

12-VOLT MOTORCYCLE BATTERIES FROM TAIWAN

Determination of the Commission
in Response to an Order of the
Court of International Trade
Concerning Investigation
No. 731-TA-238
(Preliminary)



USITC PUBLICATION 2126

SEPTEMBER 1988

UNITED STATES INTERNATIONAL TRADE COMMISSION

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UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

Investigation No. 731-TA-238 (Preliminary)

12-VOLT MOTORCYCLE BATTERIES FROM TAIWAN

DETERMINATION

In response to the decision and Order of the Court of International Trade in Yuasa-General Battery Corp., et al. v. United States, et al., Court No. 85-04-00483 (July 12, 1988) (Aquilino, J.), the Commission determines that there is a reasonable indication that an industry in the United States is threatened with material injury by reason of imports from Taiwan of 12-volt motorcycle batteries, which are allegedly sold at less than fair value.

BACKGROUND

On January 11, 1985, a petition was filed with the Commission and the Department of Commerce by General Battery Corp., Reading, Pennsylvania, alleging that an industry in the United States is materially injured or threatened with material injury by reason of less than fair value imports of 12-volt motorcycle batteries from Taiwan. On February 20, 1985, having conducted the preliminary investigation prescribed by statute, the Commission ^{1/} determined that there is no reasonable indication that an industry in the United States was materially injured or threatened with material injury by reason of imports of 12-volt motorcycle batteries from Taiwan allegedly sold at less than fair value. On May 22, 1987, the Court of International Trade affirmed the Commission's preliminary determination of no reasonable indication of material injury to the domestic industry by reason of

^{1/} Chairwoman Stern, Vice Chairman Liebeler, Commissioners Eckes, Lodwick, and Rohr unanimously voted in the negative. Acting Chairman Brunsdalé and Commissioner Cass were not members of the Commission at the time.

the subject imports, but remanded for reconsideration the Commission's determination with respect to the issue of whether there is a reasonable indication of threat of material injury to the domestic industry by reason of the subject imports. Yuasa-General Battery Corp. et al. v. United States, et al., Ct. No. 85-04-00483 (Ct. Int'l Trade May 22, 1987).

On July 6, 1987, the Commission determined, ^{2/} having reconsidered the record in its entirety, that there was no reasonable indication of threat of material injury to the domestic industry by reason of the subject imports, and provided its views to the Court of International Trade. On July 12, 1988, the Court of International Trade reversed the Commission's determination and ordered the Commission to "issue a preliminary determination that there is reasonable indication of a threat of material injury to the 12-volt-motorcycle-battery industry in the United States by reason of imports of such merchandise from Taiwan." Yuasa-General Battery Corp. et al. v. United States, et al., Ct. No. 85-04-00483 (Ct. Int'l Trade) (Order entering Judgment, July 12, 1988). The Commission transmitted its views to the Court on September 12, 1988. The views of the Commission are contained in USITC Publication 2126 (September, 1988).

Issued: September 12, 1988

Kenneth R. Mason
Kenneth R. Mason
Secretary

^{2/} Chairman Liebler, Vice Chairman Brunsdale, and Commissioner Rohr voted in the negative. Commissioners Eckes and Lodwick dissented. Commissioner Cass was not a member of the Commission at the time.

IEWS OF THE COMMISSION

On January 11, 1985, a petition was filed with the Commission and the Department of Commerce by General Battery Corp., Reading, Pennsylvania, alleging that an industry in the United States is materially injured or threatened with material injury by reason of less than fair value imports of 12-volt motorcycle batteries from Taiwan. On February 20, 1985, having conducted the preliminary investigation prescribed by statute, the Commission ^{1/} determined that there is no reasonable indication that an industry in the United States was materially injured or threatened with material injury by reason of imports of 12-volt motorcycle batteries from Taiwan allegedly sold at less than fair value. On May 22, 1987, the Court of International Trade affirmed the Commission's preliminary determination of no reasonable indication of material injury to the domestic industry by reason of the subject imports, but remanded for reconsideration the Commission's determination with respect to the issue of whether there is a reasonable indication of threat of material injury to the domestic industry by reason of the subject imports. Yuasa-General Battery Corp. et al. v. United States, et al., Ct. No. 85-04-00483 (Ct. Int'l Trade May 22, 1987).

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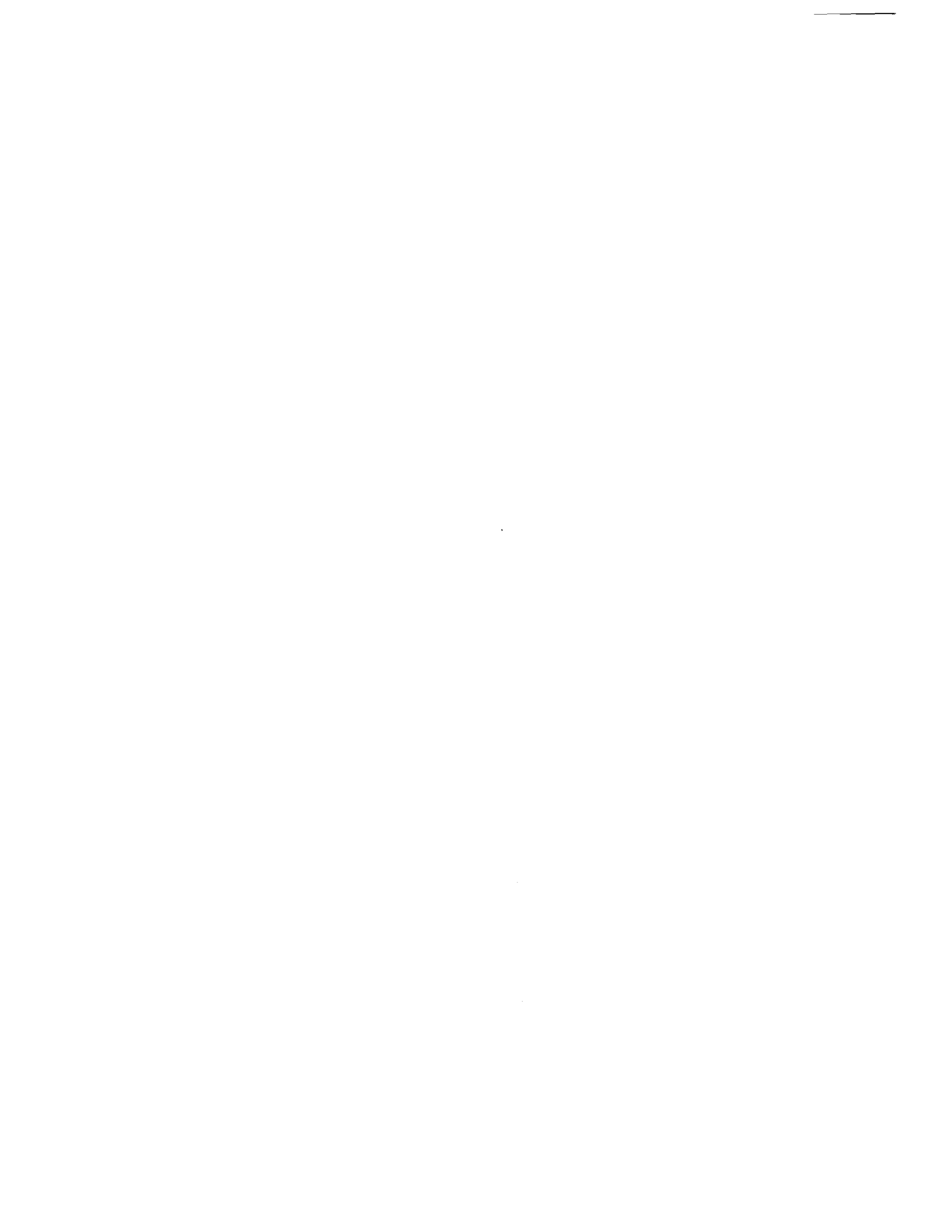
^{1/} Chairwoman Stern, Vice Chairman Liebeler, Commissioners Eckes, Lodwick, and Rohr unanimously voted in the negative. Acting Chairman Brunsdale and Commissioner Cass were not members of the Commission at the time.

^{2/} Chairman Liebeler, Vice Chairman Brunsdale, and Commissioner Rohr voted in the negative. Commissioners Eckes and Lodwick dissented. Commissioner Cass was not a member of the Commission at the time.

material injury to the domestic industry by reason of the subject imports, and provided its views to the Court of International Trade. On July 12, 1988, the Court of International Trade reversed the Commission's determination and ordered the Commission to "issue a preliminary determination that there is reasonable indication of a threat of material injury to the 12-volt-motorcycle-battery industry in the United States by reason of imports of such merchandise from Taiwan." Yuasa-General Battery Corp. et al. v. United States, et al., Ct. No. 85-04-00483 (Ct. Int'l Trade) (Order entering Judgment, July 12, 1988).

Pursuant to the Court's Order, we make the determination that there is a reasonable indication of threat of material injury to an industry in the United States by reason of allegedly less than fair value imports of 12-volt motorcycle batteries from Taiwan. ^{3/}

^{3/} Commissioner Eckes while joining his colleagues in issuing this determination in response to the Court's order, notes that he dissented from the majority's negative determination on remand. Therefore, he has already reached an affirmative determination in this investigation. See "Dissenting Views of Commissioner Eckes," Views on Remand in Inv. No. 731-TA-238 (Preliminary) 12-Volt Motorcycle Batteries from Taiwan, USITC Pub. No. 2109 (August 1988) 29-39.



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