

**FINAL RESULTS OF REDETERMINATION
PURSUANT TO COURT REMAND**

SHINYEI CORPORATION OF AMERICA V. UNITED STATES,
Court No. 94-05-00271, Slip Op. 02-73 (July 25, 2002)

SUMMARY

The Department of Commerce (the Department) has prepared these final results of redetermination pursuant to the remand order from the U.S. Court of International Trade (the Court) in Shinyei Corporation of America v. United States, Court No. 94-05-00271, Slip Op. 02-73 (CIT July 25, 2002). In accordance with the remand order, we have drafted liquidation instructions to send to the U.S. Customs Service with respect to certain entries of merchandise at issue and provided those instructions in the Attachment to this redetermination.

BACKGROUND

On July 25, 2002, the Court of International Trade (the Court) issued an order in Shinyei Corporation of America v. United States, Court No. 94-05-00271, Slip Op. 02-73 (CIT July 25, 2002), remanding this case to the Department of Commerce (the Department) to issue instructions to the U.S. Customs Service to re-liquidate certain entries of merchandise at issue in accordance with the Department's Final Determination of Sales at Less Than Fair Value: Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From Japan (Final Determination), 54 FR 19101 (May 3, 1989), and pertinent decisions of the Court.*

This action covers twelve entries of ball bearings which were made during the second administrative review period (May 1, 1990, through April 30, 1991). Shinyei Corporation of America (Shinyei), the plaintiff in this case, imported bearings during this period and resold them

*The liquidation instructions pertinent to the period of review resulted from Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France, et al.: Final Results of Antidumping Duty Administrative Reviews, 57 FR 28360 (June 24, 1992).

in the United States to various U.S. customers. The U.S. Customs Service liquidated all twelve entries using “automatic” liquidation instructions which the Department issued for the second administrative review period in June 1992.

The entries involve ball bearings produced by Fujino Iron Works (JAF), Nakai Bearing Company (KSK), Nankai Seiko (SMT), and Inoue Jikuuke Kogyo (IJK). The Department conducted administrative reviews of sales by all four firms during the second administrative review period. The twelve entries at issue in this case reflect sales that were reported to the Department by the manufacturers in their questionnaire responses and the Department used the sales to determine the final results for the reviewed manufacturers. These entries were also subject to manufacturer-specific liquidation instructions which the Department issued subsequent to its issuance of the automatic liquidation instructions. Therefore, pursuant to the Court’s order, we have prepared re-liquidation instructions for the subject merchandise at issue and these instructions are included as an Attachment to this redetermination.

DISCUSSION

The Department issued liquidation instructions to the U.S. Customs Service on May 13, 1998, with respect to KSK, on June 26, 1998, with respect to JAF, on October 9, 1998, with respect to IJK, and on October 23, 1998, with respect to SMT. These liquidation instructions provided importer/customer-specific rates for ball bearings manufactured by each of these companies as a result of the Department’s review of specific U.S. sales using data provided by each of these companies during the course of the administrative review.

The four company-specific liquidation instructions contain assessment rates which apply to nine of the twelve entries in question and these entry numbers and relevant assessment rates are contained in the Attachment. The remaining three entries, while not covered by our previously issued company-specific liquidation instructions, reflect sales by JAF for which it submitted data during the course of the administrative review. For these final results of

redetermination, we have added the three entries in question with the appropriate antidumping duty assessment rates to the Attachment (see comment below for a full explanation). If the Court affirms these final results, we will issue the attached re-liquidation instructions to the U.S. Customs Service.

Comment:

Shinyei argues that the Draft Results of Redetermination issued by the Department on September 27, 2002, were incorrect in that the Draft Results stated that three entries covering ball bearings manufactured by JAF were not reported in JAF's questionnaire response. Shinyei argues that the three entries in question were in fact covered by JAF's questionnaire response and that the Department had used those reported sales in determining the review results for JAF.

Department Position:

We reviewed the record and found that the results applicable to all of JAF's sales during the administrative review were not in our original assessment instructions. We have corrected this error for these final results of redetermination.

FINAL RESULTS OF REDETERMINATION

If the Court approves these final results, we will issue the attached re-liquidation instructions to the U.S. Customs Service.

These final results of redetermination are pursuant to the remand order of the Court of International Trade in Shinyei Corporation of America v. United States, Court No. 94-05-00271, Slip Op. 02-73 (CIT July 25, 2002).

Faryar Shirzad
Assistant Secretary for
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Date

