v. United States*, 957 F. Supp. 251 (CIT 1997), the CIT ordered the Department to make methodological changes and to recalculate the antidumping margins for INA, FAG, and SKF. Specifically, the CIT ordered the Department, *inter alia*, to make the following changes:

(1) Deduct imputed interest for INA's credit expenses and inventory carrying expenses from cost of production (COP);

(2) Adjust the profit calculation for INA for the differences between sales COP and constructed value COP;

(3) Apply a tax-neutral amount methodology in computing the value-added tax (VAT) adjustment;

(4) Deny the adjustment to foreign market value (FMV) for FAG's negative billing adjustments, post-sale price adjustments, and third-party discounts;

(5) Allow a direct adjustment to FMV for SKF's rebate two; and

(6) Explain the circumstances in which the Department will apply the reimbursement regulation in exporter's-sales-price (ESP) situations.

On June 3, 1997, the Department submitted the recalculated results consistent with the CIT's remand order. The Department deducted imputed

interest for INA's credit and inventory carrying costs from COP and adjusted the profit calculation for the differences between sales COP and constructed value COP; applied a tax-neutral methodology in computing the VAT adjustment for all three respondents; denied the indirect selling expense adjustment to FMV for FAG's negative billing adjustments, post-sale price adjustments, and third-party discounts; allowed a direct adjustment to FMV for SKF's rebate two; and explained the circumstances under which we will apply the regulation regarding reimbursement of antidumping duties in ESP situations.

On September 29, 1997, the CIT affirmed the Department's Final Results of Redetermination on Remand (Slip Op. 97-141).

One respondent, SKF, appealed two issues, the Department's denial of SKF's billing adjustment two and cash discounts, to the Court of Appeals for the Federal Circuit (CAFC).

On June 10, 1999, the CAFC agreed that the Department properly disallowed SKF's billing adjustment two and cash discounts because the claimed adjustments were not limited to merchandise within the scope of the antidumping duty order. *SKF USA Inc. and SKF GmbH v. U.S.*, 180 F. 3d 1370 (Fed. Cir. 1999). This decision was not appealed.

As there is a final and conclusive court decision in this action, we are amending our final results of review in this matter, and we will instruct the Customs Service to liquidate entries subject to these reviews.

**Amendment to Final Results**

Pursuant to section 516A(e) of the Act, we are now amending the final results of the administrative reviews of the antidumping duty orders on antifriction bearings (other than tapered roller bearings) and parts thereof from Germany for the period May 1, 1992, through April 30, 1993. The revised weighted-average percentage margins are as follows:

| Company                                 | BBs   | CRBs  | SPBs             |
|---|-------|-------|------------------|
| INA Walzlager Schaeffler KG .....       | 26.62 | 9.72  | ( <sup>1</sup> ) |
| FAG Kugelfischer Georg Schafer AG ..... | 9.38  | 12.32 | 14.46            |
| SKF GmbH .....                          | 14.48 | 9.97  | 21.35            |

<sup>1</sup> No shipments during the period of review.

**Assessment Rates**

Accordingly, the Department will determine, and the Customs Service will assess, antidumping duties on all

appropriate entries. Individual differences between United States price and foreign market value may vary from the percentages listed above. For

companies covered by these amended results, the Department will issue appraisement instructions to the

Customs Service after publication of these amended final results of reviews.

We are issuing and publishing this determination in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: November 2, 2001.

**Faryar Shirzad,**

*Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-791-810]

#### **Amended Final Affirmative Countervailing Duty Determination: Certain Hot-Rolled Carbon Steel Flat Products From South Africa**

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

**ACTION:** Notice of amended final affirmative countervailing duty investigation.

**SUMMARY:** On October 3, 2001, the Department of Commerce (the Department) published in the **Federal Register** its final affirmative determination in the countervailing duty investigation of certain hot-rolled carbon steel flat products from South Africa. The Department is now amending its final affirmative determination to correct a ministerial error in the calculations. The amended final subsidy rates are listed below in the "Subsidy Rates" section of this notice.

**EFFECTIVE DATE:** November 16, 2001.

**FOR FURTHER INFORMATION CONTACT:** Sally C. Gannon at (202) 482-0162, Mark Hoadley at (202) 482-0666, or Julio Fernandez at (202) 482-0190, Office of AD/CVD Enforcement VII, Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, Room 7866, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

#### **SUPPLEMENTARY INFORMATION:**

#### **Applicable Statute and Regulations**

Unless otherwise indicated, all citations to the statute are references to the Tariff Act of 1930 (the Act), as amended. In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations codified at 19 CFR part 351 (2000).

## **Background**

On October 3, 2001, the Department published its *Final Affirmative Countervailing Duty Determination: Certain Hot-Rolled Carbon Steel Flat Products from South Africa*, 66 FR 50412 (October 3, 2001). On October 3, 2001, Saldanha Steel Ltd. (Saldanha Steel), one of three respondents in this investigation, submitted comments to the Department alleging two ministerial errors in the calculation of the combined Saldanha Steel/Iscoor Ltd. (Iscoor) countervailable subsidy rate (Iscoor is another respondent in this investigation). Specifically, Saldanha Steel contends that the Department made ministerial errors in calculating the benefit from loan guarantees provided by the Industrial Development Corporation (IDC), and in calculating the benefit from the Findevco Ltd. loan. On October 9, 2001, petitioners in this investigation rebutted Saldanha Steel's allegations by stating that they did not relate to errors of a ministerial nature.

## **Scope of the Investigation**

The merchandise subject to this investigation is 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 lengths, 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 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 investigation.

Specifically included within the scope of this investigation are vacuum degassed, fully stabilized (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 as chromium, copper, niobium, vanadium, and molybdenum. The substrate for motor lamination steels

contains micro-alloying levels of elements such as silicon and aluminum.

Steel products included in the scope of this investigation, regardless of definitions in the Harmonized Tariff Schedule of the United States (HTSUS), are products in which: (i) iron predominates, by weight, over each of the other contained elements; (ii) the carbon content is 2 percent or less, by weight; and (iii) none of the elements listed below exceeds the quantity, by weight, respectively indicated:

1.80 percent of manganese, or  
2.25 percent of silicon, or  
1.00 percent of copper, or  
0.50 percent of aluminum, or  
1.25 percent of chromium, or  
0.30 percent of cobalt, or  
0.40 percent of lead, or  
1.25 percent of nickel, or  
0.30 percent of tungsten, or  
0.10 percent of molybdenum, or  
0.10 percent of niobium, or  
0.15 percent of vanadium, or  
0.15 percent of zirconium.

All products that meet the physical and chemical descriptions provided above are within the scope of this investigation unless otherwise excluded. The following products, by way of example, are outside or specifically excluded from the scope of this investigation:

- Alloy hot-rolled steel products in which at least one of the chemical elements exceeds those listed above (including, *e.g.*, American Society for Testing and Materials (ASTM) specifications A543, A387, A514, A517, A506).
- Society of Automotive Engineers (SAE)/American Iron & Steel Institute (AISI) grades of series 2300 and higher.
- Ball bearing steels, as defined in the HTSUS.
- Tool steels, as defined in the HTSUS.
- Silico-manganese (as defined in the HTSUS) or silicon electrical steel with a silicon level exceeding 2.25 percent.
- ASTM specifications A710 and A736.
- USS Abrasion-resistant steels (USS AR 400, USS AR 500).
- All products (proprietary or otherwise) based on an alloy ASTM specification (sample specifications: ASTM A506, A507).
- Non-rectangular shapes, not in coils, which are the result of having been processed by cutting or stamping and which have assumed the character of articles or products classified outside chapter 72 of the HTSUS.

The merchandise subject to this investigation is classified in the HTSUS at subheadings: 7208.10.15.00,