parts are excluded. In addition, it is less than the five percent threshold if parts are included. Torrington states that the Department should separately calculate the viability for ball bearing parts.

NMB/Pelmec states that their HM is viable according to the methodology which was outlined in the Department's questionnaire. In the supplemental questionnaire, NMB/Pelmec was instructed by the Department to calculate HM viability on a weight basis, if using quantities of complete bearings yielded a different result than using quantities of complete bearings and parts. Following the Department's instructions, NMB/Pelmec reported a viable HM using this calculation methodology.

Department's Position: We agree with NMB/Pelmec. NMB/Pelmec was instructed by the Department in the supplemental questionnaire to calculate HM viability on a weight basis, if using quantities of complete bearings yielded a different result than using quantities of complete bearings and parts. NMB/ Pelmec reported a viable HM using this calculation methodology. Moreover, we verified the information used in this calculation. See NMB/Pelmec Thailand Verification Report, February 10, 1994. Thus, Torrington's allegation that NMB/ Pelmec Thailand did not demonstrate that the HM is viable is inaccurate. We determined that the HM was viable based on a weight basis, since using quantities of complete bearings yielded a different result than using quantities of complete bearings and parts.

We note that our methodology implements the ruling of the CIT in NMB Singapore Ltd. v. United States, 780 F. Supp. 823, 826 (CIT 1992). The CIT held that the Department must take into account the difference between complete bearings and bearing parts in determining viability. The CIT noted that while bearings of different sizes are comparable, bearing parts are not similar to complete bearings of any size (Id. at n.2). The Department implements this decision by basing viability on weight where sales of parts are sufficient to affect viability.

16D. Scope Ruling

Comment 8: Torrington argues that individual components of disassembled bearings, such as locking collars and housings, are within the scope of the antidumping duty order. However, petitioner asserts that prior scope rulings have created a situation wherein bearing accessories, when imported separately from a bearing, are excluded from the order, while those same accessories are included in the order when imported attached to a bearing.

Thus, when accessories are imported separately, the antidumping duty is applied only to the value of the bearing, and not to the value of the entirety as it is sold in the U.S. market. Torrington notes that SKF in particular takes advantage of this distinction by importing housed bearing units in disassembled form. Torrington also specifically points out NPBS as one of the companies importing housings and ball bearing inserts separate from its bearings in order to evade the order.

Torrington makes the point that by simply changing the packaging of the shipment, and assembling the various accessories on the bearing after entry, SKF avoided the antidumping duty order insofar as it applies to housed bearings. Torrington claims that when such parts are imported together, the clear implication is that the importer is attempting to evade the antidumping duty order. The CAFC sanctioned a comprehensive construction of the ''class or kind'' subject to an antidumping duty order in Mitsubishi Elec. Corp. v. United States, 898 F.2d 1577, 1582 (Fed. Cir. 1990), to avoid attempts to evade the antidumping duty order.

Torrington concludes that where the imported accessories and parts arrive together with the bearings, housings, and other parts, the Department should instruct Customs to suspend liquidation and collect antidumping duty deposits and duties with respect to the entirety. The mere repackaging of a housed bearing with locking collar or sleeves and with other accessories should not serve to exempt all of the accessories from the antidumping duty order.

SKF argues that it has already been determined that pillow blocks and accessories are not covered by the scope of the order and the fact that they may be used in AFB applications upon importation is irrelevant.

NPBS responds that the housings are imported separately and as such are not included in the scope of the order. Furthermore, there is no avoidance issue since the price of the completed bearing is reduced by the costs of the imported housing, as well as by furthermanufacturing costs incurred in the United States and an allocated share of profit.

Department's Position: Locking collars, adaptor sleeves, housings and such accessories to antifriction bearings, when not assembled to those bearings, are not within the scope of the orders. The orders apply only to "ball bearings, mounted or unmounted, and parts thereof * * * cylindrical roller bearings, mounted or unmounted, and parts thereof * * * (and) spherical plain

bearings, mounted or unmounted, and parts thereof." See Final Determinations of Sales at Less Than Fair Value; Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From Japan, 54 FR 19102 (May 3, 1989). The language makes no specific statement that housings and like accessories were considered during the LTFV investigation, nor were such accessories specifically included in the orders.

In a scope ruling in this case, the Department determined that "eccentric collars are not integral parts of a bearing and are * * * outside the scope of the antidumping duty orders." Furthermore, the Department found that eccentric collars were not "constituent part(s) of completed bearing(s) which are irreplaceable in their function," that "(a)n eccentric collar is an attachment to the bearing, not a part of a completed bearing," and that "the function of locking a bearing to the shaft (could) be performed by other accessories such as concentric collars, sleeves, or setscrews." Based on this evidence, the Department determined that an "eccentric collar," when imported unattached, is an accessory to a bearing, not a bearing part, and is, therefore, outside the scope of the antidumping duty orders." See memorandum dated May 14, 1993, "Final Scope Ruling— Antidumping Duty Orders on Antifriction Bearings (Other Than Tapered Roller Bearings) from Japan."

When such accessories are assembled with an antifriction bearing and imported into the United States, we treat them as one unit because they are imported as one unit, and because addition of the accessory does not remove the bearing from the class or kind of merchandise. This does not mean that such accessories are, in and of themselves, subject to the orders. The housings, collars, and sleeves that are mentioned by the petitioner, like eccentric collars, are attachments to the bearings that are not essential to the antifriction property of the bearings; thus, they do not constitute either bearings or bearing parts by themselves. Therefore they are not subject to the order. Based on the foregoing argument, we conclude that importing such items not attached to the bearing is not, as petitioner contends, an evasion of the order.

Comment 9: FAG-Germany argues that the Department improperly included in its preliminary margin calculations U.S. sales of needle roller bearings with roller length-to-diameter ratios between three to one and four to one. FAG states that although the Department made a scope determination