

**REMAND DETERMINATION**  
*SNR Roulements, et al, v. United States,*  
Consol. Court No. 01-00686, Slip Op. 04-100

**Summary**

This remand determination, submitted in accordance with the order of the U.S. Court of International Trade (the CIT) of August 10, 2004 (Slip Op. 04-100), involves challenges to the determinations of the U.S. Department of Commerce (the Department) in the administrative reviews of the antidumping duty orders on antifriction bearings and parts thereof from France, Germany, Italy, Japan, Sweden, and the United Kingdom (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)) concerning 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. In accordance with the CIT's order, we have clarified why we did not originally exclude NTN Corporation's (NTN's) CT scan bearings from our calculation of NTN's margin and assessment rate. 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. NTN's margins for cylindrical roller bearings and spherical plain bearings were not affected by this remand.

On September 24, 2004, we issued our draft results of redetermination to interested

parties for comment. On September 29, 2004, NTN submitted comments on our draft results of redetermination.

## **Discussion**

### CT Scan Bearings

On May 24, 2001, NTN requested a ruling on whether its CT scan bearings were within the scope of the order on ball bearings. On July 10, 2001, the Department issued a letter to NTN with the Department's determination that such bearings were not within the scope of the order. Observing that the Department published its final determination for AFBs 11 on July 12, 2001, two days after the date the Department sent the letter to NTN declaring that CT scan bearings were not within the scope of the order, the CIT asked the Department to explain why it did not exclude such bearings from our calculation of NTN's margin.

In fact, although the Department published AFBs 11 on July 12, 2001, the notice was signed on July 5, 2001, and released to parties on July 6, 2001. The notice did not actually publish in the Federal Register until July 12, 2001, because it generally takes several days to a week after the date of signature for the Federal Register to publish a notice. Therefore, the Department did not make its determination on NTN's CT scan bearing scope ruling request, which was a separate segment of the proceeding, until five days after it made its final determination in AFBs 11. Thus, it was impossible for the Department to implement a decision it had not yet made in AFBs 11.

Nevertheless, in light of the CIT's order remanding this case to the Department, we have removed NTN's CT scan bearings from the calculation of NTN's margin and assessment rate.

Comment: NTN contends that the Department made a clerical error in its analysis memorandum for its draft results of redetermination. Observing that the Department's analysis memorandum indicates that the value and margin of NTN's sales of spherical plain bearings changed as a result of the remand, NTN argues that, because the remand only affected ball bearings, the value and antidumping margin for spherical plain bearings should not have been affected. NTN requests that the Department correct this clerical error.

Department's Position: We agree with NTN that the value and margin for spherical plain bearings should not have been affected. In fact, this was an inadvertent typographical error. An examination of the program output attached to the analysis memorandum demonstrates that the value and margin we calculated for spherical plain bearings was the same as in AFBs 11 and, therefore, the figures given for spherical plain bearings in the analysis memorandum are in error. This error does not affect our calculation of any of the margins for NTN. Thus, aside from the inadvertent error in the text of the memorandum, no change in the program is necessary. We have corrected the error in the memorandum.

#### Profit for Constructed Value

In its instructions to the Department, the CIT ordered the Department to explain the rationale behind its methodology for calculating profit for constructed value. On September 30, 2004, the CIT vacated that order. Prior to that date, however, we had released a draft notice of redetermination in which we explained the rationale behind our methodology for calculating profit for constructed value. Because the CIT has vacated that order, we have removed that discussion for the final results of redetermination.

### Results of Redetermination

In accordance with the remand order, we have recalculated the antidumping duty margin for NTN. The recalculated weighted-average percentage margin for the period May 1, 1999, through April 30, 2000, for ball bearings is listed below (the margins for cylindrical roller bearings and spherical plain bearings are unaffected by this remand):

<u>Company</u>	<u>Ball Bearings</u>
NTN	
Original	9.16
Revised	8.98

These results of redetermination are pursuant to the remand order of the CIT in SNR Roulements, et al, v. United States, Court No. 01-00686, Slip Op. 04-100 (August 10, 2004).

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 James Jochum  
 Assistant Secretary  
 for Import Administration

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 Date