

Director determines are appropriate to enable the foreign country to fill its quota allocation for such quota period in a reasonable manner, taking into account traditional shipping patterns, harvesting period, U.S. import requirements, and other relevant factors. The information required to be collected on the CQE is used to monitor and control the imports of raw cane sugar. Proper completion of the CQE is mandatory for those foreign governments that are eligible and elect to export raw cane sugar to the United States under the TRQ.

Estimate of burden: The public reporting burden for the collection varies in direct relation to the number of CQEs issued.

Respondents: Foreign governments.

Estimated number of respondents: 40 (i.e., number of countries receiving a TRQ allocation).

Estimated number of responses per respondent: 30 per fiscal year.

Estimated total annual reporting burden: 200 hours.

Requests for Comments: Send comments regarding (a) Whether the information collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information including validity of the methodology and assumption used; (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 those who are to respond, including through the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Copies of this information collection may be obtained from Tamoria Thompson-Hall, the Agency Information Collection Coordinator, at (202) 690-1690.

Comments may be sent to Ron Lord, Deputy Director, Import Policies and Programs Division, AgStop 1021, U.S. Department of Agriculture, Washington, DC 20250-1021 or telephone (202) 720-2916 or e-mail *Ronald.Lord@fas.usda.gov*. All comments received will be available for public inspection in room 5531-S at the above address. Persons with disabilities who require an alternative means of communication for information (Braille, large print, audiotape, etc.) should contact USDA's target center at (202) 720-2600 (voice and TDD). All responses to this notice will be summarized and included in the request

for OMB approval. All comments also will become a matter of public record.

FAS is committed to complying with the Government Paperwork Elimination Act which requires Government agencies, to the maximum extent feasible, to provide the public the option of electronically submitting information collection. CQEs permit exporters to ship raw cane sugar to the United States at the U.S. price, which is significantly higher than the world price for raw cane sugar. Therefore, in contrast to most information collection documents, CQEs have a monetary value equivalent to the substantial profits to exporters who can fill their raw cane sugar allocations under the TRQ. CQEs have always been carefully handled as secure documents, and issues only to foreign government-approved certifying authorities. The Department does not plan to make CQEs available electronically in order to prevent a potential proliferation of invalid CQEs, which could undermine the integrity of the TRQ system.

Dated: Signed at Washington, DC on November 7, 2006.

Michael W. Yost,

Administrator, Foreign Agricultural Service.
[FR Doc. 06-9190 Filed 11-13-06; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

A-588-804

Ball Bearings and Parts Thereof from Japan: Notice of Court Decision Not in Harmony

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

SUMMARY: On October 23, 2006, the United States Court of International Trade affirmed the Department of Commerce's (the Department's) redetermination on remand of the final results of the administrative review of the antidumping duty order on ball bearings and parts thereof from Japan. See *NSK Ltd., et al., v. United States*, Court No. 04-00519, slip op. 06-157 (CIT 2006). This case arises from the Department's final results of *Antifriction Bearings and Parts Thereof From France, Germany, Italy, Japan, Singapore, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews, Rescission of Administrative Reviews in Part, and Determination To Revoke Order in Part*, 69 FR 55574 (September 15, 2004) (*Final Results*). The Department is now

issuing this notice of court decision not in harmony with the Department's Final Results.

EFFECTIVE DATE: November 14, 2006.

FOR FURTHER INFORMATION CONTACT: Thomas Schauer or Richard Rimlinger, AD/CVD Operations, Office 5, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-0410 or (202) 482-4477, respectively.

SUPPLEMENTARY INFORMATION:

Background

On September 15, 2004, the Department published the final results of the administrative review of the antidumping duty order on ball bearings and parts thereof from Japan for the period May 1, 2002, through April 30, 2003. See *Final Results*, 69 FR 55574. Koyo Seiko Co., Ltd., and Koyo Corp. of U.S.A. (hereafter "Koyo") filed a lawsuit challenging the final results. On January 31, 2006, the United States Court of International Trade (CIT) remanded the Department's determination and ordered the Department to not treat Koyo's positive lump-sum billing adjustments differently than Koyo's negative lump-sum billing adjustments. See *NSK Ltd., et al., v. United States*, 416 F. Supp. 2d 1334 (CIT 2006) (*NSK*). In accordance with the CIT's remand order, the Department filed its remand redetermination on March 31, 2006. On October 23, 2006, the CIT affirmed the Department's remand results.

Decision Not in Harmony

Although the CIT ruled that our decision in the *Final Results* to treat Koyo's positive lump-sum billing adjustments differently than Koyo's negative lump-sum billing adjustments was not in accordance with law, the CIT affirmed our decision in the remand redetermination to deny all of Koyo's lump-sum billing adjustments.

The changes to our calculations with respect to Koyo resulted in a change in the weighted-average margin for ball bearings and parts thereof from 5.56 percent to 5.55 percent for the period of review. Accordingly, absent an appeal or, if appealed, upon a "conclusive" decision by the Court, we will amend our final results of this review to reflect the recalculation of the margin for Koyo.

Suspension of Liquidation

The United States Court of Appeals for Federal Circuit (CAFC) has held that the Department must publish notice of a decision of the CIT or the CAFC which is not in harmony with the Department's determination. See *The Timken*

Company v. United States, 893 F.2d 337, 341 (Fed. Cir. 1990). Publication of this notice fulfills that obligation. The CAFC also held that, in such a case, the Department must suspend liquidation until there is a “conclusive” decision in the action. *Id.* Therefore, the Department must suspend liquidation pending the expiration of the period to appeal the CIT’s October 23, 2006, decision or pending a final decision of the CAFC if that decision is appealed.

Because entries of ball bearings and parts thereof from Japan produced by, exported to, or imported into the United States by Koyo are currently being suspended pursuant to the court’s injunction order, the Department does not need to order U.S. Customs and Border Protection to suspend liquidation of affected entries. The Department will not order the lifting of the suspension of liquidation on entries of ball bearings and parts thereof made during the review period before a court decision in this lawsuit becomes final and conclusive.

We are issuing and publishing this notice in accordance with section 516A(c)(1) of the Tariff Act of 1930, as amended.

Dated: November 6, 2006.

David M. Spooner,

Assistant Secretary for Import Administration.
[FR Doc. E6–19186 Filed 11–13–06; 8:45 am]

BILLING CODE 3510-DS-S

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 2004/2005 Administrative Review and Notice of Rescission of 2004/2005 New Shipper Review

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

SUMMARY: On May 8, 2006, the Department of Commerce (“the Department”) published the preliminary results of the 2004/2005 administrative and new shipper reviews of the antidumping duty order on brake rotors from the People’s Republic of China (PRC). See *Brake Rotors From the People’s Republic of China: Preliminary Results and Partial Rescission of the 2004/2005 Administrative Review and Preliminary Notice of Intent to Rescind the 2004/2005 New Shipper Review*, 71 FR 26736 (May 8, 2006) (“*Preliminary Results/Intent to Rescind*”). At that

time, we invited interested parties to comment on our preliminary results and preliminary notice of intent to rescind the new shipper review. Based on our analysis of the comments received, we have made certain changes to our calculations. The final dumping margins for these reviews are listed in the “Final Results of Review” section below.

EFFECTIVE DATE: November 14, 2006.

FOR FURTHER INFORMATION CONTACT: Erin Begnal or Michael Quigley, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–1442 and (202) 482–4047, respectively.

SUPPLEMENTARY INFORMATION:

Background

The period of review (“POR”) is April 1, 2005, through March 31, 2006. We published the preliminary results in the 2004/2005 administrative review and preliminary intent to rescind the new shipper review in the **Federal Register** on May 8, 2006. See *Preliminary Results/Intent to Rescind*, 71 FR 26736.

On June 19, 2006, we received a case brief on behalf of the petitioner, the Coalition for the Preservation of American Brake Drum and Rotor After Market Manufacturers (“petitioner”). In addition, we received a case brief on behalf of respondents China National Industrial Machinery Import & Export Corporation (“CNIM”), Qingdao Gren (“Group”) Co. (“Gren”), Shanxi Fengkun Metallurgical Limited Company and Shanxi Fengkun Foundry Limited Company (“Fengkun”), Shenyang Yinghao Machinery Co., Ltd. (“Yinghao”), Laizhou Auto Brake Equipment Company (“LABEC”), Yantai Winhere Auto-Part Manufacturing Co., Ltd. (“Winhere”), Longkou Haimeng Machinery Co., Ltd. (“Haimeng”), Laizhou Luqi Machinery Co., Ltd. (“Luqi”), Laizhou Hongda Auto Replacement Parts Co. (“Hongda”), Hongfa Machinery (“Dalian”) Group Co., Ltd. (“Hongfa”), Qingdao Meita Automotive Industry Co., Ltd. (“Meita”), and Shandong Huanri (“Group”) General Company, Shandong Huanri Group Co., Ltd., and Laizhou Huanri Automobile Parts Co., Ltd. (“Huanri”). Additionally, we received a case brief on behalf of Wecly International, an importer of subject merchandise, on June 19, 2006.

On June 22, 2006, we requested that all mandatory respondents in the administrative and new shipper reviews submit consumption data, for the POR, for both bentonite and coal powder. On

July 5, 2006, we received responses to our June 22, 2006, questionnaire from Haimeng, Xiangfen Hengtai Brake System Co., Ltd. (“Hengtai”), Hongfa, Meita, Winhere and Shanxi Zhongding Auto Parts Co., Ltd. (“SZAP”). On July 11, 2006, we received rebuttal briefs from the petitioners and from LABEC, Winhere, Haimeng, Luqi, Hongda, Hongfa, Meita, and Huanri (collectively, the “Trade Pacific respondents”).

On July 10, 2006, we issued a request for comments on the Department’s proposed methodology to value bentonite and coal powder as direct materials, as well as the consumption data obtained from respondents. On July 17, 2006, the Trade Pacific respondents and the petitioner each filed comments. On July 24, 2006, both the Trade Pacific respondents and the petitioner filed rebuttal comments.

In the case and rebuttal briefs received from the parties after the *Preliminary Results/Intent to Rescind*, we received extensive comments on the Department’s decision to select respondents via sampling. For further details on these comments, as well as others, and the Department’s positions on each, please see the memorandum to David M. Spooner, Assistant Secretary for Import Administration, from Stephen J. Claeys, Deputy Assistant Secretary for Import Administration, regarding *Issues and Decision Memorandum for the Final Results in the 2004/2005 Administrative Review and New Shipper Review of Brake Rotors from the People’s Republic of China* (November 6, 2006) (“*Decision Memorandum*”) and the company-specific analysis memoranda, which are on file in Import Administration’s Central Records Unit, room B–099 of the Department of Commerce building. The *Decision Memorandum* is also available at <http://ia.ita.doc.gov>.

Scope of the 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 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