

Duty Assessment and Cash-Deposit Requirements

The Department will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b)(1), we have calculated an importer-specific assessment rate. 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of the final results of this administrative review for all shipments of silicomanganese from Brazil entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results, as provided by section 751(a)(2)(C) of the Act: (1) The cash-deposit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 RDM/CPFL is 0.00 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 (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 subject merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous review, the cash-deposit rate shall be 17.60 percent, the all-others rate established in the LTFV investigation. See *Notice of Final Determination of Sales at Less Than Fair Value: Silicomanganese from Brazil*, 59 FR 55432, (November 7, 1994). These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

Notification of Interested Parties

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during the review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective orders (APO) of their

responsibility concerning the disposition of proprietary information disclosed under APO as explained in the administrative protective order itself. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

These final results of administrative review and notice are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: April 7, 2005.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

Appendix—Issues in the Decision Memorandum

- Comment 1. Affiliation with Certain Home-Market Customers
- Comment 2. Purchases of Raw Materials From Affiliates' Subsidiaries
- Comment 3. Presumed Tax Credit
- Comment 4. Comparable Merchandise
- Comment 5. Inventory Carrying Cost

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-428-830]

Stainless Steel Bar From Germany: Final Results of Antidumping Duty Administrative Review

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

SUMMARY: On December 7, 2004, the Department of Commerce published the preliminary results of the administrative review of the antidumping duty order on stainless steel bar from Germany. The period of review is March 1, 2003, through February 29, 2004. Based on our analysis of the comments received and an examination of our calculations, we have made certain changes for the final results. Consequently, the final results differ from the preliminary results. The final weighted-average dumping margin is listed below in the section entitled "Final Results of the Review."

DATES: *Effective Date:* April 13, 2005.

FOR FURTHER INFORMATION CONTACT: Andrew Smith, AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW.,

Washington, DC 20230; telephone: (202) 482-1276.

SUPPLEMENTARY INFORMATION:

Background

Since the December 7, 2004, publication of the preliminary results in this review (*see Stainless Steel Bar from Germany: Preliminary Results of Antidumping Duty Administrative Review*, 69 FR 70651 (December 7, 2004) ("Preliminary Results")), the following events have occurred:

We invited parties to comment on the *Preliminary Results* of the review. On January 6, 2005, the respondent BGH Edelstahl Freital GmbH, BGH Edelstahl Lippendorf GmbH, BGH Edelstahl Lugau GmbH, and BGH Edelstahl Siegen GmbH (collectively, "BGH") filed a case brief. The petitioners in this review (Carpenter Technology Corp., Crucible Specialty Metals Division of Crucible Materials Corp., Electralloy Corp., Slater Steels Corp., Empire Specialty Steel and the United Steelworkers of America (AFL-CIO/CLC)) did not file a case brief or a rebuttal brief in this case. On January 6, 2005, BGH requested a hearing by letter. On January 13, 2005, BGH withdrew its January 6, 2005, request for a hearing. Since BGH was the only party to request a hearing, no public hearing was held.

Scope of the Order

For the purposes of the order, the term "stainless steel bar" includes articles of stainless steel in straight lengths that have been either hot-rolled, forged, turned, cold-drawn, cold-rolled or otherwise cold-finished, or ground, having a uniform solid cross section along their whole length in the shape of circles, segments of circles, ovals, rectangles (including squares), triangles, hexagons, octagons, or other convex polygons. Stainless steel bar includes cold-finished stainless steel bars that are turned or ground in straight lengths, whether produced from hot-rolled bar or from straightened and cut rod or wire, and reinforcing bars that have indentations, ribs, grooves, or other deformations produced during the rolling process.

Except as specified above, the term does not include stainless steel semi-finished products, cut length flat-rolled products (*i.e.*, cut length rolled products which if less than 4.75 mm in thickness have a width measuring at least 10 times the thickness, or if 4.75 mm or more in thickness having a width which exceeds 150 mm and measures at least twice the thickness), products that have been cut from stainless steel sheet, strip or plate, wire (*i.e.*, cold-formed products in coils, of any uniform solid cross section along

their whole length, which do not conform to the definition of flat-rolled products), angles, shapes and sections.

The stainless steel bar subject to this review is currently classifiable under subheadings 7222.11.00.05, 7222.11.00.50, 7222.19.00.05, 7222.19.00.50, 7222.20.00.05, 7222.20.00.45, 7222.20.00.75, and 7222.30.00.00 of the *Harmonized Tariff Schedule of the United States* (“HTSUS”). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the order is dispositive.

Period of Review

The period of review is March 1, 2003, through February 29, 2004.

Analysis of Comments Received

All issues raised in the case brief filed by parties to this review are addressed in the “Issues and Decision Memorandum for 2003–2004 Administrative Review of Stainless Steel Bar from Germany” from Barbara E. Tillman, Acting Deputy Assistant Secretary, Import Administration, to Joseph A. Spetrini, Acting Assistant Secretary for Operations, dated April 6, 2005 (“*Decision Memorandum*”), which is hereby adopted by this notice. Attached to this notice as an appendix is a list of the issues that parties have raised and to which we have responded in the *Decision Memorandum*. 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 Department of Commerce’s (“the Department”) Central Records Unit, located in Room B–099 of the main Department building (“CRU”). In addition, a complete version of the *Decision Memorandum* can be accessed directly on the Web at <http://ia.ita.doc.gov/frn/index.html>. The paper copy and electronic version of the *Decision Memorandum* are identical in content.

Fair Value Comparisons

To determine whether sales of stainless steel bar by BGH to the United States were made at less than normal value (“NV”), we compared export price (“EP”) to NV. Our calculations followed the methodologies described in the *Preliminary Results*, except as noted below and in the final results calculation memorandum cited below, which is on file in the CRU.

Export Price

We calculated EP in accordance with section 772(a) of the Tariff Act of 1930,

as amended (“the Act”), because the merchandise was sold to the first unaffiliated purchaser in the United States prior to importation by the exporter/producer outside the United States and because constructed export price methodology was not otherwise warranted. We calculated EP based on the same general methodology described in the *Preliminary Results*.

Normal Value

Except as noted below, we used the same methodology as that described in the *Preliminary Results* to determine the cost of production and the NV. As discussed in the *Decision Memorandum*, we used BGH’s reported interest expense ratio in these final calculations.

Changes From the Preliminary Results

Based on our review of the comments received, we have made certain changes to the calculations for the final results. Specifically, we re-calculated the interest expense ratio for the final results. These changes are discussed in the *Decision Memorandum* and in the final results calculation memorandum. See “Final Results Calculation Memorandum for the BGH Group of Companies,” dated April 6, 2005, which is on file in the CRU.

Final Results of the Review

We determine that the following percentage margin exists for the period March 1, 2003, through February 29, 2004:

Exporter/ manufacturer	Weighted- average margin per- centage
BGH	0.01

Assessment Rates

The Department shall determine, and U.S. Customs and Border Protection (“CBP”) shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b)(1), we have calculated exporter/importer (or customer)-specific assessment rates for merchandise subject to this review. To determine whether the duty assessment rates were *de minimis*, in accordance with the requirement set forth in 19 CFR 351.106(c)(2), we calculated importer (or customer)-specific *ad valorem* rates by aggregating the dumping margins calculated for all U.S. sales to that importer (or customer) and dividing this amount by the total value of the sales to that importer (or customer). Where an importer (or customer)-specific *ad valorem* rate was

greater than *de minimis*, we calculated a per-unit assessment rate by aggregating the dumping margins calculated for all U.S. sales to that importer (or customer) and dividing this amount by the total quantity sold to that importer (or customer).

The Department will issue appropriate assessment instructions directly to CBP within 15 days of publication of these final results of review.

Cash Deposit Rates

The following antidumping duty deposits will be required on all shipments of stainless steel bar from Germany entered, or withdrawn from warehouse, for consumption, effective on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for the reviewed company will be the rate listed above (except no cash deposit will be required if a company’s weighted-average margin is *de minimis*, *i.e.*, less than 0.5 percent); (2) 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; (3) if the exporter is not a firm covered in this review, the previous review, or the original 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; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous reviews, the cash deposit rate will be 16.96 percent, the “all others” rate established in *Notice of Final Determination of Sales at Less Than Fair Value: Stainless Steel Bar from Germany*, 67 FR 3159 (January 23, 2002) and *Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Stainless Steel Bar from Germany*, 67 FR 10382 (March 7, 2002).

These cash deposit requirements shall remain in effect until publication of the final results of the next administrative review.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary’s presumption that reimbursement of antidumping duties occurred and the subsequent

assessment of doubled antidumping duties.

Notification Regarding Administrative Protective Orders

This notice also serves as a reminder to parties subject to Administrative Protective Order ("APO") of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

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

Dated: April 6, 2005.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

Appendix I

List of Comments in the Issues and Decision Memorandum

Comment 1: Interest Expense Ratio

Comment 2: Home Market Level of Trade

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-601]

Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from the People's Republic of China: Notice of Amended Final Results Pursuant to Final Court Decision

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

SUMMARY: On January 21, 2005, in *Luoyang Bearing Factory v. United States*, Slip Op. 05-3, the Court of International Trade affirmed the Department of Commerce's *Final Results of Redetermination Pursuant to Remand*, dated September 30, 2004, and entered a judgment order. This litigation related to the Department of Commerce's review of the antidumping order on tapered roller bearings and parts thereof, finished and unfinished, from the People's Republic of China, covering the period June 1, 1998, through May 31, 1999. As no further

appeals have been filed and there is now a final and conclusive court decision in this action, we are amending the final results of review in this proceeding and we will instruct U.S. Customs and Border Protection to liquidate entries subject to this review.

EFFECTIVE DATE: April 13, 2005.

FOR FURTHER INFORMATION CONTACT:

Andrew Smith AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-1276.

SUPPLEMENTARY INFORMATION:

Background

Following publication of the *TRBs XII Final Results*¹, the Timken Company, the petitioner in this case, and the respondents, Luoyang Bearing Corporation ("Luoyang Bearing"), Zhejiang Machinery Import and Export Corporation ("ZMC"), China National Machinery I/E Corporation ("CMC"), and Wafangdian Bearing Factory ("Wafangdian") ("respondents"), filed a lawsuit with the Court of International Trade ("CIT") challenging the Department of Commerce's ("Department") findings in the *TRBs XII Final Results*. In *Luoyang Bearing Corp. (Group), Zhejiang Machinery Import & Export Corp., China National Machinery Import & Export Corporation, and Wafangdian Bearing Company, Ltd. v. United States*, Slip Op. 04-53 (CIT 2004) ("*Luoyang Bearing*"), the CIT instructed the Department to (1) further explain why the surrogate values it chose for wooden cases and the steel used to produce tapered roller bearings for Wafangdian constitute the "best available information," and address the aberrational data referenced by the respondents; and (2) conduct the "separate rates" analysis with respect to Premier Bearing & Equipment Limited ("Premier") and apply the People's Republic of China ("PRC")-wide rate to all of Premier's United States sales if it was determined that Premier is not independent of government control.

The Department complied with the CIT's remand instructions and issued its

final results of redetermination pursuant to remand on September 30, 2004. See *Final Results of Redetermination Pursuant to Remand* ("*Remand Results*"). In its *Remand Results*, the Department revised the surrogate value used to value steel inputs used in the production of rollers by excluding aberrational data as well as data that the Department had reason to believe or suspect were distorted. The Department also corrected a clerical error in the programming used to calculate the margin for ZMC. As a result of the *Remand Results*, the antidumping duty rate for Luoyang was decreased from 4.37 to 3.85 percent. The antidumping duty rate for ZMC was decreased from 7.37 to 0.00. The antidumping duty rate for CMC was decreased from 0.82 to 0.78 percent. The antidumping duty rate for Wafangdian and the PRC-wide rate were unchanged from the *TRBs XII Final Results*.

On January 21, 2005, the CIT affirmed the Department's findings in the *Remand Results*. Specifically, the CIT upheld the Department's explanation of what constitutes the "best available information" with regard to the surrogate values the Department chose for wooden cases and for the steel used to produce rollers; the Department's application of the separate rates test; the Department's decision to not revoke the antidumping order for ZMC; and, the Department's practice of using other producers' factors data to calculate Premier's normal value. See *Luoyang Bearing Factory v. United States*, Slip Op. 05-3 (CIT January 21, 2005).

On February 16, 2005, consistent with the decision of the United States Court of Appeals for the Federal Circuit ("Federal Circuit") in *Timken Co. v. United States*, 893 F. 2d 337 (Fed. Cir. 1990) ("*Timken*"), the Department notified the public that the CIT's decision in *Luoyang Bearing* was "not in harmony" with the *TRBs XII Final Results*. See *Notice of Court Decision and Suspension of Liquidation: Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from the People's Republic of China*, 70 FR 7925 (February 16, 2005) ("*Timken Notice*"). No party appealed the CIT's decision. As there is now a final and conclusive court decision in this action, we are amending our final results of review and we will instruct the U.S. Customs and Border Protection ("CBP") to liquidate entries subject to this review.

Amendment to the Final Results

Pursuant to section 516A(e) of the Tariff Act of 1930, as amended ("the Act"), because no further appeals have been filed and there is now a final and

¹ See *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China; Final Results of 1998-1999 Administrative Review, Partial Rescission of Review, and Determination Not to Revoke Order in Part*, 66 FR 1953 (January 10, 2001) and *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China; Amended Final Results of 1998-1999 Administrative Review and Determination To Revoke Order in Part*, 66 FR 11562 (February 26, 2001) (collectively, "*TRBs XII Final Results*").