

2011, the Court of International Trade (CIT) entered its final judgment sustaining the ITC's remand redetermination that revocation of the antidumping duty orders on ball bearings and parts thereof from Japan and the United Kingdom would not be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

DATES: *Effective Date:* April 30, 2011.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:

Background

On May 15, 1989, the Department published the antidumping duty orders on ball bearings and parts thereof from Japan and the United Kingdom (collectively, the orders) in the **Federal Register**. See *Antidumping Duty Orders: Ball Bearings, Cylindrical Roller Bearings, and Spherical Plain Bearings, and Parts Thereof From Japan*, 54 FR 20904 (May 15, 1989), and *Antidumping Duty Orders and Amendments to the Final Determinations of Sales at Less Than Fair Value: Ball Bearings, and Cylindrical Roller Bearings and Parts Thereof From the United Kingdom*, 54 FR 20910 (May 15, 1989). Pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act), the Department initiated and the ITC instituted the second sunset reviews of the orders on June 1, 2005. See *Initiation of Five-Year ("Sunset") Reviews*, 70 FR 31423 (June 1, 2005), and *Certain Bearings From China, France, Germany, Italy, Japan, Singapore, and the United Kingdom*, 70 FR 31531 (June 1, 2005). See also 19 CFR 351.218. As a result of its reviews, the Department found that revocation of the orders would be likely to lead to the continuation or recurrence of dumping and notified the ITC of the magnitude of the margins likely to prevail were the orders to be revoked. See *Antifriction Bearings and Parts Thereof From France, Germany, Italy, and the United Kingdom; Five-Year Sunset Reviews of Antidumping Duty Orders; Final Results*, 70 FR 58183 (October 5, 2005), *Ball Bearings and Parts Thereof From Japan and Singapore; Five-Year Sunset Reviews of Antidumping Duty Orders; Final Results*, 71 FR 26321 (May 4, 2006), and *Ball Bearings and Parts Thereof From Japan; Five-Year Sunset*

Review of Antidumping Duty Order: Amended Final Results, 71 FR 30378 (May 26, 2006).

On August 31, 2006, the ITC published its determination that, pursuant to section 751(c) of the Act, revocation of the orders, among others, would be likely to lead to the continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. See *Certain Bearings From China, France, Germany, Italy, Japan, Singapore, and the United Kingdom*, 71 FR 51850 (August 31, 2006), and ITC Publication 3876 (August 2006) entitled *Certain Bearings from China, France, Germany, Italy, Japan, Singapore, and the United Kingdom, Investigation Nos. 731-TA-344, 391-A, 392-A and C, 393-A, 394-A, 396, and 399-A (Second Review)*. NSK Corporation, NSK Ltd., and NSK Europe Ltd. and JTEKT Corporation and Koyo Corporation of U.S.A. filed appeals of this determination with the CIT.

In its third¹ and fourth² remand determinations, the ITC found that revocation of the orders would not be likely to lead to the continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. On April 20, 2011, the CIT affirmed the ITC's fourth remand and entered judgment in the case. See *NSK v. United States*, Court No. 06-334, Slip Op. 11-43 (CIT April 20, 2011) (NSK). Therefore, there is now a final CIT decision in the case sustaining negative injury determinations concerning ball bearings and parts thereof from the United Kingdom and Japan.³ *Id.*

Timken Notice

In its decision in *Timken Co. v. United States*, 893 F.2d 337, 341 (Fed. Cir. 1990), the Court of Appeals for the Federal Circuit held that, pursuant to section 516A(c)(1) of the Act, the Department must publish a notice of a court decision that is not "in harmony" with a Department determination and must suspend liquidation of entries pending a "conclusive" court decision.

¹ See ITC Publication 4194, *Ball Bearings and Parts Thereof From Japan and the United Kingdom, Investigation Nos. 731-TA-394A and 399A (Second Review) (Third Remand)* (August 2010).

² See ITC Publication 4223, *Certain Ball Bearings and Parts Thereof From Japan and the United Kingdom, Investigation Nos. 394-A and 399-A (Second Review) (Fourth Remand)* (March 2011).

³ Although the CIT issued a temporary stay of the effect of its judgment, it lifted the stay on May 13, 2011. On May 17, 2011, the Federal Circuit issued a temporary stay of the judgment in this case. *NSK Corp. v. United States*, Court Nos. 2011-1362, -1382, -1383 (May 17, 2011). The Department will not revoke the applicable orders while the stay remains in place.

The April 20, 2011, decision by the CIT in NSK constitutes a final CIT decision that is not in harmony with the Department's continuation of the orders (*Tapered Roller Bearings and Parts Thereof From the People's Republic of China and Ball Bearings and Parts Thereof From France, Germany, Italy, Japan, and the United Kingdom: Continuation of Antidumping Duty Orders*, 71 FR 54469 (September 15, 2006)). This notice is published in fulfillment of the publication requirement in *Timken*.

Accordingly, the Department intends to issue instructions to U.S. Customs and Border Protection to suspend liquidation of all unliquidated entries of subject merchandise from Japan and the United Kingdom which are entered, or withdrawn from warehouse, for consumption on or after July 11, 2005, the five-year anniversary date of the continuation of the orders. See *Continuation of Antidumping Duty Orders: Certain Bearings From France, Germany, Italy, Japan, Singapore, the United Kingdom and the People's Republic of China*, 65 FR 42665 (July 11, 2000), and 19 CFR 351.222(i)(2). Pursuant to *Timken*, all entries entered, or withdrawn from warehouse, for consumption on or after July 11, 2005, that remain unliquidated and not deemed liquidated as of April 30, 2011, will be suspended during the pendency of the appeals process so that they may be liquidated at the court-approved rate after a "conclusive" court decision.

This notice is published pursuant to section 516A(c)(1) of the Act.

Dated: June 10, 2011.

Ronald K. Lorentzen

Deputy Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-847]

Persulfates From the People's Republic of China: Notice of Correction to the Final Results of the 2009-2010 Antidumping Duty Administrative Review

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

DATES: *Effective Date:* June 17, 2011.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:

Correction

On May 17, 2011, the Department of Commerce ("Department") published in the **Federal Register** the final results of the 2009–2010 administrative review of the antidumping duty order on persulfates from the People's Republic of China ("PRC").¹ The period of review covered July 1, 2009, through June 30, 2010. The published **Federal Register** notice contained a ministerial error, in that it identified the incorrect case number associated with persulfates from the PRC (*i.e.*, case number A–570–878).² The correct case number associated with persulfates from the PRC is A–570–847. Pursuant to section 751(h) of the Tariff Act of 1930, as amended ("the Act"), the Department shall correct any ministerial errors within a reasonable time after the determination issues. A ministerial error is defined as an error "in addition, subtraction, or other arithmetic function, clerical errors resulting from inaccurate copying, duplication, or the like, and any other type of unintentional error." This notice serves to correct the case number reported in the *Final Results*.

This correction is published in accordance with sections 751(h) and 777(i) of the Act.

Dated: June 1, 2011.

Ronald K. Lorentzen,

Deputy Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–552–801]

Certain Frozen Fish Fillets From the Socialist Republic of Vietnam: Final Results of the Antidumping Duty New Shipper Reviews

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

SUMMARY: On January 25, 2011, the Department of Commerce ("Department") published the *Preliminary Results* of the seventh new

shipper reviews of the antidumping duty order on certain frozen fish fillets ("frozen fish fillets") from the Socialist Republic of Vietnam ("Vietnam").¹ We gave interested parties an opportunity to comment on the *Preliminary Results* and, based upon our analysis of the comments and information received, we made changes to the margin calculations for the final results of these reviews. The final weighted-average margins are listed below in the "Final Results of the Reviews" section of this notice. The period of review ("POR") is August 1, 2009, through February 15, 2010.

DATES: *Effective Date:* June 17, 2011.

FOR FURTHER INFORMATION CONTACT:

Alan Ray, 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) 482–5403.

SUPPLEMENTARY INFORMATION:

Case History

As noted above, on January 25, 2011, the Department published the *Preliminary Results* of these new shipper reviews. We extended the deadlines for submission of surrogate value comments and case briefs.² On March 9, 2011, the Department published a notice fully extending the time limit for completion of the final results of these new shipper reviews.³

We invited interested parties to comment on the *Preliminary Results*. Between May 2, 2011, and May 12, 2011, we received case and rebuttal briefs from Petitioners⁴ and the Respondents. As a result of our analysis,

we have made changes to the *Preliminary Results*.

Scope of the Order⁵

The product covered by the order is frozen fish fillets, including regular, shank, and strip fillets and portions thereof, whether or not breaded or marinated, of the species *Pangasius Bocourti*, *Pangasius Hypophthalmus* (also known as *Pangasius Pangasius*), and *Pangasius Micronemus*. Frozen fish fillets are lengthwise cuts of whole fish. The fillet products covered by the scope include boneless fillets with the belly flap intact ("regular" fillets), boneless fillets with the belly flap removed ("shank" fillets), boneless shank fillets cut into strips ("fillet strips/finger"), which include fillets cut into strips, chunks, blocks, skewers, or any other shape. Specifically excluded from the scope are frozen whole fish (whether or not dressed), frozen steaks, and frozen belly-flap nuggets. Frozen whole dressed fish are deheaded, skinned, and eviscerated. Steaks are bone-in, cross-section cuts of dressed fish. Nuggets are the belly-flaps. The subject merchandise will be hereinafter referred to as frozen "basa" and "tra" fillets, which are the Vietnamese common names for these species of fish. These products are classifiable under tariff article codes 1604.19.4000, 1604.19.5000, 0305.59.4000, 0304.29.6033 (Frozen Fish Fillets of the species *Pangasius* including basa and tra) of the Harmonized Tariff Schedule of the United States ("HTSUS").⁶ The order covers all frozen fish fillets meeting the above specification, regardless of tariff classification. Although the HTSUS subheading is provided for convenience and customs purposes, our 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 are addressed in "Certain Frozen Fish Fillets from the Socialist Republic of Vietnam ("Vietnam"): Issues and Decision Memorandum for the Final Results," (June 13, 2011) ("I&D Memo"). A list of the issues which parties raised, and to which we responded in the I&D Memo,

⁵ See *Notice of Antidumping Duty Order: Certain Frozen Fish Fillets From the Socialist Republic of Vietnam*, 68 FR 47909 (August 12, 2003) ("Order").

⁶ Until July 1, 2004, these products were classifiable under tariff article codes 0304.20.60.30 (Frozen Catfish Fillets), 0304.20.60.96 (Fish Fillets, NESOI), 0304.20.60.43 (Frozen Freshwater Fish Fillets) and 0304.20.60.57 (Frozen Sole Fillets) of the HTSUS. Until February 1, 2007, these products were classifiable under tariff article code 0304.20.60.33 (Frozen Fish Fillets of the species *Pangasius* including basa and tra) of the HTSUS.

¹ See *Persulfates from the People's Republic of China: Final Results of 2009–2010 Antidumping Duty Administrative Review*, 76 FR 28419 (May 17, 2011) ("Final Results").

² *Id.* at 28419.

³ See *Certain Frozen Fish Fillets From the Socialist Republic of Vietnam: Notice of Extension of Time Limit for the Final Results of the Sixth Antidumping Duty Administrative and New Shipper Reviews*, 75 FR 80795 (December 23, 2010).

⁴ See Letter from Alex Villanueva, Program Manager, Office 9, to Interested Parties: Extending Surrogate Value Submission & Briefing Schedule for New Shipper Reviews of Certain Frozen Fish Fillets from the Socialist Republic of Vietnam (February 10, 2011). See also Letter from Matthew Renkey, Acting Program Manager, Office 9, to Interested Parties: Extending Surrogate Value Submission & Briefing Schedule for New Shipper Reviews of Certain Frozen Fish Fillets from the Socialist Republic of Vietnam (March 25, 2011).

⁵ See *Certain Frozen Fish Fillets From the Socialist Republic of Vietnam: Notice of Extension of Time Limit for the Final Results of the Sixth Antidumping Duty Administrative and New Shipper Reviews*, 75 FR 80795 (December 23, 2010).

⁶ The Catfish Farmers of America and individual U.S. Catfish Processors: America's Catch, Consolidated Catfish Companies, LLC dba Country Select Catfish, Delta Pride Catfish, Inc., Harvest Select Catfish, Inc., Heartland Catfish Company, Pride of the Pond, Simmons Farm Raised Catfish, Inc., and Southern Pride Catfish Company LLC (collectively, "Petitioners").