

MESSAGE NO: 5006205 MESSAGE DATE: 01/06/2005
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: FIN-Final Determination PUBLIC NON-PUBLIC
SUB-TYPE:

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REFERENCE
MESSAGE #
(s):

CASE #(s): A-588-865

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 01/04/2005 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: NOTICE OF FINAL DETERMINATION IN THE ANTIDUMPING DUTY INVESTIGATION OF OUTBOARD ENGINES FROM JAPAN (A-588-865)

MESSAGE NO: 5006205 DATE: 01 06 2005

CATEGORY: ADA TYPE: FIN

REFERENCE: REFERENCE DATE:

CASES: A - 588 - 865 - -

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PERIOD COVERED: 01 04 2005 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: NOTICE OF FINAL DETERMINATION IN THE ANTIDUMPING DUTY INVESTIGATION OF OUTBOARD ENGINES FROM JAPAN (A-588-865)

1. ON JANUARY 4, 2005, THE DEPARTMENT OF COMMERCE PUBLISHED IN THE FEDERAL REGISTER ITS FINAL DETERMINATION OF SALES AT LESS THAN FAIR VALUE IN THE ANTIDUMPING DUTY INVESTIGATION OF OUTBOARD ENGINES FROM JAPAN.

2. FOR THE PURPOSE OF THIS INVESTIGATION, THE PRODUCTS COVERED ARE OUTBOARD ENGINES (ALSO REFERRED TO AS OUTBOARD MOTORS), WHETHER ASSEMBLED OR UNASSEMBLED; AND POWERHEADS, WHETHER ASSEMBLED OR UNASSEMBLED. THE SUBJECT ENGINES ARE GASOLINE-

POWERED SPARK-IGNITION, INTERNAL COMBUSTION ENGINES DESIGNED AND USED PRINCIPALLY FOR MARINE PROPULSION FOR ALL TYPES OF LIGHT RECREATIONAL AND COMMERCIAL BOATS, INCLUDING, BUT NOT LIMITED TO, CANOES, RAFTS, INFLATABLE, SAIL AND PONTOON BOATS. SPECIFICALLY INCLUDED IN THIS SCOPE ARE TWO-STROKE, DIRECT INJECTION TWO-STROKE, AND FOUR-STROKE OUTBOARD ENGINES.

OUTBOARD ENGINES ARE COMPRISED OF (1) A POWERHEAD ASSEMBLY, OR AN INTERNAL COMBUSTION ENGINE, (2) A MIDSECTION ASSEMBLY, BY WHICH THE OUTBOARD ENGINE IS ATTACHED TO THE VEHICLE IT PROPELS, AND (3) A GEARCASE ASSEMBLY, WHICH TYPICALLY INCLUDES A TRANSMISSION AND PROPELLER SHAFT, AND MAY OR MAY NOT INCLUDE A PROPELLER. TO THE EXTENT THAT THESE COMPONENTS ARE IMPORTED TOGETHER, BUT UNASSEMBLED, THEY COLLECTIVELY ARE COVERED WITHIN THE SCOPE OF THIS INVESTIGATION. AN "UNASSEMBLED" OUTBOARD ENGINE CONSISTS OF A POWERHEAD AS DEFINED BELOW, AND ANY OTHER PARTS IMPORTED WITH THE POWERHEAD THAT MAY BE USED IN THE ASSEMBLY OF AN OUTBOARD ENGINE.

POWERHEADS ARE COMPRISED OF, AT A MINIMUM, (1) A CYLINDER BLOCK, (2) PISTONS, (3) CONNECTING RODS, AND (4) A CRANKSHAFT. IMPORTATION OF THESE FOUR COMPONENTS TOGETHER, WHETHER ASSEMBLED

OR UNASSEMBLED, AND WHETHER OR NOT ACCOMPANIED BY ADDITIONAL COMPONENTS, CONSTITUTE A POWERHEAD FOR PURPOSES OF THIS INVESTIGATION. AN "UNASSEMBLED" POWERHEAD CONSISTS OF, AT A MINIMUM, THE FOUR POWERHEAD COMPONENTS LISTED ABOVE, AND ANY OTHER PARTS IMPORTED WITH IT THAT MAY BE USED IN THE ASSEMBLY OF A POWERHEAD.

THE SCOPE DOES NOT INCLUDE PARTS OR COMPONENTS (OTHER THAN POWERHEADS) IMPORTED SEPARATELY.

THE OUTBOARD ENGINES AND POWERHEADS SUBJECT TO THIS INVESTIGATION ARE CURRENTLY CLASSIFIABLE IN THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTSUS) AT SUBHEADINGS 8407.21.0040 AND 8407.21.0080. ALTHOUGH THE HTSUS SUBHEADINGS ARE PROVIDED FOR

CONVENIENCE AND CUSTOMS PURPOSES, THE WRITTEN DESCRIPTION OF THE MERCHANDISE UNDER INVESTIGATION IS DISPOSITIVE.

EXCLUDED FROM THE SCOPE OF THE INVESTIGATION ARE FIVE SPECIFIC MODELS OF POWERHEADS. THE SPECIFIC CHARACTERISTICS FOR EACH EXCLUDED POWERHEAD ARE DESCRIBED BELOW.

A. 75 HORSEPOWER CARBURETED POWERHEAD: THE ENGINE TYPE IS FOUR-STROKE INLINE FOUR CYLINDER INTERNAL COMBUSTION ENGINE; THE VALVE TRAIN CONSISTS OF SIXTEEN VALVES AND TWIN CAM WITH TIMING BELT AND TENSIONER; THE CRANKCASE IS OF HIGH-PRESSURE DIE-CAST ALUMINUM; THE BLOCK IS OF HIGH-PRESSURE DIE-CAST ALUMINUM WITH IRON CYLINDER LINERS; DISPLACEMENT 1.596 LITERS; BORE AND STROKE 79 MM X 81.4 MM; COMPRESSION RATIO 9.6 : 1; FUEL SUPPLIED BY FOUR INDIVIDUAL CARBURETORS FITTED TO LEFT SIDE (AS VIEWED FROM REAR) OF ENGINE; POWER OUTPUT 55.9 KW AT 5000 RPM; FUEL CONSUMPTION 28.0 L/H MAX AT 6000 RPM; MAXIMUM HEIGHT 539 MM; MAXIMUM WIDTH 435 MM; MAXIMUM LENGTH 646 MM; AND WEIGHT (DRY) 180.5 LBS./81.6 KG.

B. 90 HORSEPOWER CARBURETED POWERHEAD: THE ENGINE TYPE IS FOUR-STROKE INLINE FOUR CYLINDER INTERNAL COMBUSTION ENGINE; THE VALVE TRAIN CONSISTS OF SIXTEEN VALVES AND TWIN CAM WITH TIMING BELT AND TENSIONER; THE CRANKCASE IS OF HIGH-PRESSURE DIE-CAST ALUMINUM; THE BLOCK IS OF HIGH-PRESSURE DIE-CAST ALUMINUM WITH IRON CYLINDER LINERS; DISPLACEMENT 1.596 LITERS; BORE AND STROKE 79 MM X 81.4 MM; COMPRESSION RATIO 9.6 : 1; FUEL SUPPLIED BY FOUR INDIVIDUAL CARBURETORS FITTED TO LEFT SIDE (AS VIEWED FROM REAR) OF ENGINE; POWER OUTPUT 67.1 KW AT 5500 RPM; FUEL CONSUMPTION 31.5 L/H MAX AT 6000 RPM; MAXIMUM HEIGHT 539 MM; MAXIMUM WIDTH 435 MM; MAXIMUM LENGTH 646 MM; AND WEIGHT (DRY) 180.5 LBS./81.6 KG.

C. 75 HORSEPOWER ELECTRONIC FUEL INJECTION POWERHEAD: THE ENGINE TYPE IS FOUR-STROKE INLINE FOUR CYLINDER INTERNAL COMBUSTION ENGINE; THE VALVE TRAIN CONSISTS OF SIXTEEN VALVES AND TWIN CAM WITH TIMING BELT AND TENSIONER; THE CRANKCASE IS OF HIGH-PRESSURE DIE-CAST ALUMINUM; THE BLOCK IS OF HIGH-PRESSURE

DIE-CAST ALUMINUM WITH IRON CYLINDER LINERS; DISPLACEMENT 1.596 LITERS; BORE AND STROKE 79 MM X 81.4 MM; COMPRESSION RATIO 9.6 : 1; FUEL SUPPLIED BY SINGLE THROTTLE BODY MULTI-POINT ELECTRONIC FUEL INJECTION; POWER OUTPUT 55.9 KW AT 5000 RPM; FUEL CONSUMPTION 29.0 L/H MAX AT 6000 RPM; MAXIMUM HEIGHT 539 MM; MAXIMUM WIDTH 435 MM; MAXIMUM LENGTH 646 MM; AND WEIGHT (DRY) 183.0 LBS./83.0 KG.

D. 90 HORSEPOWER ELECTRONIC FUEL INJECTION POWERHEAD: THE ENGINE TYPE IS FOUR-STROKE INLINE FOUR CYLINDER INTERNAL COMBUSTION ENGINE; THE VALVE TRAIN CONSISTS OF SIXTEEN VALVES AND TWIN CAM WITH TIMING BELT AND TENSIONER; THE CRANKCASE IS OF HIGH-PRESSURE DIE-CAST ALUMINUM; THE BLOCK IS OF HIGH-PRESSURE DIE-CAST ALUMINUM WITH IRON CYLINDER LINERS; DISPLACEMENT 1.596 LITERS; BORE AND STROKE 79 MM X 81.4 MM; COMPRESSION RATIO 9.6 : 1; FUEL SUPPLIED BY SINGLE THROTTLE BODY MULTI-POINT ELECTRONIC FUEL INJECTION; POWER OUTPUT 67.1 KW AT 5500 RPM; FUEL CONSUMPTION 33.0 L/H MAX AT 6000 RPM; MAXIMUM HEIGHT 539 MM; MAXIMUM WIDTH 435 MM; MAXIMUM LENGTH 646 MM; AND WEIGHT (DRY) 183.0 LBS./83.0 KG.

E. 115 HORSEPOWER ELECTRONIC FUEL INJECTION POWERHEAD: THE ENGINE TYPE IS FOUR-STROKE INLINE FOUR CYLINDER INTERNAL COMBUSTION ENGINE; THE VALVE TRAIN CONSISTS OF SIXTEEN VALVES AND TWIN CAM WITH TIMING BELT AND TENSIONER; THE CRANKCASE IS OF HIGH-PRESSURE DIE-CAST ALUMINUM; THE BLOCK IS OF HIGH-PRESSURE DIE-CAST ALUMINUM WITH IRON CYLINDER LINERS; DISPLACEMENT 1.741 LITERS; BORE AND STROKE 79 MM X 89 MM; COMPRESSION RATIO 9.7 : 1; FUEL SUPPLIED BY MULTI-POINT ELECTRONIC FUEL INJECTION WITH FOUR INDIVIDUAL THROTTLE BODIES; POWER OUTPUT 85.8 KW AT 5500 RPM; FUEL CONSUMPTION 38.0 L/H MAX AT 5500 RPM; MAXIMUM HEIGHT 539 MM; MAXIMUM WIDTH 444 MM; MAXIMUM LENGTH 637 MM; AND WEIGHT (DRY) 189.0 LBS./85.7 KG.

3. FOR FURTHER REPORTING PURPOSES THIS CASE HAS BEEN ASSIGNED INVESTIGATION NUMBER A-588-865.

4. FOR IMPORTS OF OUTBOARD ENGINES FROM JAPAN, CUSTOMS AND

BORDER PROTECTION SHALL CONTINUE TO SUSPEND LIQUIDATIONS OF SUCH SHIPMENTS ENTERED OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON

OR AFTER AUGUST 12, 2004. EFFECTIVE JANUARY 4, 2005, CBP SHALL REQUIRE FOR ENTRIES A CASH DEPOSIT OR THE POSTING OF A BOND EQUAL TO THE MARGINS SHOWN BELOW.

MFR/PRODUCER EXPORTER	CBP ID NUMBER	MARGIN PERCENTAGE
YAMAHA MOTOR COMPANY, LTD./ YAMAHA MARINE COMPANY, LTD.	A-588-865-001	18.98
ALL OTHERS	A-588-865-000	18.98

5. IN ACCORDANCE WITH T.D. 85-145, AT THE DISCRETION OF THE CUSTOMS SERVICE, CUSTOMS OFFICERS MAY ACCEPT EITHER A SINGLE-ENTRY BASIC IMPORTATION AND ENTRY BOND OR A CONTINUOUS BASIC IMPORTATION AND ENTRY BOND ONLY IF THE AMOUNT OF THE ESTIMATED ANTIDUMPING DUTY IS LESS THAN FIVE PERCENT AD VALOREM (OR THE EQUIVALENT). OTHERWISE, WHERE THE IMPORTER HAS THE OPTION TO POST A BOND FOR ESTIMATED ANTIDUMPING OR COUNTERVAILING DUTIES, CUSTOMS OFFICERS MUST REQUIRE A SINGLE-ENTRY BASIC IMPORTATION AND ENTRY BOND PURSUANT TO T.D. 85-145. YOU ARE INSTRUCTED TO ADHERE TO THE REQUIREMENTS OF T.D. 85-145 WITH RESPECT TO THESE BONDING REQUIREMENTS.

6. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY (GENERATED BY O1:SCS)).

7. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

CATHY SAUCEDA

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party