

Dated at Washington DC, July 2, 2004.

Ivy L. Davis,

Chief, Regional Programs Coordination Unit.

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## DEPARTMENT OF COMMERCE

### International Trade Administration

(A-570-846)

#### Brake Rotors From the People's Republic of China: Final Results and Partial Rescission of the Sixth Antidumping Duty Administrative Review and Final Results of the Ninth New Shipper Review

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

**ACTION:** Notice of final results and partial rescission of the sixth antidumping duty administrative review and final results of the ninth new shipper review.

**SUMMARY:** On March 5, 2004, the Department of Commerce published the preliminary results and preliminary partial rescission of the sixth antidumping duty administrative review, and the preliminary results and final rescission of the ninth new shipper review of the antidumping duty order on brake rotors from the People's Republic of China. *See Brake Rotors from the People's Republic of China: Preliminary Results and Preliminary Partial Rescission of the Sixth Antidumping Duty Administrative Review and Preliminary Results and Final Rescission of the Ninth New Shipper Review*, 69 FR 10402 (March 5, 2004) ("Preliminary Results"). These reviews examined 21 exporters<sup>1</sup> ("the

<sup>1</sup> The names of the respondents in the sixth administrative review are as follows: (1) China National Industrial Machinery Import & Export Corporation ("CNIM"); (2) Laizhou Automobile Brake Equipment Company, Ltd. ("LABEC"); (3) Longkou Haimeng Machinery Co., Ltd. ("Longkou Haimeng"); (4) Laizhou Hongda Auto Replacement Parts Co., Ltd. ("Hongda"); (5) Hongfa Machinery (Dalian) Co., Ltd. ("Hongfa"); (6) Qingdao Gren (Group) Co. ("GREN"); (7) Qingdao Meita Automotive Industry Company, Ltd. ("Meita"); (8) Shandong Huanri (Group) General Company ("Huanri General"); (9) Yantai Winhere Auto-Part Manufacturing Co., Ltd. ("Winhere"); (10) Zibo Luzhou Automobile Parts Co., Ltd. ("ZLAP"); (11) Longkou TLC Machinery Co., Ltd. ("LKTLC"); (12) Zibo Golden Harvest Machinery Limited Company ("Golden Harvest"); (13) Shanxi Fengkun Metallurgical Limited Company Hengtai Brake System Co., Ltd. ("Hengtai"); (16) China National Machinery and Equipment Import & Export (Xianjiang) Corporation ("Xianjiang"); (17) China National Automotive Industry Import & Export Corporation ("CAIEC"); (18) Laizhou CAPCO Machinery Co., Ltd. ("Laizhou CAPCO"); (19)

respondents"), five of which are exporters included in three exporter/producer combinations and one of which is a new shipper. The period of review is April 1, 2002, through March 31, 2003 ("POR"). We gave interested parties an opportunity to comment on our preliminary results.

Based on the additional publicly available information placed on the record for these final results and the comments received from the interested parties, we have made changes in the margin calculations for the respondents in these reviews. The final weighted-average dumping margins for the reviewed firms are listed below in the section entitled "Final Results of Reviews."

**EFFECTIVE DATE:** July 13, 2004.

**FOR FURTHER INFORMATION CONTACT:** Terre Keaton or Brian Smith, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482-1280, or (202) 482-1766, respectively.

**SUPPLEMENTARY INFORMATION:**

#### Background

On March 5, 2004, the Department published in the **Federal Register** the Preliminary Results (see 69 FR 10402).

On March 25, 2004, and in accordance with 19 CFR 351.301(c)(3)(ii), the petitioner<sup>2</sup> submitted additional publicly available information for consideration in the final results.

On May 10, 2004, the petitioner submitted its case brief, and on May 17, 2004, the respondents submitted a rebuttal brief.

#### Scope of Order

The products covered by this order are brake rotors made of gray cast iron, whether finished, semifinished, or unfinished, ranging in diameter from 8 to 16 inches (20.32 to 40.64 centimeters) and in weight from 8 to 45 pounds (3.63 to 20.41 kilograms). The size parameters (weight and dimension) of the brake rotors limit their use to the following

Laizhou Luyuan Automobile Fittings Co. ("Laizhou Luyuan"); and (20) Shenyang Honbase Machinery Co., Ltd. ("Shenyang Honbase"). The respondent in the new shipper review is (21) Laizhou City Luqi Machinery Co., Ltd. ("Luqi").

The excluded exporter/producer combinations are: (1) Xianjiang/Zibo Botai Manufacturing Co., Ltd.; (2) CAIEC/Laizhou CAPCO; (3) Laizhou CAPCO/Laizhou CAPCO; (4) Laizhou Luyuan/Laizhou Luyuan or Shenyang Honbase; or (5) Shenyang Honbase/Laizhou Luyuan or Shenyang Honbase.

<sup>2</sup> The petitioner is the Coalition for the Preservation of American Brake Drum and Rotor Aftermarket Manufacturers.

types of motor vehicles: automobiles, all-terrain vehicles, vans and recreational vehicles under "one ton and a half," and light trucks designated as "one ton and a half."

Finished brake rotors are those that are ready for sale and installation without any further operations. Semi-finished rotors are those on which the surface is not entirely smooth, and have undergone some drilling. Unfinished rotors are those which have undergone some grinding or turning.

These brake rotors are for motor vehicles, and do not contain in the casting a logo of an original equipment manufacturer ("OEM") which produces vehicles sold in the United States (e.g., General Motors, Ford, Chrysler, Honda, Toyota, Volvo). Brake rotors covered in this order are not certified by OEM producers of vehicles sold in the United States. The scope also includes composite brake rotors that are made of gray cast iron, which contain a steel plate, but otherwise meet the above criteria. Excluded from the scope of this order are brake rotors made of gray cast iron, whether finished, semifinished, or unfinished, with a diameter less than 8 inches or greater than 16 inches (less than 20.32 centimeters or greater than 40.64 centimeters) and a weight less than 8 pounds or greater than 45 pounds (less than 3.63 kilograms or greater than 20.41 kilograms).

Brake rotors are currently classifiable under subheading 8708.39.5010 of the *Harmonized Tariff Schedule of the United States* ("HTSUS"). Although the HTSUS subheading is provided for convenience and customs purposes, our written description of the scope of this order is dispositive.

#### Partial Rescission of Administrative Review

Pursuant to 19 CFR 351.213(d)(3), we continue to find that no shipments of subject merchandise were made to the United States during the POR by the exporters which are part of the three exporter/producer combinations (i.e., Xianjiang, CAIEC, Laizhou CAPCO, Laizhou Luyuan and Shenyang Honbase) which received zero rates in the less-than-fair-value ("LTFV") investigation, or the four exporters (i.e., Shanxi Fengkun, Hengtai, Golden Harvest and Xumingyuan) which made no-shipment claims (see *Preliminary Results* at 69 FR 10404). Therefore, in accordance with 19 CFR 351.213(d)(3), we are rescinding the administrative review with respect to all of the above-mentioned companies because we found no evidence that these companies made shipments of the subject merchandise during the POR.

**Analysis of Comments Received**

All issues raised in the case brief are addressed in the Issues and Decision Memorandum (“*Decision Memo*”), which is hereby adopted by this notice. A list of the issues raised, all of which are in the *Decision Memo*, is attached to this notice as an Appendix. Parties can find a complete discussion of all issues raised in the briefs and the corresponding recommendations in this public memorandum which is on file in the Central Records Unit, room B-099 of the main Department building. In addition, a complete version of the *Decision Memo* can be accessed directly on the Web at <http://ia.ita.doc.gov/>. The paper copy and electronic version of the *Decision Memo* are identical in content.

**Changes Since the Preliminary Results**

Based on the use of additional publicly available information and the comments received from the interested parties, we have made changes in the margin calculation for each respondent. For a discussion of these changes, see the “Margin Calculations” section of the *Decision Memo*.

For the final results, we calculated average surrogate percentages for factory overhead, selling, general and administrative expenses, and profit using the 2002–2003 financial data of Kalyani Brakes Limited and Mando Brake Systems India Limited. See *Decision Memo* at Comments 1 and 2.

We corrected a missing data problem in ZLAP’s factors of production database which we inadvertently did not do in the preliminary results.

**Final Results of Reviews**

We determine that the following weighted-average margin percentages exist for the following companies during the period April 1, 2002, through March 31, 2003:

Manufacturer/producer/exporter	Margin Percent
China National Industrial Machinery Import & Export Corporation	0.17 (de minimis)
Hongfa Machinery (Dalian) Co., Ltd. ....	0.00
Laizhou Automobile Brake Equipment Company, Ltd. ....	0.01 (de minimis)
Laizhou City Luqi Machinery Co., Ltd. ....	0.00
Laizhou Hongda Auto Replacement Parts Co., Ltd. ....	0.00
Longkou Haimeng Machinery Co., Ltd. ....	0.01 (de minimis)
Longkou TLC Machinery Co., Ltd. ....	0.02 (de minimis)
Qingdao Gren (Group) Co. ....	0.04 (de minimis)

Manufacturer/producer/exporter	Margin Percent
Qingdao Meita Automotive Industry Company, Ltd. ....	0.14 (de minimis)
Shandong Huanri (Group) General Company ....	0.00
Yantai Winhere Auto-Part Manufacturing Co., Ltd. ....	0.02 (de minimis)
Zibo Luzhou Automobile Parts Co., Ltd. ....	0.00
PRC NME entity ....	43.32

**Assessment Rates**

The Department shall determine, and US Customs and Border Protection (“CBP”) shall assess, antidumping duties on all appropriate entries. Pursuant to 19 CFR 351.212(b)(1), we calculated importer- or customer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of the dumping margins calculated for the examined sales to the total entered value of those same sales. Where the respondent did not report actual entered value, we calculated individual importer- or customer-specific assessment rates by aggregating the dumping margins calculated for all of the U.S. sales examined and dividing that amount by the total quantity of the sales examined. In accordance with 19 CFR 351.106(c)(2), we will instruct CBP to liquidate without regard to antidumping duties all entries of subject merchandise during the POR for which the importer-specific assessment rate is zero or *de minimis* (*i.e.*, less than 0.50 percent). To determine whether the per-unit duty assessment rates are *de minimis* (*i.e.*, less than 0.50 percent), in accordance with the requirement set forth in 19 CFR 351.106(c)(2), we calculated importer- or customer-specific *ad valorem* ratios based on export prices. The Department will issue appropriate assessment instructions directly to CBP within 15 days of publication of these final results of review. For entries of the subject merchandise during the POR from companies not subject to this review, we will instruct CBP to liquidate them at the cash deposit rate in effect at the time of entry.

**Cash Deposit Requirements**

Bonding will no longer be permitted to fulfill security requirements for shipments of brake rotors from the PRC that are manufactured and exported by Luqi, and entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of the new shipper review.

The following deposit rates shall be required for merchandise subject to the order, entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results, as provided by section 751(a)(1) and (a)(2)(B) of the Act: (1) the cash deposit rate for CNIM, GREN, Haimeng, Hongda, Hongfa, Huanri General, LABEC, LKTL, Luqi (*i.e.*, for subject merchandise manufactured and exported by Luqi), Meita, Winhere and ZLAP, will be zero; (2) the cash deposit rate for PRC exporters who received a separate rate in a prior segment of the proceeding will continue to be the rate assigned in that segment of the proceeding; (3) the cash deposit rate for the PRC NME entity and for subject merchandise exported by Luqi but not manufactured by it will continue to be the PRC-wide rate (*i.e.*, 43.32 percent); and (4) the cash deposit rate for non-PRC exporters of subject merchandise from the PRC will be the rate applicable to the PRC exporter that supplied that exporter. These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary’s presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

This notice also serves as the only reminder to parties subject to administrative protective orders (“APO”) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing these determinations and notice in accordance with sections 751(a)(1), 751(a)(2)(B), and 777(i) of the Act, and 19 CFR 351.213 and 351.214.

Dated: July 6, 2004.

**James J. Jochum,**  
Assistant Secretary for Import  
Administration.

**Appendix--Issues in Decision Memo  
Comments**

1. Whether to revise the methodology used in the preliminary results to calculate the surrogate selling, general and administrative expense (SG&A) for Kalyani Brakes Limited (Kalyani)
2. Whether to continue to use data contained in Rico Auto Industries Limited's (Rico) 2000–2001 financial statement to calculate surrogate ratios for factory overhead, SG&A and profit [FR Doc. 04–15835 Filed 7–12–04; 8:45 am]

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**  
[A–570–601]

**Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China: Final Results of 2002–2003 Administrative Review and Partial Rescission of Review**

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

**ACTION:** Notice of final results of 2002–2003 administrative review and partial rescission of the review.

**SUMMARY:** We have determined that sales of tapered roller bearings and parts thereof, finished and unfinished, from the People's Republic of China, were not made below normal value during the period June 1, 2002, through May 31, 2003. We are also rescinding the review, in part, in accordance with 19 CFR 351.213(d)(3).

Based on our review of comments received and a reexamination of surrogate value data, we have made certain changes to the margin calculation of the reviewed company. Consequently, the final results differ from the preliminary results. The final weighted-average dumping margin for this firm is listed below in the section entitled "Final Results of the Review." Based on these final results of review, we will instruct U.S. Customs and Border Protection not to assess antidumping duties on the subject merchandise exported by this company.

**EFFECTIVE DATE:** July 13, 2004.

**FOR FURTHER INFORMATION CONTACT:** S. Anthony Grasso or Andrew R. Smith, Group 1, Office I, Antidumping/

Countervailing Duty Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482–3853 or (202) 482–1276, respectively.

**Background**

On March 5, 2004, the Department published the preliminary results of this review of tapered roller bearings and parts thereof, finished and unfinished ("TRBs") from the People's Republic of China ("PRC"). See *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China: Preliminary Results of 2002–2003 Administrative Review and Partial Rescission of Review*, 69 FR 10424 (March 5, 2004) ("Preliminary Results"). The period of review ("POR") is June 1, 2002, through May 31, 2003. This review covers the following producers or exporters (referred to collectively as "the respondents"): Peer Bearing Company—Changshan ("CPZ"), Shanghai United Bearing Co., Ltd. ("SUB"), and Yantai Timken Co., Ltd. ("Yantai Timken"). We invited parties to comment on the *Preliminary Results*. On April 12, 2004, we received a case brief from the Timken Company ("the petitioner"). On April 19, 2004, SUB submitted a rebuttal brief.

The Department has conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended ("the Act").

**Scope of Review**

Merchandise covered by this order is TRBs from the PRC; flange, take up cartridge, and hanger units incorporating tapered roller bearings; and tapered roller housings (except pillow blocks) incorporating tapered rollers, with or without spindles, whether or not for automotive use. This merchandise is currently classifiable under the *Harmonized Tariff Schedule of the United States* ("HTSUS") item numbers 8482.20.00, 8482.91.00.50, 8482.99.30, 8483.20.40, 8483.20.80, 8483.30.80, 8483.90.20, 8483.90.30, 8483.90.80, 8708.99.80.15, and 8708.99.80.80. Although the HTSUS item numbers are provided for convenience and customs purposes, the written description of the scope of the order and this review is dispositive.

**Rescission of Review in Part**

As noted in the *Preliminary Results*, on August 20, 2003, Yantai Timken, and on January 21, 2004, CPZ, withdrew their requests for review. The petitioner did not request reviews of either of these companies. Therefore, pursuant to

19 CFR § 351.213(d)(1), for the reasons explained in the *Preliminary Results*, and because no other party requested a review of these companies, we are rescinding the review with respect to CPZ and Yantai Timken.

**Analysis of Comments Received**

All issues raised in the case and rebuttal briefs by parties to this review are addressed in the "Issues and Decision Memorandum" from Jeffrey May, Deputy Assistant Secretary, Group I, Import Administration, to James J. Jochum, Assistant Secretary, Import Administration, dated July 6, 2004 ("Decision Memorandum"), which is hereby adopted by this notice. Attached to this notice as an Appendix is a list of the issues that parties have raised and to which we have responded in the *Decision Memorandum*. Parties can find a complete discussion of all issues raised in this investigation and the corresponding recommendations in this public memorandum, which is on file in the Department's Central Records Unit, located in Room B–099 of the main Department building ("CRU"). In addition, a complete version of the *Decision Memorandum* can be accessed directly on the Internet at <http://ia.ita.doc.gov/frn> under the heading "China PRC." The paper copy and electronic version of the *Decision Memorandum* are identical in content.

**Changes Since the Preliminary Results**

Based on our review of comments received and a reexamination of surrogate value data, we have made one change to our calculations for the final results. To calculate the surrogate value for the steel used to manufacture rollers, we used Japanese exports to Indonesia instead of the Indonesian import data relied on in the *Preliminary Results*. See *Decision Memorandum* at Comment 2.

**Final Results of Review**

We determine that the following dumping margin exists for the period June 1, 2002, through May 31, 2003:

Exporter/manufacturer	Weighted-average margin percentage
Shanghai United Bearing Co., Ltd .....	0.00

**Assessment Rates**

In accordance with 19 CFR 351.212(b)(1), we have calculated importer (or customer)-specific assessment rates for the merchandise subject to this review. To determine whether the duty assessment rates were *de minimis*, in accordance with the