

DEPARTMENT OF COMMERCE**International Trade Administration**

[A-588-604 and A-588-054]

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: Amended Final Results of Antidumping Duty Administrative Reviews Pursuant to Final Court Decision

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

ACTION: Notice of final court decision and amended final results of antidumping duty administrative reviews.

SUMMARY: On August 12, 2002, the United States Court of International Trade (CIT) affirmed the Department of Commerce's (the Department's) redetermination on remand of the final results of the October 1, 1995 through September 30, 1996 administrative review of the antidumping duty order on tapered roller bearings (TRBs) and parts thereof, finished and unfinished, from Japan and the antidumping finding on TRBs, four inches or less in outside diameter, and components thereof, from Japan. See *NTN Bearing Corp. et al v. United States*, Consol. Court No. 98-01-00146, Slip Op. 02-88 (CIT August 12, 2002) (*NTN II*). Subsequent to the CIT's decision in *NTN II*, two respondents, NTN Corporation (NTN) and NSK Ltd. (NSK), appealed to the Court of Appeals for the Federal Circuit (Federal Circuit); the petitioner, The Timken Company (Timken), cross-appealed to the Federal Circuit. On May 21, 2004, the Federal Circuit affirmed the CIT's decision in *NTN II*. See *NTN Bearing Corp. et al v. United States*, 03-1041, -1048, -1072 (Fed. Cir. May 21, 2004) (*NTN CAFC*). Because all litigation has concluded, the Department is now issuing these amended final results reflecting the CIT's decision.

EFFECTIVE DATE: June 22, 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 January 15, 1998, the Department published the final results of its administrative reviews of the antidumping duty order on 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, 1995 through September 30, 1996. 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 2558 (January 15, 1998), as amended, *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; Amended Final Results of Antidumping Duty Administrative Reviews*, 63 FR 13391 (March 19, 1998) (*1995-96 TRBs from Japan Final Results*). Respondents NTN, NSK, and Koyo Seiko Co., Ltd. (Koyo) and petitioner Timken filed lawsuits challenging these results. On January 24, 2002, the CIT issued an Order and Opinion remanding two issues to the Department. See *NTN Bearing Corp. et al v. United States*, 186 F. Supp. 2d 1257 (CIT January 24, 2002) (*NTN I*). Specifically, the CIT ordered the Department to (1) annul all findings and conclusions made pursuant to the duty-

absorption inquiry conducted for the subject reviews; and (2) exclude any transactions that were not supported by consideration from NTN's United States sales database and to adjust the dumping margin accordingly. See *NTN I*, 186 F. Supp. 2d 1257. In accordance with the CIT's order in *NTN I*, the Department filed its remand results on June 24, 2002. On August 12, 2002, the CIT affirmed the Department's final results of remand redetermination in their entirety. See *NTN II*. Subsequently, NTN and NSK appealed the CIT's decision in *NTN II* to the Federal Circuit, and Timken cross-appealed the CIT's decision to the Federal Circuit. On May 21, 2004, the Federal Circuit concluded that the Department's final results of remand redetermination were supported by substantial evidence and were not erroneous as a matter of law, and affirmed the CIT's decision. See *NTN CAFC*. Because all litigation has concluded, 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 *1995-96 TRBs from Japan Final Results* to reflect the revised weighted-average margin for NTN.¹ We determine that the following weighted-average margins exist for NTN and NSK for the period October 1, 1995 through September 30, 1996 for the A-588-604 antidumping duty order on TRBs from Japan and the A-588-054 antidumping finding on TRBs from Japan:

¹ NTN was not subject to the antidumping finding (A-588-054) on TRBs from Japan. Therefore, the CIT's order to exclude any transactions that were not supported by consideration from NTN's United States sales database and to adjust the dumping margin accordingly affected only the calculation of the NTN's margin for the antidumping duty order (A-588-604) on TRBs from Japan.

Producer/exporter	Period of review	Weighted-average margin (%)	
		Original:	Revised:
A-588-604			
NTN	10/1/1995—9/30/1996	21.41	21.48
NSK	10/1/1995—9/30/1996	10.17	n/a
A-588-054			
NSK	10/1/1995—9/30/1996	1.64	n/a

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

Dated: June 8, 2004.

James J. Jochum,

Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

Applications for Duty-Free Entry of Scientific Instruments

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 A.M. and 5 P.M. in Suite 4100W, U.S. Department of Commerce, Franklin Court Building, 1099 14th Street, NW., Washington, DC.

Docket Number: 04-010. **Applicant:** Cornell University, 123 Day Hall, Ithaca, NY 14853. **Instrument:** X-ray Double Crystal Monochrometer. **Manufacturer:** Kohzu Precision Co., Ltd., Japan. **Intended Use:** The instrument is intended to be used by a group of universities to study the molecular structure of macro-molecules of importance in the life sciences including proteins, viruses, enzymes and other related entities by the

scattering of monoenergetic x-rays from single crystals of these materials utilizing the intense beams of x-rays provided by the Advanced Photon Source at Argonne National Laboratory. **Application accepted by Commissioner of Customs:** May 7, 2004.

Docket Number: 04-011. **Applicant:** Catawba College, 22300 W. Innes Street, Salisbury, NC 28144. **Instrument:** Transmission Electron Microscope, Model Jem-1011. **Manufacturer:** JEOL, Japan. **Intended Use:** The instrument is intended to be used in teaching the techniques and procedures of biological specimen fixation, embedding, sectioning, staining, examination and analysis. It will be used in a course on electron microscopy and in a seminar on biological research. **Application accepted by Commissioner of Customs:** May 19, 2004.

Docket Number: 04-012. **Applicant:** University of California, Los Angeles, Department of Physics and Astronomy, 475 Portola Plaza, Los Angeles, CA 90095-1547. **Instrument:** Dual Beam Electron Microscope/Focused Ion Beam Milling Machine, Model Nova 600 Nanolab. **Manufacturer:** FEI Company, the Netherlands. **Intended Uses:** The instrument is intended to be used:

1. To develop and fine-tune nanometer scale mechanical sensors by standard micro-fabrication processes
2. Machining of probes to study the shape dependence of the cantilever spring constant and to achieve the sharpest tip
3. To achieve subatomic scale resolution with an AFM using the sensors developed. Application accepted by Commissioner of Customs: June 3, 2004.

Docket Number: 04-013. **Applicant:** Cornell University, 123 Day Hall, Ithaca, NY 14853. **Instrument:** X-ray Focusing Mirror System, Model Ne Cat. **Manufacturer:** Oxford-Danfysik, United Kingdom. **Intended Use:** The instrument is intended to be used by a group of universities to study the molecular structure of macro-molecules of importance in the life sciences including proteins, viruses, enzymes and other related entities by the scattering of monoenergetic x-rays from single crystals of these materials

utilizing the intense beams of x-rays provided by the Advanced Photon Source at Argonne National Laboratory. The mirror system is needed to focus the intense x-ray beam from the Advanced Photon Source onto millimeter size crystals.

Application accepted by Commissioner of Customs: June 3, 2004.

Gerald A. Zerdy,

Program Manager, Statutory Import Programs Staff.

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DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review

ACTION: Notice of application to amend an Export Trade Certificate of Review.

SUMMARY: The Office of Export Trading Company Affairs ("OETCA"), International Trade Administration, U.S. Department of Commerce, has received an application to amend an Export Trade Certificate of Review ("Certificate"). This notice summarizes the proposed amendment and requests comments relevant to whether the Certificate should be issued.

FOR FURTHER INFORMATION CONTACT:

Jeffrey Anspacher, Director, Office of Export Trading Company Affairs, International Trade Administration, by phone at (202) 482-5131, (this is not a toll-free number) or by e-mail at oetca@ita.doc.gov.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001-21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. An Export Trade Certificate of Review protects the holder and the members identified in the Certificate from State and Federal government antitrust actions and from private treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Export Trading Company Act of 1982 and 15 CFR 325.6(a) require the