

**EFFECTIVE DATE:** May 1, 2003.

**FOR FURTHER INFORMATION CONTACT:** Susan Lehman or Richard Rimlinger, AD/CVD Enforcement Group I, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: 202-482-0180 or 202-482-4477, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

On October 17, 1997, the Department of Commerce (the Department) published *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France, Germany, Italy, Japan, Romania, Singapore, Sweden and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews*, 62 FR 66472, and on November 20, 1997, it published *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France, Germany, Italy, Japan, Romania, Singapore, Sweden and the United Kingdom: Amended Final Results of Antidumping Duty Administrative Reviews*, 62 FR 61963 (collectively, *AFBs 7*), which covered the period May 1, 1995, through April 30, 1996. The Japanese companies covered by the reviews are NTN Corporation (NTN), NSK Ltd. (NSK), Koyo Seiko Co., Ltd. (Koyo), Nippon Pillow Block Manufacturing Company (NPBS), and Nachi Fujikoshi (Nachi). The classes or kinds of merchandise covered by these reviews are ball bearings and parts thereof (BBs), cylindrical roller bearings and parts thereof (CRBs), and spherical plain bearings and parts thereof (SPBs). Various parties appealed *AFBs 7*.

On June 5, 2000, the Court issued an order in *NTN Bearing Corporation of America, NTN Corporation, American NTN Bearings Manufacturing Corporation, NTN Driveshaft, Inc. and NTN-Bower Corporation; NSK Ltd. and NTN Corporation; Koyo Seiko Co., Ltd. and Koyo Corporation of U.S.A. v. United States*, Consol. Court No. 97-10-01801, Slip Op. 00-64 (June 5, 2000) (*NTN*), remanding *AFBs 7* to the Department. In *NTN*, the Court remanded *AFBs 7* to the Department to make the following changes: 1) annul all findings and conclusions made pursuant to the duty-absorption inquiry conducted for the reviews; 2) make adjustments pursuant to section 772(c) of the Tariff Act of 1930 as amended (the Act), to section 772(a)'s starting price for determining export price; 3) make adjustments pursuant to sections

772(c) and (d) of the Act to section 772(b)'s starting price for determining constructed export price (CEP); 4) articulate how the record supports the Department's decision to recalculate NTN's home-market indirect selling expenses without regard to level of trade; 5) clarify how the Department complied with sections 776 and 782 of the Act by using facts available and applying an adverse inference with respect to NTN's alleged zero-price sample sales and, if the Department determined that it conformed with the statutory framework, to include NTN's sample sales in its U.S. sales database or, if the Department determined that it did not adhere to all of the statutory prerequisite conditions, to give NTN the opportunity to remedy or explain any deficiency regarding its sample sales; and 6) clarify whether NTN was provided with notice and opportunity to respond pursuant to sections 776 and 782 of the Act with regard to its cost-of-production (COP) and constructed-value (CV) data. The remand affected the Department's calculations for NTN, Koyo, and NSK with respect to the antidumping duty orders on BBs, CRBs, and SPBs from Japan for the period May 1, 1995, through April 30, 1996.

The Department submitted its Remand Results to the Court on September 5, 2000. On February 23, 2001, the Court affirmed the Department's Remand Results in their entirety. NTN, NSK, and Koyo appealed the ruling of the Court and the lawsuit was litigated at the United States Court of Appeals for the Federal Circuit (CAFC). On June 28, 2002, the CAFC affirmed the judgment of the Court.

As there is now a final and conclusive court decision with respect to NTN, NSK, and Koyo, we are amending our final results of review for these companies and we will subsequently instruct the U.S. Customs Service to liquidate the relevant entries subject to these reviews.

**Amendment to Final Results**

Pursuant to section 516A(e) of the Act, we are now amending 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 May 1, 1995, through April 30, 1996, with respect to NTN. The current rates for NTN are as follows: 6.94 for BBs, 4.33 for CRBs, and 7.19 for SPBs. There are no rate changes for Koyo, Nachi, NPBS, or NSK. Accordingly, the Department will determine and the U.S. Customs Service will assess appropriate antidumping duties on entries of the subject

merchandise produced by NTN, NSK, and Koyo. Individual differences between United States price and foreign market value may vary from the percentages listed above. The Department will issue appraisal instructions to the U.S. Customs Service within 15 days of publication of these amended final results of reviews.

The Court remanded *AFBs 7* to the Department to annul all findings and conclusions made pursuant to the duty-absorption inquiry it conducted in *AFBs 7*. The Department complied with the remand as directed by the Court with respect to Koyo, NSK, and NTN and annulled all findings and conclusions made pursuant to its duty-absorption inquiry conducted for the subject reviews with respect to Koyo, NSK, and NTN. The Court affirmed the Department's remand in its entirety.

This notice is published pursuant to section 751(a) of the Act.

Dated: April 24, 2003.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

[I.D. 042503B]

**Proposed Information Collection; Comment Request; Commercial Fisheries Employment Survey.**

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA).  
**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before June 30, 2003.

**ADDRESSES:** Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at dHynek@doc.gov).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or

copies of the information collection instrument and instructions should be directed to Amy Gautam, NMFS ST1, 1315 East-West Highway, Silver Spring, MD 20910.

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

The data will be collected to estimate full- and part-time employment in commercial fisheries. This information is needed to identify how many individuals are affected by proposed commercial fishing regulations. Respondents will be commercial fishing vessel owners and captains.

##### II. Method of Collection

Respondents will complete a paper questionnaire to be mailed back to the NMFS or contractor conducting the survey on NMFS' behalf.

##### III. Data

*OMB Number:* None.

*Form Number:* None.

*Type of Review:* Regular submission.

*Affected Public:* Individuals or households.

*Estimated Number of Respondents:* 10,000.

*Estimated Time Per Response:* 5 minutes.

*Estimated Total Annual Burden Hours:* 833.

*Estimated Total Annual Cost to Public:* 0.

##### IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: April 24, 2003.

##### Gwellnar Banks,

*Management Analyst, Office of the Chief Information Officer.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Federal Consistency Appeal by Luz Torres DeRosa, Pedro Vidal, Frontera Colley and Fernando E. Otero Rodriguez From Objections by the Puerto Rico Planning Board

**AGENCY:** National Oceanic and Atmospheric Administration.

**ACTION:** Notice of appeals and request for comments.

**SUMMARY:** Luz Torres DeRosa, Pedro Vidal, Frontera Colley and Fernando E. Otero Rodriguez (Appellants), filed with the Secretary of Commerce (Secretary) four separate notices of appeal pursuant to section 307(c)(3)(A) of the Coastal Zone Management Act of 1972 (CZMA), as amended, 16 U.S.C. 1451 *et seq.*, and the Department of Commerce's implementing regulations, 15 CFR part 930, subpart H. The appeals are taken from objections by the Puerto Rico Planning Board (PRPB) to the Appellants' consistency certifications for U.S. Army Corps of Engineers' permits for the reconstruction of stilt houses. The proposed projects are located within the maritime-terrestrial zone, territorial waters and submerged lands.

**DATES:** Public comments on the appeals are due within 30 days of the publication of this notice.

**ADDRESSES:** Comments should be sent to Mary Elliott Rolle, Attorney-Adviser, Office of the Assistant General Counsel for Ocean Services, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1305 East-West Highway, Room 6111, Silver Spring, MD 20910. Public filings made by the parties to the appeals may be available at the NOAA Office of the Assistant General Counsel for Ocean Services and the Puerto Rico Planning Board, Minillas Government Center, North Building, De Diego Ave. Stop 22, San Juan, Puerto Rico 00940-1119.

**FOR FURTHER INFORMATION CONTACT:** Mary Elliott Rolle, Attorney-Adviser, Office of the Assistant General Counsel for Ocean Services, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1305 East-West Highway, Room 6111, Silver Spring, MD 20910 or at 301-713-2967, extension 216.

#### SUPPLEMENTARY INFORMATION:

##### I. Notice of Appeals

Luz Torres DeRosa, Pedro Vidal, Frontera Colley and Fernando E. Otero Rodriguez (Appellants), filed with the

Secretary of Commerce (Secretary) four separate notices of appeal pursuant to section 307(c)(3)(A) of the Coastal Zone Management Act of 1972 (CZMA), as amended, 16 U.S.C. 1451 *et seq.*, and the Department of Commerce's implementing regulations, 15 CFR part 930, subpart H. The regulations have been revised as of January 8, 2000. These matters fall under the old regulations in place at the time of the filings of these appeals. The appeals are taken from objections by the Puerto Rico Planning Board (PRPB) to the Appellants' consistency certifications for U.S. Army Corps of Engineers' permits for the reconstruction of stilt houses. The proposed projects are located within the maritime-terrestrial zone, territorial waters and submerged lands.

The CZMA provides that a timely objection by a state precludes any federal agency from issuing licenses or permits for an activity unless the Secretary finds that the activity is either "consistent with the objectives" of the CZMA (Ground I) or "necessary in the interest of national security" (Ground II). Section 307(c)(3)(A). To make such a determination, the Secretary must find that the proposed project satisfies the requirements of 15 CFR 930.121 or 930.122.

The Appellants request that the Secretary override the Board's consistency objections based on Ground I. To make the determination that a proposed activity is "consistent with the objectives" of the CZMA, the Secretary must find that: (1) The proposed activity furthers one or more of the competing national objectives or purposes contained in section 302 or 303 of the CZMA; (2) the national interest furthered by the proposed activity outweighs the activity's adverse coastal effects, when those effects are considered separately or cumulatively; (3) the activity will not violate any requirements of the Clean Air Act, as amended, or the Federal Water Pollution Control Act, as amended; and (4) no reasonable alternative is available that would permit the proposed activity to be conducted in a manner consistent with the enforceable policies of Puerto Rico's coastal zone management program. See 15 CFR 930.121.

##### II. Public Comments

Public comments are invited on the findings that the Secretary must make as set forth in the regulations at 15 CFR 930.121. Comments are due within 30 days of the publication of this notice and should be sent to Mary Elliott Rolle, Attorney-Adviser, Office of the Assistant General Counsel for Ocean