

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.

After consideration of new factual information solicited by the Department and comments from interested parties, the Department now finds that Fengkun Foundry is the successor-in-interest to Fengkun Metallurgical, and that Fengkun Foundry should retain the deposit rate assigned to Fengkun Metallurgical by the Department for all entries of the subject merchandise produced or exported by Fengkun Metallurgical. We have now completed this changed circumstances review in accordance with 19 CFR 351.216 and 351.221(c)(3).

EFFECTIVE DATE: July 18, 2005

FOR FURTHER INFORMATION CONTACT: Catherine Bertrand or Carrie Blozy, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-3207 or (202) 482-5403, respectively.

SUPPLEMENTARY INFORMATION:

Background

On October 19, 2004, the Department initiated a changed circumstances review of Fengkun Foundry's claim that it is the successor-of-interest to Fengkun Metallurgical. See *Brake Rotors from the People's Republic of China: Notice of Initiation of Changed Circumstances Review*, 69 FR 61468 (October 19, 2004) ("Initiation Notice"). On May 13, 2005, the Department published the preliminary results of its changed circumstances review. See *Preliminary Results*. In the *Preliminary Results* the Department stated that should Fengkun Foundry obtain a valid Certificate of Approval for Enterprises with Foreign Trade Rights ("Certificate of Approval") and otherwise demonstrate that it is both an exporter and producer of the subject merchandise, we may revisit the issue and review the totality of information to determine if Fengkun Foundry should receive the same antidumping duty treatment with respect to brake rotors as the former Fengkun Metallurgical. See *Preliminary Results* at 25546. On May 31, 2005, Fengkun Foundry submitted a Certificate of Approval. On June 3, 2005, respondent submitted a case brief. Also, on June 3, 2005, petitioner, the Coalition for the Preservation of American Brake Drum and Rotor Aftermarket Manufacturers, filed a case brief and comments on the Certificate of Approval submitted by respondent on May 31, 2005. On June 10, 2005, both respondent and petitioner submitted a rebuttal brief.

Scope of the Order

The products covered by the order are brake rotors made of gray cast iron, whether finished, semifinished, or unfinished, ranging in diameter from 8 to 16 inches (20.32 to 40.64 centimeters) and in weight from 8 to 45 pounds (3.63 to 20.41 kilograms). The size parameters (weight and dimension) of the brake rotors limit their use to the following types of motor vehicles: automobiles, all-terrain vehicles, vans, recreational vehicles under "one ton and a half," and light trucks designated as "one ton and a half."

Finished brake rotors are those that are ready for sale and installation without any further operations. Semifinished rotors are those rotors which have undergone some drilling and on which the surface is not entirely smooth. Unfinished rotors are those which have undergone some grinding or turning.

These brake rotors are for motor vehicles and do not contain in the casting a logo of an original equipment manufacturer ("OEM") which produces vehicles sold in the United States (e.g., General Motors, Ford, Chrysler, Honda, Toyota, and Volvo). Brake rotors covered in this review are not certified by OEM producers of vehicles sold in the United States. The scope also includes composite brake rotors that are made of gray cast iron which contain a steel plate but otherwise meet the above criteria. Excluded from the scope of the order are brake rotors made of gray cast iron, whether finished, semifinished, or unfinished, with a diameter less than 8 inches or greater than 16 inches (less than 20.32 centimeters or greater than 40.64 centimeters) and a weight less than 8 pounds or greater than 45 pounds (less than 3.63 kilograms or greater than 20.41 kilograms).

Brake rotors are classifiable under subheading 8708.39.5010 of the Harmonized Tariff Schedule of the United States ("HTSUS"). Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the scope of the order is dispositive.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the Issues and Decision Memorandum ("Decision Memorandum") from Susan H. Kuhbach, Acting Deputy Assistant Secretary, AD/CVD Operations, to Joseph A. Spetrini, Acting Assistant Secretary for Import Administration, which is hereby adopted by this notice. A list of the issues which parties have

raised and to which we have responded, all of which are in the Decision Memorandum, is attached to this notice as an Appendix. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in the Central Records Unit, Room B-099 of the main Department building. In addition, a complete version of the Decision Memorandum can be accessed directly on the Web at <http://ia.ita.doc.gov/frn/frnhome.htm>. The paper copy and electronic version of the Decision Memorandum are identical in content.

Successorship and Final Results

On the basis of the record developed in this proceeding, we determine Fengkun Foundry is the successor-in-interest to Fengkun Metallurgical for purposes of determining antidumping duty liability. For a complete discussion of the basis for this decision, please see the Decision Memorandum accompanying this notice.

Effective as of the date of these final results, we will instruct U.S. Customs and Border Protection ("CBP") to assign Fengkun Foundry the same antidumping duty cash-deposit rate applicable to Fengkun Metallurgical. The cash-deposit requirement will be effective upon publication of this notice of final results of changed circumstances review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date.

This notice also serves as a final reminder to parties subject to administrative protective orders ("APOs") of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Failure to timely notify the Department in writing of the return/destruction of APO material is a sanctionable violation.

We are issuing and publishing this finding and notice in accordance with sections 751(b)(1) and 777(i)(1) of the Act and 19 CFR 351.221(c)(3) and 19 CFR 351.216.

Dated: July 11, 2005.

Susan H. Kuhbach,
Acting Assistant Secretary for Import Administration.

APPENDIX I

Comment 1: Whether Fengkun Foundry is the successor-in-interest to Fengkun Metallurgical
Comment 2: Circumvention of the Antidumping Order

Comment 3: Separate Rates

[FR Doc. E5-3802 Filed 7-15-05; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-485-805]

Certain Small Diameter Carbon and Alloy Seamless Standard, Line, and Pressure Pipe from Romania: Final Results of Antidumping Duty Administrative Review and Final Determination Not to Revoke Order in Part

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

SUMMARY: On May 10, 2005, the Department of Commerce published the preliminary results of the administrative review of the antidumping duty order on certain small diameter carbon and alloy seamless standard, line, and pressure pipe (seamless pipe) from Romania. The period of review is August 1, 2003, through July 31, 2004. We did not receive comments from interested parties, and we did not make any changes to the margin for the final results. The final margin for S.C. Silcotub S.A. is listed below in the section entitled "Final Results of Review."

EFFECTIVE DATE: July 18, 2005.

FOR FURTHER INFORMATION CONTACT: Janis Kalnins at (202) 482-1392 or John Holman at (202) 482-3683, AD/CVD Operations, Office 5, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On May 10, 2005, the Department of Commerce (the Department) published the preliminary results of the administrative review of the antidumping duty order on seamless pipe from Romania. See *Certain Small Diameter Carbon and Alloy Seamless Standard, Line, and Pressure Pipe from Romania: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination Not to Revoke in Part*, 70 FR 24520 (May 10, 2005) (*Preliminary Results*). We invited interested parties to comment on the preliminary results. We did not receive comments from interested parties, and we did not make any changes to the margin for the final results. The Department has conducted

this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The products covered by the order are seamless carbon and alloy (other than stainless) steel standard, line, and pressure pipes and redraw hollows produced, or equivalent, to the ASTM A-53, ASTM A-106, ASTM A-333, ASTM A-334, ASTM A-335, ASTM A-589, ASTM A-795, and the API 5L specifications and meeting the physical parameters described below, regardless of application. The scope of the order also includes all products used in standard, line, or pressure pipe applications and meeting the physical parameters described below, regardless of specification. Specifically included within the scope of the order are seamless pipes and redraw hollows, less than or equal to 4.5 inches (114.3 mm) in outside diameter, regardless of wall-thickness, manufacturing process (hot finished or cold-drawn), end finish (plain end, beveled end, upset end, threaded, or threaded and coupled), or surface finish.

The seamless pipes subject to the order are currently classifiable under the subheadings 7304.10.10.20, 7304.10.50.20, 7304.31.30.00, 7304.31.60.50, 7304.39.00.16, 7304.39.00.20, 7304.39.00.24, 7304.39.00.28, 7304.39.00.32, 7304.51.50.05, 7304.51.50.60, 7304.59.60.00, 7304.59.80.10, 7304.59.80.15, 7304.59.80.20, and 7304.59.80.25 of the Harmonized Tariff Schedule of the United States (HTSUS).

For a further and more specific description of the scope of the order, please see *Preliminary Results*, 70 FR at 24521.

Although the HTSUS subheadings are provided for convenience and U.S. Customs and Border Protection (CBP) purposes, our written description of the merchandise subject to the scope of this order is dispositive.

Facts Available

For these final results, the Department continues to find that S.C. Silcotub S.A. did not act to the best of its ability by withdrawing itself from the review, thus withholding information necessary to calculate an accurate dumping margin and which the Department requested. Accordingly, the Department continues to find that the use of adverse facts available is warranted under section 776 of the Act. For a detailed discussion of our application, selection, and corroboration of the rate we selected as adverse facts available, see *Preliminary Results*, 70 FR at 24522, 24523.

No Revocation in Part

On August 31, 2004, Silcotub submitted a request that the Department revoke the order in part on seamless pipe from Romania with respect to its sales. In the *Preliminary Results* we determined that S.C. Silcotub S.A. did not meet the requirement of selling the subject merchandise at not less than normal value for a period of three consecutive years. See *Preliminary Results*, 70 FR at 24523. Therefore, for these final results, we determine not to revoke the order with respect to sales of seamless pipe made by S.C. Silcotub S.A. to the United States.

Final Results of Review

As a result of our review, we determine that a weighted-average dumping margin of 15.15 percent exists for S.C. Silcotub S.A. for the period August 1, 2003, through July 31, 2004.

Duty Assessment and Cash-Deposit Requirements

The Department will determine, and CBP shall assess, antidumping duties on all appropriate entries. Because we are applying adverse facts available to all exports of subject merchandise produced or exported by S.C. Silcotub S.A., we will instruct CBP to assess the final percentage margin against the entered customs values on all applicable entries during the period of review. The Department will issue appropriate assessment instructions directly to CBP within 15 days of publication of these final results of review.

The following deposit requirements will be effective upon publication of these final results of this administrative review for all shipments of seamless pipe from Romania entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results, as provided by section 751(a)(2)(C) of the Act: (1) The cash-deposit rate for S.C. Silcotub S.A. is 15.15 percent; (2) for merchandise exported by producers or exporters that were previously reviewed or investigated, the cash deposit will continue to be the most recent rate published in the final determination or final results for which the producer or exporter received an individual rate; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation but the manufacturer is, the cash-deposit rate will be the rate established for the most recent period for the manufacturer of the subject merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous review,