

Policy Bulletin 98.3—*Policies Regarding the Conduct of Five-Year (“Sunset”) Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin*, 63 FR 18871 (April 16, 1998).

### Initiation of Reviews

In accordance with 19 CFR 351.218(c), we are initiating the Sunset

Review of the following antidumping duty orders:

DOC Case No.	ITC Case No.	Country	Product	Department contact
A-570-873 .....	731-TA-986 .....	PRC .....	Ferrovandium .....	Juanita Chen (202) 482-1904.
A-791-815 .....	731-TA-987 .....	South Africa .....	Ferrovandium .....	Juanita Chen (202) 482-1904.

### Filing Information

As a courtesy, we are making information related to Sunset proceedings, including copies of the pertinent statute and Department's regulations, the Department's schedule for Sunset Reviews, a listing of past revocations and continuations, and current service lists, available to the public on the Department's sunset Internet Web site at the following address: <http://ia.ita.doc.gov/sunset/>. All submissions in these Sunset Reviews must be filed in accordance with the Department's regulations regarding format, translation, service, and certification of documents. These rules can be found at 19 CFR 351.303.

Pursuant to 19 CFR 351.103(c), the Department will maintain and make available a service list for these proceedings. To facilitate the timely preparation of the service list(s), it is requested that those seeking recognition as interested parties to a proceeding contact the Department in writing within 10 days of the publication of the Notice of Initiation.

Because deadlines in Sunset Reviews can be very short, we urge interested parties to apply for access to proprietary information under administrative protective order (“APO”) immediately following publication in the **Federal Register** of the notice of initiation of the sunset review. The Department's regulations on submission of proprietary information and eligibility to receive access to business proprietary information under APO can be found at 19 CFR 351.304-306.

### Information Required From Interested Parties

Domestic interested parties (defined in section 771(9)(C), (D), (E), (F), and (G) of the Act and 19 CFR 351.102(b)) wishing to participate in these Sunset Reviews must respond not later than 15 days after the date of publication in the **Federal Register** of this notice of initiation by filing a notice of intent to participate. The required contents of the notice of intent to participate are set forth at 19 CFR 351.218(d)(1)(ii). In accordance with the Department's

regulations, if we do not receive a notice of intent to participate from at least one domestic interested party by the 15-day deadline, the Department will automatically revoke the orders without further review. See 19 CFR 351.218(d)(1)(iii).

For sunset reviews of countervailing duty orders, parties wishing the Department to consider arguments that countervailing subsidy programs have been terminated must include with their substantive responses information and documentation addressing whether the changes to the program were (1) limited to an individual firm or firms and (2) effected by an official act of the government. Further, a party claiming program termination is expected to document that there are no residual benefits under the program and that substitute programs have not been introduced. Cf. 19 CFR 351.526(b) and (d). If a party maintains that any of the subsidies countervailed by the Department were not conferred pursuant to a subsidy program, that party should nevertheless address the applicability of the factors set forth in 19 CFR 351.526(b) and (d). Similarly, parties wishing the Department to consider whether a company's change in ownership has extinguished the benefit from prior non-recurring, allocable, subsidies must include with their substantive responses information and documentation supporting their claim that all or almost all of the company's shares or assets were sold in an arm's length transaction, at a price representing fair market value, as described in the *Notice of Final Modification of Agency Practice Under Section 123 of the Uruguay Round Agreements Act*, 68 FR 37125 (June 23, 2003) (“*Modification Notice*”). See *Modification Notice* for a discussion of the types of information and documentation the Department requires.

If we receive an order-specific notice of intent to participate from a domestic interested party, the Department's regulations provide that *all parties* wishing to participate in the Sunset Review must file complete substantive responses not later than 30 days after the date of publication in the **Federal**

**Register** of this notice of initiation. The required contents of a substantive response, on an order-specific basis, are set forth at 19 CFR 351.218(d)(3). Note that certain information requirements differ for respondent and domestic parties. Also, note that the Department's information requirements are distinct from the Commission's information requirements. Please consult the Department's regulations for information regarding the Department's conduct of Sunset Reviews.<sup>1</sup> Please consult the Department's regulations at 19 CFR part 351 for definitions of terms and for other general information concerning antidumping and countervailing duty proceedings at the Department.

This notice of initiation is being published in accordance with section 751(c) of the Act and 19 CFR 351.218(c).

Dated: November 14, 2007.

**Stephen J. Claeys,**

*Deputy Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Advance Notification of Sunset Reviews

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

**ACTION:** Notice of Upcoming Sunset Reviews.

### Background

Every five years, pursuant to section 751(c) of the Tariff Act of 1930, as

<sup>1</sup> In comments made on the interim final sunset regulations, a number of parties stated that the proposed five-day period for rebuttals to substantive responses to a notice of initiation was insufficient. This requirement was retained in the final sunset regulations at 19 CFR 351.218(d)(4). As provided in 19 CFR 351.302(b), however, the Department will consider individual requests for extension of that five-day deadline based upon a showing of good cause.

amended, the Department of Commerce ("the Department") and the International Trade Commission automatically initiate and conduct a review to determine whether revocation of a countervailing or antidumping duty order or termination of an investigation suspended under section 704 or 734 would be likely to lead to continuation or recurrence of dumping or a countervailable subsidy (as the case may be) and of material injury.

**FOR FURTHER INFORMATION CONTACT:**

Brandon Farlander, AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Ave., NW., Washington, DC 20230; telephone (202) 482-0182.

**Upcoming Sunset Reviews for January 2008**

There are no Sunset Reviews scheduled for initiation in January 2008.

For information on the Department's procedures for the conduct of sunset reviews, See 19 CFR 351.218. This notice is not required by statute but is published as a service to the international trading community. Guidance on methodological or analytical issues relevant to the Department's conduct of Sunset Reviews is set forth in the Department's Policy Bulletin 98.3, "Policies Regarding the Conduct of Five-Year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders;" Policy Bulletin, 63 FR 18871 (April 16, 1998) ("Sunset Policy Bulletin"). The Notice of Initiation of Five-Year ("Sunset") Reviews provides further information regarding what is required of all parties to participate in Sunset Reviews.

Dated: November 14, 2007.

**Stephen J. Claeys,**

*Deputy Assistant Secretary for Import Administration.*

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[A-588-804]

**Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof from Japan: Amended Final Results of Antidumping Duty Administrative Review Pursuant to Final Court Decision**

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

**SUMMARY:** The United States Court of International Trade (CIT) sustained the remand determination of the Department of Commerce (the Department) in the administrative reviews of the antidumping duty orders on antifriction bearings (other than tapered roller bearings) and parts thereof from Japan covering the period May 1, 1999, through April 30, 2000, for ball bearings and the period May 1, 1999, through December 31, 1999, for cylindrical roller bearings and spherical plain bearings. Although certain aspects of the Department's final results were appealed to the United States Court of Appeals for the Federal Circuit (CAFC), the remand results were not among them. On October 29, 2007, the Supreme Court denied a petition for certiorari in this case. As there is now a final court decision in this case, we are amending the final results of the review in this matter. We will instruct U.S. Customs and Border Protection (CBP) to liquidate entries subject to these amended final results.

**EFFECTIVE DATE:** December 3, 2007.

**FOR FURTHER INFORMATION CONTACT:**

Thomas Schauer or Richard Rimlinger, AD/CVD Operations, Office 5, Import Administration, U.S. Department of Commerce, 14<sup>th</sup> Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-0410 and (202) 482-4477, respectively.

**SUPPLEMENTAL INFORMATION:**

**Background**

On July 12, 2001, the Department published the final results of 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 from May 1, 1999, through April 30, 2000, for ball bearings and the period May 1, 1999, through December 31, 1999, for cylindrical roller bearings and spherical plain bearings. See *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France, Germany, Italy, Japan, Sweden, and the United Kingdom; Final Results of Antidumping Duty Administrative Reviews and Revocation of Orders in Part*, 66 FR 36551 (July 12, 2001) (*AFBs 11*). NTN Corporation, NTN-BCA Corporation, NTN Bower Corporation, NTN Driveshaft Inc., American NTN Bearing Manufacturing Corp., and NTN Bearing Corporation of America (hereafter "NTN") filed a lawsuit challenging the final results.<sup>1</sup> On

August 10, 2004, the CIT remanded *AFBs 11* to the Department to explain why it did not exclude NTN's sales of CT scan bearings from its calculation of NTN's margin and assessment rate with respect to ball bearings and parts thereof from Japan. See *SNR Roulements v. United States*, 341 F. Supp. 2d 1334 (CIT 2004). In accordance with the CIT's remand order in *SNR Roulements v. United States*, 341 F. Supp. 2d 1334, the Department filed its remand results on October 29, 2004. In those remand results, the Department excluded NTN's sales of CT scan bearings from its calculation of NTN's margin and assessment rate with regard to ball bearings and parts thereof from Japan.

On January 27, 2005, the CIT sustained the Department's final results of remand redetermination in their entirety. See *SNR Roulements v. United States*, Consol. Ct. No. 01-00686, Slip Op. 05-12 (CIT January 27, 2005). Subsequently, the CAFC affirmed all of the Department's determinations raised on appeal. See *SNR Roulements v. United States*, 05-1297, 05-1323, 2006 U.S. App. LEXIS 31200 (CAFC December 8, 2006). The CAFC also denied a petition for rehearing of this case. See *SNR Roulements v. United States*, 05-1297, 05-1323, 2007 U.S. App. LEXIS 4456 (CAFC February 6, 2007). On April 27, 2007, Koyo and NTN submitted an application to the Chief Justice of the United States Supreme Court for an extension of time to file a petition for a writ of certiorari. The Chief Justice granted the extension to file until June 6, 2007. NTN and Koyo filed their petition for a writ of certiorari on June 6, 2007. The Supreme Court denied the same on October 29, 2007. Therefore, there is now a final and conclusive court decision.

**Amendment to Final Results**

We are now amending the final results of this review of the antidumping duty order on ball bearings and parts thereof from Japan. The changes to our calculations with respect to NTN resulted in a change in the weighted-average margin for ball bearings from 9.16 percent to 8.98 percent for the period of review. There are no changes in the margins for cylindrical roller bearings and spherical plain bearings as a result of the litigation. The Department will instruct CBP to liquidate entries of the ball bearings, cylindrical roller bearings, and

Corporation of U.S.A. (collectively "Koyo"), NSK Corporation, NSK Bearings Europe, Ltd., and NSK Ltd. were also parties to the litigation but our margin calculations for these companies were not affected by the litigation. Therefore, there are no amended final results of reviews to publish.

<sup>1</sup> SNR Roulements, INA-Schaeffler KG, INA USA Corporation, Koyo Seiko Co., Ltd. and Koyo