

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

spherical plain bearings from Japan during the review period at the assessment rates the Department calculated for the final results of reviews as amended. We intend to issue the assessment instructions to CBP 15 days after the date of publication of these amended final results of review.

We are issuing and publishing these amended final results of review in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended.

Dated: November 27, 2007.

**David M. Spooner,**

*Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-570-917]

#### **Laminated Woven Sacks From the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination; Preliminary Affirmative Determination of Critical Circumstances, In Part; and Alignment of Final Countervailing Duty Determination With Final Antidumping Duty Determination**

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

**SUMMARY:** The Department of Commerce (the Department) preliminarily determines that countervailable subsidies are being provided to producers and exporters of laminated woven sacks (LWS) from the People's Republic of China (PRC). For information on the estimated subsidy rates, see the "Suspension of Liquidation" section of this notice. The Department further determines preliminarily that critical circumstances exist, in part, with respect to imports of the subject merchandise. This notice also serves to align the final countervailing duty determination in this investigation with the final determination in the companion antidumping duty investigation of LWS from the PRC.

**DATES:** *Effective Date:* December 3, 2007.

**FOR FURTHER INFORMATION CONTACT:** Mark Hoadley, Toni Page or Jun Jack Zhao, AD/CVD Operations, Office 6, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; *telephone:* (202) 482-3148,

(202) 482-1398 and (202) 482-1396, respectively.

#### **SUPPLEMENTARY INFORMATION:**

##### **Case History**

The following events have occurred since the publication of the Department's notice of initiation in the **Federal Register**. See *Laminated Woven Sacks from the People's Republic of China: Initiation of Countervailing Duty Investigation*, 72 FR 40839 (July 25, 2007) (*Initiation Notice*).

On July 31, 2007, the Department selected, as mandatory respondents, the four largest Chinese producers/exporters of LWS that could reasonably be examined, Han Shing Chemical Co., Ltd. (Han Shing Chemical), Ningbo Yong Feng Packaging Co., Ltd. (Ningbo), Shangdong Qilu Plastic Fabric Group, Ltd. (Qilu), and Shangdong Shouguang Jianyuan Chun Co., Ltd. (SSJ). See Memorandum to Stephen J. Claeys, Deputy Assistant Secretary for Import Administration, "Respondent Selection" (July 31, 2007). This memorandum is on file in the Department's Central Records Unit in Room B-099 of the main Department building (CRU).<sup>1</sup> On August 3, 2007, we issued the countervailing duty (CVD) questionnaire to the Government of the People's Republic of China (GOC), requesting the GOC forward the company sections of the questionnaire to the mandatory respondent companies.

On August 14, 2007, the International Trade Commission (ITC) issued its affirmative preliminary determination that there is a reasonable indication that an industry in the United States is materially injured by reason of allegedly subsidized imports of LWS from China. See *Laminated Woven Sacks from China*, Investigation Nos. 701-TA-450 and 731-TA-1122 (Preliminary), 72 FR 46246 (August 17, 2007).

On September 10, 2007, we published a postponement of the preliminary determination of this investigation until November 26, 2007. See *Laminated Woven Sacks from the People's Republic of China: Postponement of Preliminary Determination in the Countervailing*

<sup>1</sup> At the time of respondent selection, the Department had public information indicating that Han Shing Chemical's internet address was the same as that of a Han Shing Co. and a Han Shing Bulk Bag Co., Ltd. Moreover, the Department also had public information indicating that Han Shing Chemical's street address was similar to that of Han Shing Co. and Han Shing Bulk Bag Co., Ltd. See attachment 2 of our Respondent Selection Memo. Thus, in our questionnaire to the GOC, we instructed the GOC to forward the questionnaire to certain producers/exporters, including "Han Shing Chemical, Ltd., aka Han Shing Bulk Bag Co., Ltd. and Han Shing Co."

*Duty Investigation*, 72 FR 51641 (September 10, 2007). We received responses from the GOC on September 24, 2007, and SSJ and its affiliate Shandong Longxing Plastic Products Company Ltd. (SLP) on October 1, 2007. Han Shing Chemical, Ningbo, and Qilu did not submit responses to the Department's August 3, 2007 CVD questionnaire. However, the GOC provided a certification from Han Shing Bulk Bag Co. Ltd. (Han Shing Bag) stating that neither Han Shing Bag nor any company with which it is cross-owned, as defined in 19 CFR 351.525(6)(vi), produced or exported LWS to the United States during the period of investigation. In addition, the certification stated that Han Shing Bag was not "cross-owned" or "affiliated" with Han Shing Chemical.

On September 10, 2007, Zibo Aifudi Plastic Packaging Company Limited (Aifudi) submitted a voluntary response to the Department, pursuant to section 782(a) of the Tariff Act of 1930, as amended (the Act). On October 24, 2007, the Department selected Aifudi as a voluntary respondent for the investigation pursuant to 19 CFR 351.204(d)(2). See Memorandum to Stephen J. Claeys, Deputy Assistant Secretary for Import Administration, "Voluntary Respondent Selection" (October 24, 2007). This memorandum is on file in the Department's CRU.

On October 2, 2007, October 10, 2007, and November 5, 2007, the Laminated Woven Sacks Committee and its individual members, Bancroft Bag, Inc., Coating Excellence International, LLC, Hood Packaging Corporation, Mid-America Packaging, LLC, and Polytex Fibers Corporation (collectively, the petitioners), submitted comments regarding these questionnaire responses. We issued supplemental questionnaires to SSJ, Aifudi, and to the GOC on October 23, 2007. We received responses to these supplemental questionnaires from all parties on October 26, 2007 and November 5, 2007.

On October 17, 2007, the petitioners submitted new subsidy allegations regarding twelve programs. On November 2, 2007, the Department determined to investigate all of these newly alleged subsidy programs pursuant to section 775 of the Act. See Memorandum to Barbara E. Tillman, Office Director, "New Subsidy Allegation" (November 2, 2007). Questions regarding these newly alleged subsidies were sent to the GOC and the respondent companies on November 2, 2007. The GOC submitted comments responding to the Department's initiation of new subsidy allegations on November 5, 2007. The GOC, SSJ, and