

## DEPARTMENT OF COMMERCE

## International Trade Administration

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

**Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From Germany, Italy, and Sweden; 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 May 7, 1998, 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 third administrative reviews of the antidumping duty orders on antifriction bearings (other than tapered roller bearings) and parts thereof from Germany, Italy, and Sweden with respect to SKF. 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 U.S. Customs Service to liquidate entries subject to these reviews.

**EFFECTIVE DATE:** July 16, 1998.

**FOR FURTHER INFORMATION CONTACT:** Dave Dirstine or Richard Rimlinger, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482-4033 or (202) 482-4477.

**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 (April 1, 1997).

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

On July 26, 1993, 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, Romania, Singapore, Sweden, Thailand, and the United Kingdom, covering the period May 1, 1991 through April 30, 1992 (AFBs III) (58 FR 39729). These final results were amended on August 9, 1993, September 30, 1993, December 15, 1993, February 28, 1994, and April 16, 1998 (see 58 FR 42288, 58 FR 51055, 58 FR 65576, 59 FR 9469, and 63 FR 18877, 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). Subsequently, two domestic producers, the Torrington Company and Federal-Mogul, and a number of other interested parties filed lawsuits with the U.S. Court of International Trade (CIT) challenging the final results. These lawsuits were litigated at the CIT and the United States Court of Appeals for the Federal Circuit (CAFC). On April 16, 1998, as a result of a final court decision, we issued amended final results for all firms whose dumping margins had changed as a result of litigation except for SKF GmbH (SKF Germany), SKF Industrie S.p.A. (SKF Italy), and SKF Sverige AB (SKF Sweden). See *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof from France, et al.; Amended Final Results of Antidumping Duty Administrative Reviews* (63 FR 18877) (Amended Final Results). At that time, our determination of SKF Germany's, SKF Italy's, and SKF Sweden's dumping margins were still subject to outstanding litigation.

On May 7, 1998, the CAFC affirmed the CIT's decision in *Federal-Mogul Corp. v. United States*, 951 F. Supp. 1026 (*Federal-Mogul*). The Torrington Company and Federal-Mogul Corporation v. *United States*, 1998 U.S. App. LEXIS 12370 (May 7, 1998) (*Torrington*). The CIT's decision in *Federal-Mogul* affirmed the Department's remand results which were prepared pursuant to the CIT's earlier decision in *Federal-Mogul Corp. v. United States*, 918 F. Supp. 386 (1996), with respect to SKF Germany, SKF Italy, and SKF Sweden, among others, and dismissed the case. As a result of this and other litigation cited in our April 16, 1998, notice of Amended Final Results, we have made methodological changes and recalculated the dumping margins for SKF Germany, SKF Italy, and SKF

Sweden. Specifically, the Department has, *inter alia*, (1) reconsidered its methodology for computing inventory carrying costs; (2) denied an adjustment to foreign market value (FMV) for home market (HM) pre-sale freight expenses where FMV was calculated using purchase price; (3) developed a methodology which removes post-sale price adjustments and rebates paid on sales of out-of-scope merchandise from its calculations of FMV or, if no viable method could be developed, denied such an adjustment in its calculation of FMV; and (4) corrected certain clerical errors.

As there is now a final and conclusive court decision with respect to SKF Germany, SKF Italy, and SKF Sweden, we are amending our final results of review for these companies and we will subsequently instruct the U.S. Customs Service to liquidate the relevant 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 administrative reviews of the antidumping duty orders on antifriction bearings (other than tapered roller bearings) and parts thereof from Germany, Italy, and Sweden, for the period May 1, 1991, through April 30, 1992, with respect to SKF Germany, SKF Italy, and SKF Sweden. The revised weighted-average percentage margins are as follows:

Company	BBs	CRBs	SPBs
<b>Germany</b>			
SKF .....	17.66	8.66	8.98
<b>Italy</b>			
SKF .....	4.98	0.00	
<b>Sweden</b>			
SKF .....	7.77	4.80	

Accordingly, the Department will determine and the U.S. Customs Service will assess appropriate antidumping duties on entries of the subject merchandise produced by SKF Germany, SKF Italy, and SKF Sweden. Individual differences between United States price and foreign market value may vary from the percentages listed above. The Department will issue appraisal instructions to the U.S. Customs Service after publication of these amended final results of reviews.

This notice is published pursuant to section 751(a) of the Act.

Dated: July 2, 1998.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-201-805]

#### **Circular Welded Non-Alloy Steel Pipe and Tube From Mexico: Final Results of Antidumping Duty Administrative Review**

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

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

**SUMMARY:** On June 17, 1998, the Department of Commerce (the Department) published the final results of its administrative review of the antidumping duty order on circular welded non-alloy steel pipe from Mexico covering exports of this merchandise to the United States by one manufacturer/exporter, Hylsa S.A. de C.V. ("Hylsa") during the period November 1, 1995 through October 31, 1996. See *Circular Welded Non-Alloy Steel Pipe and Tube from Mexico: Final Results of Antidumping Duty Administrative Review*, 63 FR 33041. The Department has since determined that the published weighted-average dumping margin was incorrect and is therefore amending the final results of review for Hylsa.

**EFFECTIVE DATE:** July 16, 1998.

**FOR FURTHER INFORMATION CONTACT:** Ilissa Kabak at (202) 482-0145 or John Kugelman at (202) 482-0649, Enforcement Group III—Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

#### **The Applicable Statute**

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act) are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all references to the Department's regulations are to 19 CFR Part 353 (April 1, 1997).

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On June 17, the Department published the final results of its administrative review of the antidumping duty order on circular welded non-alloy steel pipe from Mexico covering exports of this merchandise to the United States by Hylsa during the period November 1, 1995 through October 31, 1996. This notice stated that the weighted-average dumping margin for Hylsa was 8.31 percent. After these final results were published, the Department determined that, as a result of a clerical error, the 8.31 percent figure included in that notice was incorrect. See Memorandum to the File, July 7, 1998 (Analysis Memo). The final results should have indicated that the weighted-average dumping margin for Hylsa is 7.39 percent.

##### **Scope of the Review**

The products covered by this order are circular welded non-alloy steel pipes and tubes, of circular cross-section, not more than 406.4 millimeters (16 inches) in outside diameter, regardless of wall thickness, surface finish (black, galvanized, or painted), or end finish (plain end, beveled end, threaded, or threaded and coupled). These pipes and tubes are generally known as standard pipes and tubes and are intended for the low pressure conveyance of water, steam, natural gas, and other liquids and gases in plumbing and heating systems, air conditioning units, automatic sprinkler systems, and other related uses, and generally meet ASTM A-53 specifications. Standard pipe may also be used for light load-bearing applications, such as for fence tubing, and as structural pipe tubing used for framing and support members for reconstruction or load-bearing purposes in the construction, shipbuilding, trucking, farm equipment, and related industries. Unfinished conduit pipe is also included in these orders.

All carbon steel pipes and tubes within the physical description outlined above are included within the scope of this order, except line pipe, oil country tubular goods, boiler tubing, mechanical tubing, pipe and tube hollows for redraws, finished scaffolding, and finished conduit. Standard pipe that is dual or triple certified/stenciled that enters the U.S. as line pipe of a kind used for oil or gas pipelines is also not included in this order.

Imports of the products covered by this order are currently classifiable under the following Harmonized Tariff Schedule (HTS) subheadings:

7306.30.10.00, 7306.30.50.25, 7306.30.50.32, 7306.30.50.40, 7306.30.50.55, 7306.30.50.85, and 7306.30.50.90.

Although the HTS subheadings are provided for convenience and customs purposes, our written description of the scope of these proceedings is dispositive.

The period of review (POR) is November 1, 1995 through October 31, 1996. This review covers sales of circular welded non-alloy steel pipe and tube by Hylsa.

##### **Amended Final Results of Review**

We determine that the correct weighted-average margin for Hylsa is 7.39 percent for the period November 1, 1995 through October 31, 1996.

The Department will determine, and the U.S. Customs Service shall assess, antidumping duties on all appropriate entries. Because Hylsa was the only importer during the POR, we have calculated the importer-specific per-unit duty assessment rate for the merchandise imported by Hylsa by dividing the total amount of antidumping duties calculated during the POR by the total quantity entered during the POR. Individual differences between U.S. price and normal value may vary from the percentages stated above. The Department will issue appraisal instructions directly to the Customs Service.

Furthermore, the following deposit requirements will be effective upon publication of this notice of amended final results of review for all shipments of circular welded non-alloy steel pipe from Mexico entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by § 751(a)(1) of the Act: (1) The amended cash deposit rate for Hylsa will be the rate stated above; (2) if the exporter is not a firm covered in this review, a prior review, or the original LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; (3) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (4) the cash deposit rate for all other manufacturers or exporters will continue to be the "all others" rate of 32.62 percent.<sup>1</sup> See *Notice of Antidumping Orders: Certain Circular Welded Non-Alloy Steel Pipe from*

<sup>1</sup> The preliminary results of this administrative review incorrectly stated that the "all others" rate was 36.62 percent. *Preliminary Results* at 62 FR 64568.