

*Timken Company*, Court No. 98–12–03232, Slip Op. 03–65 (CIT June 13, 2003) (*NTN II*). On August 13, 2003, the respondent, NTN Corporation (NTN), appealed the CIT’s decision to the Court of Appeals for the Federal Circuit (Federal Circuit). On October 27, 2003, the Federal Circuit dismissed NTN’s appeal. See *NTN Bearing Corporation of America, American NTN Bearing Corporation, NTN Bower, Inc. and NTN Corporation v. United States and The Timken Company*, 03–1592 (Fed. Cir. October 27, 2003) (*NTN CAFC*). Because all litigation has concluded, the Department is now issuing these amended final results reflecting the CIT’s decision.

**EFFECTIVE DATE:** February 17, 2004.

**FOR FURTHER INFORMATION CONTACT:** Deborah Scott at (202) 482–2657 or Robert James at (202) 482–0649, Antidumping and Countervailing Duty Enforcement Group III, Office Eight, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

**SUPPLEMENTARY INFORMATION:**

**Background**

On November 17, 1998, the Department of Commerce (the Department) published the final results

of its administrative reviews of the antidumping duty order on tapered roller bearings (TRBs) and parts thereof, finished and unfinished, from Japan (A-588–604) and the antidumping finding on TRBs, four inches or less in outside diameter, and components thereof, from Japan (A-588–054) for the period October 1, 1996 through September 30, 1997. See *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From Japan, and Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof, From Japan; Final Results of Antidumping Duty Administrative Reviews*, 63 FR 63860 (November 17, 1998) (*1996–97 TRBs from Japan*). NTN filed a lawsuit challenging these results<sup>1</sup> and the CIT issued an Order and Opinion dated January 24, 2003, remanding one issue to the Department. See *NTN Bearing Corporation of America, American NTN Bearing Manufacturing Corporation, NTN Bower, Inc. and NTN Corporation v. United States and The Timken Company*, 248 F. Supp. 2d 1256 (CIT January 24, 2003) (*NTN I*). Specifically, the CIT remanded the case to the Department to correct a clerical error resulting for the use of the incorrect level of trade adjustment factors for NTN’s export price (EP) sales and to adjust the dumping margin accordingly.

In accordance with the CIT’s order in *NTN I*, the Department filed its remand results on April 14, 2003. On June 13, 2003, the CIT affirmed the Department’s final results of remand redetermination and dismissed the litigation for Court No. 98–12–03232. See *NTN II*. On August 13, 2003, NTN appealed the CIT’s decision to the Federal Circuit. On October 27, 2003, the Federal Circuit dismissed NTN’s appeal. See *NTN CAFC*. Because all litigation has concluded, in accordance with *NTN II*, we are amending our final results of review in this matter and we will instruct U.S. Customs and Border Protection (CBP) to liquidate entries, as appropriate, in accordance with our remand results.

**Amendment to Final Results**

Pursuant to section 516A(e) of the Tariff Act of 1930, as amended, as there is now a final and conclusive court decision, we are now amending the final results of the 1996–97 administrative review of the antidumping duty order on TRBs and parts thereof, finished and unfinished, from Japan to reflect a revised weighted-average margin for NTN. We determine that the following revised weighted-average margin exists for NTN for the period October 1, 1996 through September 30, 1997:

Producer/Exporter	Period of Review	Weighted-Average Original:	Margin (%) Revised:
NTN .....	10/1/1996 - 9/30/1997	19.78	15.64

Accordingly, the Department has determined and CBP will assess appropriate antidumping duties on the relevant entries of the subject merchandise from NTN covered by the review of the period listed above. The Department will issue assessment instructions directly to CBP within 15 days of publication of this notice.

Dated: February 6, 2004.

**James J. Jochum,**

*Assistant Secretary for Import Administration.*

[FR Doc. 04–3388 Filed 2–13–04; 8:45 am]

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[C-580–835]

**Amended Final Results of Countervailing Duty Administrative Review: Stainless Steel Sheet and Strip in Coils from the Republic of Korea**

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

**ACTION:** Notice of Amended Final Results of Countervailing Duty Administrative Review.

**SUMMARY:** On January 14, 2004, the Department of Commerce (the Department) published in the **Federal Register** its final results of the administrative review of the

countervailing duty order on stainless steel sheet and strip in coils from the Republic of Korea for the period January 1, 2001, through December 31, 2001 (*Final Results of Countervailing Duty Administrative Review: Stainless Steel Sheet and Strip in Coils from the Republic of Korea*, 69 FR 2113 (January 14, 2004) (*Final Results*)). On January 13, 2004, we received timely-filed ministerial error allegations from respondents, INI Steel Company (INI)<sup>1</sup> and Sammi Steel Co., Ltd. (Sammi).<sup>2</sup> Based on our analysis of this information, the Department has revised the net subsidy rate for INI and Sammi. **EFFECTIVE DATE:** February 17, 2004.

**FOR FURTHER INFORMATION CONTACT:** Carrie Farley or Darla Brown (202) 482–0395, (202) 482–2849, respectively, Office of AD/CVD Enforcement VI, Import Administration, International Trade Administration, U.S. Department

<sup>1</sup> NTN was not subject to the antidumping finding on TRBs, four inches or less in outside diameter, and components thereof, from Japan.

<sup>1</sup> Formerly known as Incheon Iron and Steel Co. (Inchon). As of April 2001, Incheon changed its name to INI.

<sup>2</sup> As of April 2002, Sammi changed its name to BNG Steel Co., Ltd. (BNG).

of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

#### SUPPLEMENTARY INFORMATION:

##### Scope of the Review

For purposes of this review, the products covered are certain stainless steel sheet and strip 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 sheet and strip is a flat-rolled product in coils that is greater than 9.5 mm in width and less than 4.75 mm in thickness, and that is annealed or otherwise heat treated and pickled or otherwise descaled. The subject sheet and strip may also be further processed (e.g., cold-rolled, polished, aluminized, coated, etc.) provided that it maintains the specific dimensions of sheet and strip following such processing.

The merchandise subject to this review is classified in the *Harmonized Tariff Schedule of the United States* (HTSUS) at subheadings: 7219.13.00.31, 7219.13.00.51, 7219.13.00.71, 7219.13.00.81, 7219.14.00.30, 7219.14.00.65, 7219.14.00.90, 7219.32.00.05, 7219.32.00.20, 7219.32.00.25, 7219.32.00.35, 7219.32.00.36, 7219.32.00.38, 7219.32.00.42, 7219.32.00.44, 7219.33.00.05, 7219.33.00.20, 7219.33.00.25, 7219.33.00.35, 7219.33.00.36, 7219.33.00.38, 7219.33.00.42, 7219.33.00.44, 7219.34.00.05, 7219.34.00.20, 7219.34.00.25, 7219.34.00.30, 7219.34.00.35, 7219.35.00.05, 7219.35.00.15, 7219.35.00.30, 7219.35.00.35, 7219.90.00.10, 7219.90.00.20, 7219.90.00.25, 7219.90.00.60, 7219.90.00.80, 7220.12.10.00, 7220.12.50.00, 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, 7220.20.70.05, 7220.20.70.10, 7220.20.70.15, 7220.20.70.60, 7220.20.70.80, 7220.20.80.00, 7220.20.90.30, 7220.20.90.60, 7220.90.00.10, 7220.90.00.15, 7220.90.00.60, and 7220.90.00.80. Although the HTSUS subheadings are provided for convenience and customs purposes, the Department's written description of the merchandise is dispositive.

Excluded from the scope of this order are the following: (1) sheet and strip that is not annealed or otherwise heat treated and pickled or otherwise descaled, (2) sheet and strip that is cut to length, (3) plate (i.e., flat-rolled stainless steel products of a thickness of 4.75 mm or

more), (4) flat wire (i.e., cold-rolled sections, with a prepared edge, rectangular in shape, of a width of not more than 9.5 mm), and (5) razor blade steel. Razor blade steel is a flat rolled product of stainless steel, not further worked than cold-rolled (cold-reduced), in coils, of a width of not more than 23 mm and a thickness of 0.266 mm or less, containing, by weight, 12.5 to 14.5 percent chromium, and certified at the time of entry to be used in the manufacture of razor blades. See Chapter 72 of the HTSUS, "Additional U.S. Note" 1(d).

The Department has determined that certain specialty stainless steel products are also excluded from the scope of this order. These excluded products are described below:

Flapper valve steel is defined as stainless steel strip in coils containing, by weight, between 0.37 and 0.43 percent carbon, between 1.15 and 1.35 percent molybdenum, and between 0.20 and 0.80 percent manganese. This steel also contains, by weight, phosphorus of 0.025 percent or less, silicon of between 0.20 and 0.50 percent, and sulfur of 0.020 percent or less. The product is manufactured by means of vacuum arc remelting, with inclusion controls for sulphide of no more than 0.04 percent and for oxide of no more than 0.05 percent. Flapper valve steel has a tensile strength of between 210 and 300 ksi, yield strength of between 170 and 270 ksi, plus or minus 8 ksi, and a hardness (Hv) of between 460 and 590. Flapper valve steel is most commonly used to produce specialty flapper valves in compressors.

Also excluded is a product referred to as suspension foil, a specialty steel product used in the manufacture of suspension assemblies for computer disk drives. Suspension foil is described as 302/304 grade or 202 grade stainless steel of a thickness between 14 and 127 microns, with a thickness tolerance of plus-or-minus 2.01 microns, and surface glossiness of 200 to 700 percent Gs. Suspension foil must be supplied in coil widths of not more than 407 mm, and with a mass of 225 kg or less. Roll marks may only be visible on one side, with no scratches of measurable depth. The material must exhibit residual stresses of 2 mm maximum deflection, and flatness of 1.6 mm over 685 mm length.

Certain stainless steel foil for automotive catalytic converters is also excluded from the scope of this order. This stainless steel strip in coils is a specialty foil with a thickness of between 20 and 110 microns used to produce a metallic substrate with a honeycomb structure for use in automotive catalytic converters. The

steel contains, by weight, carbon of no more than 0.030 percent, silicon of no more than 1.0 percent, manganese of no more than 1.0 percent, chromium of between 19 and 22 percent, aluminum of no less than 5.0 percent, phosphorus of no more than 0.045 percent, sulfur of no more than 0.03 percent, lanthanum of between 0.002 and 0.05 percent, and total rare earth elements of more than 0.06 percent, with the balance iron.

Permanent magnet iron-chromium-cobalt alloy stainless strip is also excluded from the scope of this order. This ductile stainless steel strip contains, by weight, 26 to 30 percent chromium, and 7 to 10 percent cobalt, with the remainder of iron, in widths 228.6 mm or less, and a thickness between 0.127 and 1.270 mm. It exhibits magnetic remanence between 9,000 and 12,000 gauss, and a coercivity of between 50 and 300 oersteds. This product is most commonly used in electronic sensors and is currently available under proprietary trade names such as "Arnokrome III."<sup>3</sup>

Certain electrical resistance alloy steel is also excluded from the scope of this order. This product is defined as a non-magnetic stainless steel manufactured to American Society of Testing and Materials (ASTM) specification B344 and containing, by weight, 36 percent nickel, 18 percent chromium, and 46 percent iron, and is most notable for its resistance to high temperature corrosion. It has a melting point of 1390 degrees Celsius and displays a creep rupture limit of 4 kilograms per square millimeter at 1000 degrees Celsius. This steel is most commonly used in the production of heating ribbons for circuit breakers and industrial furnaces, and in rheostats for railway locomotives. The product is currently available under proprietary trade names such as "Gilphy 36."<sup>4</sup>

Certain martensitic precipitation-hardenable stainless steel is also excluded from the scope of this order. This high-strength, ductile stainless steel product is designated under the Unified Numbering System (UNS) as S45500-grade steel, and contains, by weight, 11 to 13 percent chromium, and 7 to 10 percent nickel. Carbon, manganese, silicon and molybdenum each comprise, by weight, 0.05 percent or less, with phosphorus and sulfur each comprising, by weight, 0.03 percent or less. This steel has copper, niobium, and titanium added to achieve aging, and will exhibit yield strengths as

<sup>3</sup> "Arnokrome III" is a trademark of the Arnold Engineering Company.

<sup>4</sup> "Arnokrome III" is a trademark of the Arnold Engineering Company.

high as 1700 Mpa and ultimate tensile strengths as high as 1750 Mpa after aging, with elongation percentages of 3 percent or less in 50 mm. It is generally provided in thicknesses between 0.635 and 0.787 mm, and in widths of 25.4 mm. This product is most commonly used in the manufacture of television tubes and is currently available under proprietary trade names such as "Durphynox 17."<sup>5</sup>

Certain stainless steel foil for automotive catalytic converters is also excluded from the scope of this order. This stainless steel strip in coils is a specialty foil with a thickness of between 20 and 110 microns used to produce a metallic substrate with a honeycomb structure for use in automotive catalytic converters. The steel contains, by weight, carbon of no more than 0.030 percent, silicon of no more than 1.0 percent, manganese of no more than 1.0 percent, chromium of between 19 and 22 percent, aluminum of no less than 5.0 percent, phosphorus of no more than 0.045 percent, sulfur of no more than 0.03 percent, lanthanum of between 0.002 and 0.05 percent, and total rare earth elements of more than 0.06 percent, with the balance iron.

Permanent magnet iron-chromium-cobalt alloy stainless strip is also excluded from the scope of this order. This ductile stainless steel strip contains, by weight, 26 to 30 percent chromium, and 7 to 10 percent cobalt, with the remainder of iron, in widths 228.6 mm or less, and a thickness between 0.127 and 1.270 mm. It exhibits magnetic remanence between 9,000 and 12,000 gauss, and a coercivity of between 50 and 300 oersteds. This product is most commonly used in electronic sensors and is currently available under proprietary trade names such as "Arnokrome III."<sup>3</sup>

Respondents alleged that the Department made three ministerial errors in calculating the final *ad valorem* rate. Respondents alleged that the Department: (1) applied the wrong benchmark interest rate for certain countervailable loans received by INI

<sup>5</sup>specialty steel product used in the manufacture of suspension assemblies for computer disk drives. Suspension foil is described as 302/304 grade or 202 grade stainless steel of a thickness between 14 and 127 microns, with a thickness tolerance of plus-or-minus 2.01 microns, and surface glossiness of 200 to 700 percent Gs. Suspension foil must be supplied in coil widths of not more than 407 mm, and with a mass of 225 kg or less. Roll marks may only be visible on one side, with no scratches of measurable depth. The material must exhibit residual stresses of 2 mm maximum deflection, and flatness of 1.6 mm over 685 mm length.

<sup>3</sup>"Arnokrom Countervailing Duty Administrative Review: Stainless Steel Sheet and Strip in Coils from the Republic of Korea, 69 FR 2113 (January 14, 2004) (*Final Results*).

and Sammi; (2) incorrectly applied the formula for calculating the number of days for which interest was payable on several of Sammi's interest payments; and (3) inadvertently misplaced a closing parenthesis in the formula for calculating a benchmark interest rate for uncreditworthy companies, which resulted in the calculation of an incorrect discount rate when calculating the benefit to Sammi from POSCO's purchase of Sammi's Changwon bar and pipe facility.

We agree with respondent that the first two allegations were ministerial in nature, and we have recalculated the benefits under those programs using the corrected data. However, the Department disagrees with respondents' third allegation. Rather, the Department finds that its placement of the closing parenthesis in the formula was correct and that the calculation of the discount rate was also correct. Therefore, we are not making any adjustments to the calculations for this program. See the February 10, 2004, memorandum to Jeffrey A. May, Acting Assistant Secretary for Import Administration, from Holly A. Kuga, Acting Deputy Assistant Secretary for AD/CVD Enforcement II. The public version of this memorandum is on file in the Central Records Unit (CRU), room B-099 of the Main Commerce Building.

As a result of our corrections, for the period January 1, 2001, through December 31, 2001, the estimated net countervailable subsidy rate attributable to INI/Sammi decreased from 0.55 percent *ad valorem* to 0.54 percent *ad valorem*.

The Department will instruct U.S. Customs and Border Protection (CBP) to assess countervailing duties on all appropriate entries on or after January 1, 2001, and on or before December 31, 2001. The Department will issue liquidation instructions directly to the CBP. The amended cash deposit requirements are effective for all shipments from INI/Sammi of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice and shall remain in effect until publication of the final results of the next administrative review.

These amended final results are issued and published in accordance with sections 706(a) and 705 of the Act and 19 CFR 351.211 and 351.224.

Dated: February 10, 2004.

Jeffrey A. May,

Acting Assistant Secretary for Import Administration.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 032801B]

#### Magnuson-Stevens Act Provisions; Fishing Capacity Reduction Program; Crab Species Covered by the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs

**AGENCY:** National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

**ACTION:** Notice of invitation to bid.

**SUMMARY:** The National Marine Fisheries Service issues this notice to inform persons whom it invites to bid in the fishing capacity reduction program for the crab species covered by the Fishery Management Plan for Bering Sea/Aleutian Islands king and tanner crabs.

**ADDRESSES:** Direct any questions about this notice to Michael L. Grable, Chief, Financial Services Division, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910-3282.

Any person who wants to contact the National Marine Fisheries Service's Restricted Access Management Program (which issues crab species licenses) may do so at: Restricted Access Management Program, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802-1668.

**FOR FURTHER INFORMATION CONTACT:** Michael L. Grable, (301) 713-2390.

**SUPPLEMENTARY INFORMATION:** Section 144(d) of Division B of Public Law 106-554, as amended, authorized this fishing capacity reduction program (program). The program's objective is reducing harvesting capacity in the Bering Sea/Aleutian Islands crab fishery. This will help financially stabilize this limited-entry fishery and manage its fish.

The National Marine Fisheries Service (we) published proposed program regulations on December 12, 2002 (67 FR 76329). We published final program regulations on December 12, 2003 (68 FR 69331 *et seq.*). We published a notice of qualifying bidders and voters on December 22, 2003 (68 FR 71082).