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MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 8115205
MESSAGE #
(s):

CASE #(s): A-588-201

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 05/01/2006 TO 04/30/2007

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: LIQUIDATION INSTRUCTIONS FOR PARTIAL RESCISSION OF BALL BEARINGS FROM JAPAN FOR THE LISTED FIRMS (A-588-201-001/006/019/016/008)

MESSAGE NO: 8233201

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REFERENCE: 8115205

REFERENCE DATE: 04 24 2008

CASES: A - 588 - 201

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PERIOD COVERED: 05 01 2006 TO 04 30 2007

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION INSTRUCTIONS FOR PARTIAL RESCISSION OF
BALL BEARINGS FROM JAPAN FOR THE LISTED FIRMS
(A-588-201-001/006/019/016/008)

1. ON DECEMBER 10, 2007, THE U.S. COURT OF INTERNATIONAL TRADE ISSUED A PRELIMINARY INJUNCTION IN CONNECTION WITH COURT CASE 06-00334, WHICH IS STILL IN EFFECT FOR ENTRIES OF JAPAN-ORIGIN BALL BEARINGS AND PARTS THEREOF WHICH WERE EXPORTED BY NSK LTD. AND ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING

THE PERIOD MAY 1, 2006 THROUGH APRIL 30, 2007. U.S. CUSTOMS AND BORDER PROTECTION (CBP) SHOULD CONTINUE TO SUSPEND LIQUIDATION OF THESE ENTRIES DURING THE PENDENCY OF THIS LITIGATION, INCLUDING

ANY REMANDS AND APPEALS, AND UNTIL THE DEPARTMENT OF COMMERCE (COMMERCE) ISSUES LIQUIDATION INSTRUCTIONS. SEE MESSAGE #8115205 (4/24/2008).

2. ON NOVEMBER 16, 2007, COMMERCE RESCINDED THE ADMINISTRATIVE REVIEW OF THE ANTIDUMPING DUTY ORDER ON BALL BEARINGS AND PARTS THEREOF FROM JAPAN (A-588-201), COVERING THE PERIOD 05/01/2006 THROUGH 04/30/2007, FOR THE FOLLOWING FIRMS:

COMPANY	CASE NUMBER
ASAHI SEIKO CO., LTD. (ASAHI)	A-588-201-001
MINEBEA CO., LTD.	A-588-201-006
MORI SEIKI CO., LTD. (MORI SEIKI)	A-588-201-019
NANKAI SEIKO CO.,LTD. (SMT)	A-588-201-016
NMB MINEBEA CO., LTD.	(10-DIGIT CASE NUMBER NOT ASSIGNED; ENTRIES MAY HAVE BEEN ENTERED UNDER A-588-201-006)
NSK LTD. (AKA NIPPON SEIKO K.K. LTD.) (NSK))	A-588-201-008

3. YOU ARE TO ASSESS ANTIDUMPING DUTIES ON ENTRIES OF MERCHANDISE PRODUCED AND/OR EXPORTED BY THE COMPANIES LISTED ABOVE WHICH WERE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD 05/01/2006 THROUGH 04/30/2007 AT THE CASH DEPOSIT OR BONDING RATE REQUIRED AT THE TIME OF ENTRY UNLESS EITHER OF THE FOLLOWING CONDITIONS APPLY:

A. IF NSK IS THE EXPORTER THE INJUNCTION MENTIONED IN PARAGRAPH 1 APPLIES AND CBP SHOULD CONTINUE TO SUSPEND LIQUIDATION OF SUCH ENTRIES.

B. IF THE ENTRIES WERE MADE UNDER THE COMPANY NAMES AND/OR U.S. CUSTOMS AND BORDER PROTECTION (CBP) CASE NUMBERS FOR THE SPECIFIC COMPANIES LISTED BELOW. ALL ENTRIES PRODUCED AND/OR EXPORTED BY THE FOLLOWING COMPANIES MUST REMAIN SUSPENDED UNTIL

FURTHER NOTICE BECAUSE COMMERCE HAS NOT RESCINDED OR COMPLETED

ITS REVIEW OF THESE COMPANIES:

COMPANY	CASE NUMBER
AISIN SEIKI COMPANY, LTD. (AISIN SEIKI)	(10-DIGIT CASE NUMBER NOT ASSIGNED DURING PERIOD)
CANON, INC.(CANON)	A-588-201-014
JTEKT CORPORATION (FORMERLY KOYO SEIKO CO., LTD.)	A-588-201-005
NACHI-FUJIKOSHI CORPORATION	A-588-201-007
NIPPON PILLOW BLOCK COMPANY LTD. (NPB)	A-588-201-017
NTN CORPORATION (FORMERLY NTN TOYO BEARING CO. LTD)	A-588-201-009
SAPPORO PRECISION, BEARINGS INC.	A-588-201-046
TOYOTA MOTOR CORPORATION	(10-DIGIT CASE NUMBER NOT ASSIGNED)
YAMAZAKI MAZAK TRADING COMPANY	(10-DIGIT CASE NUMBER NOT ASSIGNED)

4. FOR EXAMPLE, IF ENTRIES OF BALL BEARINGS EXPORTED BY MORI SEIKI CO., LTD., ARE SUSPENDED UNDER ASAHI SEIKO CO., LTD. (ASAHI) (A-588-201-001) AS THE PRODUCER, CBP SHOULD LIQUIDATE THEM PURSUANT TO THESE INSTRUCTIONS AT THE CASH-DEPOSIT OR BONDING RATE REQUIRED AT THE TIME OF ENTRY FOR ASAHI BECAUSE COMMERCE HAS RESCINDED THE REVIEW OF ASAHI AND MORI SEIKI.

FOR EXAMPLE, IF ENTRIES OF BALL BEARINGS EXPORTED BY MORI SEIKI CO., LTD., ARE SUSPENDED UNDER JTEKT CORPORATION (FORMERLY KNOWN AS KOYO SEIKO CO., LTD.) (A-588-201-005) AS THE PRODUCER, SUCH ENTRIES MUST REMAIN SUSPENDED UNTIL COMMERCE COMPLETES ITS REVIEW OF JTEKT AND CBP MUST NOT LIQUIDATE SUCH ENTRIES PURSUANT TO THESE INSTRUCTIONS BECAUSE, ALTHOUGH COMMERCE HAS RESCINDED ITS REVIEW OF MORI SEIKI, IT HAS NOT RESCINDED OR COMPLETED

ITS REVIEW OF JTEKT CORPORATION. FOR EXAMPLE, IF ENTRIES OF BALL BEARINGS EXPORTED BY CANON, INC. ARE SUSPENDED UNDER ASAH I (A-588-201-001) AS THE PRODUCER, SUCH ENTRIES MUST REMAIN SUSPENDED UNTIL COMMERCE COMPLETES ITS REVIEW OF CANON, INC. AND CBP MUST NOT LIQUIDATE SUCH ENTRIES PURSUANT TO THESE INSTRUCTIONS BECAUSE COMMERCE HAS NOT RESCINDED OR COMPLETED ITS REVIEW OF CANON, INC.

5. NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF THE MERCHANDISE FOR THE PERIOD LISTED ABOVE AND NAMED IN PARAGRAPH 2 AND DESCRIBED THROUGH EXAMPLES IN PARAGRAPHS 3 AND 4 OCCURRED WITH THE PUBLICATION OF THE NOTICE OF THE RESCISSION OF THE ADMINISTRATIVE REVIEW (72 FR 64577, NOVEMBER 16, 2007). YOU SHALL CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR THE MERCHANDISE AT THE CURRENT RATES.

6. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CUSTOMS AND BORDER PROTECTION ON ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CBP PAY INTEREST ON OVERPAYMENTS OR ASSESS INTEREST ON UNDERPAYMENTS OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER WHICH IS 05/15/1989. INTEREST SHALL BE CALCULATED FROM THE DATE OF PAYMENT OF ESTIMATED ANTIDUMPING DUTIES THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

7. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CBP SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED IN SECTION 351.402(f)(2) OF THE COMMERCE DEPARTMENT REGULATIONS. THE IMPORTER SHOULD PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION OF THE ENTRY. IF THE IMPORTER CERTIFIES THAT IT HAS AN AGREEMENT WITH THE MANUFACTURER,

PRODUCER, SELLER, OR EXPORTER TO BE REIMBURSED ANTIDUMPING DUTIES, CBP SHOULD DOUBLE THE ANTIDUMPING DUTIES IN ACCORDANCE WITH THE ABOVE-REFERENCED REGULATION. ADDITIONALLY, IF THE IMPORTER DOES NOT PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CBP SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.

8. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTHAM AT OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY (GENERATED BY O5:CC).

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

DAVID M. GENOVESE

Company Details

*Party Indicator Value:

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