precedent. Moreover, Koyo argues, in its petition in the over four-inch case, which Timken submitted after the 1981 scope ruling, Timken did not disagree with the Department's 1981 definition of unfinished parts.

Timken counters that the issue of articles that had not yet been greenmachined was not in question during the green-ring scope proceeding, and that the Department made no decision concerning non-machined parts in that determination.

## The Department's Position

The green-ring scope determination dealt only with articles that had already been green-machined, and thus was silent with respect to whether articles that had not been machined were within the scope of the order. Therefore, this prior determination cannot serve as an indication of the Department's position with respect to forgings. We note further that for Koyo products, the forging production process does give some of the shape that green-machining might otherwise give.

As for the 1981 ruling in the underfour-inch case, that ruling is irrelevant to this proceeding since it involved a separate class or kind of merchandise. See *NTN*, 14 CIT at 328. However, we note that even though the Department did refer, in the context of that case, to unfinished TRB components as having been rough-machined, that statement does not preclude other items, such as forgings, from also being included within the definition of unfinished TRB parts.

# **Diversified Products**

After examining the language of the petition, the Department's determinations, the ITC's determination, and the order, the Department determines that the language in these documents is not dispositive. Because there is no definitive language in any of these documents that would allow us to determine conclusively whether these forgings are unfinished parts within the scope of the order, we have determined that an analysis of the *Diversified Products* criteria is necessary.

With respect to the *Diversified* analysis, the Department has determined that it is useful to compare the items in question both to articles which are clearly understood to be within the scope as well as to articles which are admittedly outside the scope. Examining related articles, both inscope and outside the scope, provides perspective on the products under consideration.

# Physical Characteristics

Timken argues that these forgings have undergone significant processing and are advanced beyond the stage of raw materials. Timken states further that forgings are distinct from rings cut from tube steel, as forgings are "near net shape" and have already acquired the characteristic taper and the approximate dimensions of the finished product. According to Timken, these forgings have physical characteristics similar to those of unfinished parts. Furthermore, Timken contends that Koyo's comparison of forgings to rings cut from tube is inappropriate, since the tube from which TRBs are made is generally green-machined before the ring is sheared off.

Koyo argues that green-machining is an extensive process that cannot be considered a finishing step performed on an unfinished part, and that these forgings, which have not been greenmachined, therefore do not constitute unfinished parts. The green-machining process is so extensive, Koyo argues, that the forging must be considered physically distinct from the greenmachined rings found to be within the scope in the Department's 1989 scope determination. Koyo argues further that tower forgings are even more distinct from green rings since each tower forging yields two separate parts.

Koyo points out that the forgings at issue undergo the same number of green-machining steps as rings cut from tube steel, and that the major difference is the amount of waste. Koyo asserts that in considering the extent of physical similarity between forgings and the green-machined rings that are clearly within the scope of the order, the significant measure is weight loss, rather than the dimensional tolerances discussed by Timken, which Koyo also contends are inaccurate. Koyo suggests that Timken is contradicting its previous statements that greenmachining represents the first stage in the manufacturing process and that a component is dedicated to use after green-machining. Furthermore, Koyo rebuts Timken's contention that Koyo cold-forms its hot forgings in order to bring them closer to the final form. Koyo states that it never cold-forms rings that have previously been hot-formed. Koyo also notes that the "upset forging process", which Timken submits is a substitute for green-machining, is no longer used by Koyo. According to Koyo, all of its forgings must be greenmachined to some extent.

## The Department's Position

We agree with Timken that forgings have undergone significant processing and are advanced beyond the stage of raw materials. Although all parties agree that these forgings still must be greenmachined, the amount of greenmachining required to produce a finished TRB varies according to the input. Cold forgings, for example, may not need to have all their surfaces worked and require very little greenmachining.

The Department disagrees with Koyo's contention that green-machining is the process that defines the boundary between an input and an unfinished part. In this case, the physical characteristics of the forgings at issue, taken as a whole, are much more compelling. These forgings are already very close in shape and size to the inscope green-machined rings, and already have much of the shape that green-machining imparts to tubing. Although it is true that tower forgings must be cut into two parts, the approximate dimensions of the two rings which the tower will become are already defined in the forging. Thus, these forgings have the physical characteristics of unfinished parts.

#### Channels of Trade

Koyo claims that forgings move through a separate channel of trade because they are sourced from forgers rather than from bearings manufacturers. Koyo submits that forgings move through the same channels of trade as other raw materials and precursor materials that are admittedly outside the scope.

Timken argues that independent forgers are merely subcontractors, and further adds that Koyo performs its own forging. Timken notes that although forgers may sell to manufacturers of either TRBs or antifriction bearings (AFBs), the forgings at issue already have the profile of either a TRB or an AFB since the tooling and machinery are different depending upon the intended end use.

## The Department's Position

Most of Koyo's forgings are purchased from steel forgers or produced by Koyo itself. They travel through the same channel of trade as unfinished parts of TRBs in that they are destined for bearings manufacturers. In this respect, a significant portion of forgings move through the same channel of trade as the green rings referred to in the 1989 decision. Therefore, this criterion indicates that forgings are within the scope of the order.