

Decisions of the United States Court of International Trade

Slip Op. 06-124

EURODIF S.A., COMPAGNIE GÉNÉRALE DES MATIÈRES NUCLÉAIRES
AND COGEMA, INC., ET. AL., Plaintiffs, v. UNITED STATES, Defendant.

Before: Poque, Wallach, and Eaton, Judges
Consol. Court No. 02-00219

JUDGMENT

On May 18, 2006, we remanded the captioned case to the Department of Commerce (“Commerce”) to exclude low enriched uranium enriched under so-called separative work unit contracts from the scope of the antidumping duty order. *See Eurodif S.A. v. United States*, 30 CIT ___, ___, Slip. Op. 06-76 (May 18, 2006). Commerce has since filed a remand determination; the parties have commented thereon. Upon review of that determination, and the parties’ comments and rebuttals thereto, we find that Commerce has complied with our remand order. We understand the parties’ technical comments on the language of the order and the certification that importers will have to complete upon the entry of low enriched uranium. These technical objections, however, would be better addressed in the context of a concrete dispute over a specific entry. *Cf. Nat’l Park Hospitality Ass’n v. DOI*, 538 U.S. 803, 812 (2003); 19 C.F.R. § 351.225 (outlining the procedure for “scope” determinations). Therefore, it is hereby:

ORDERED that the Department of Commerce’s remand determination is sustained.

ABSTRACTED CLASSIFICATION DECISIONS

DECISION NO./DATE JUDGE	PLAINTIFF	COURT NO.	ASSESSED	HELD	BASIS	PORT OF ENTRY & MERCHANDISE
C06/18 4/6/06 Wallach, J.	Priva Sport, Inc.	03-00939	6402.19.70 76c pr. + 17%	6403.19.40 8.5% 6402.99.80 90c pr. + 20% (Style No. 10343)	Agreed statement of facts	Los Angeles Cleated footwear
C06/19 5/2/06 Carman, J.	Gallagher Power Fence, Inc.	99-4-00190	8543.40.00 Various rates	9817.00.60 Free of duty	Agreed statement of facts	Not stated Various parts of three individual components of an electrical fence system: energizer, grounding system and fencing system
C06/20 5/2/06 Carman, J.	Gallagher Power Fence, Inc.	99-9-00601	8543.40.00 Various rates	9817.00.60 Free of duty	Agreed statement of facts	Not stated Various parts of three individual components of an electrical fence system: energizer, grounding system and fencing system
C06/21 5/2/06 Carman, J.	Gallagher Power Fence, Inc.	00-10-00494	8543.40.00 Various rates	9817.00.60 Free of duty	Agreed statement of facts	Not stated Various parts of three individual components of an electrical fence system: energizer, grounding system and fencing system
C06/22 5/2/06 Carman, J.	Gallagher Power Fence, Inc.	00-12-00573	8543.40.00 Various rates	9817.00.60 Free of duty	Agreed statement of facts	Not stated Various parts of three individual components of an electrical fence system: energizer, grounding system and fencing system

DECISION NO./DATE JUDGE	PLAINTIFF	COURT NO.	ASSESSED	HELD	BASIS	PORT OF ENTRY & MERCHANDISE
C06/23 5/2/06 Carman, J.	Gallagher Power Fence, Inc.	01-00702	8543.40.00 Various rates	9817.00.60 Free of duty	Agreed statement of facts	Not stated Various parts of three individual components of an electrical fence system: energizer, grounding system and fencing system
C06/24 5/2/06 Carman, J.	Gallagher Power Fence, Inc.	02-00204	8543.40.00 Various rates	9817.00.60 Free of duty	Agreed statement of facts	Not stated Various parts of three individual components of an electrical fence system: energizer, grounding system and fencing system
C06/25 5/2/06 Carman, J.	Gallagher Power Fence, Inc.	02-00602	8543.40.00 Various rates	9817.00.60 Free of duty	Agreed statement of facts	Not stated Various parts of three individual components of an electrical fence system: energizer, grounding system and fencing system
C06/26 5/2/06 Carman, J.	Gallagher Power Fence, Inc.	03-00182	8543.40.00 Various rates	9817.00.60 Free of duty	Agreed statement of facts	Not stated Various parts of three individual components of an electrical fence system: energizer, grounding system and fencing system
C06/27 5/10/06 Restani, J.	Chromalloy Southwest	01-00998	C8411.99.90 Free of duty but subject to the Merchandise Processing Fee of 0.21% under 19 USC 38c(a)(9)(A) after being subjected to a repair process in Mexico and returned to the US	9802.00.50 Free of duty and excepted from the Merchandise Processing Fee	Agreed statement of facts	San Diego Civil aircraft parts

DECISION NO./DATE JUDGE	PLAINTIFF	COURT NO.	ASSESSED	HELD	BASIS	PORT OF ENTRY & MERCHANDISE
C06/28 5/12/06 Carman, J.	Gallagher Power Fence, Inc.	03-00807	8543.40.00 Various rates	9817.00.60 Free of duty	Agreed statement of facts	Not stated Various parts of three individual components of an electrical fence system: energizer, grounding system and fencing system
C06/29 5/12/06 Carman, J.	Gallagher Power Fence, Inc.	04-00179	8543.40.00 Various rates	9817.00.60 Free of duty	Agreed statement of facts	Not stated Various parts of three individual components of an electrical fence system: energizer, grounding system and fencing system
C06/30 5/19/06 Musgrave, S.J.	Outer Circle Prods.	99-4-00214 00-01-00034 00-07-00323	6307.90.99 7% 4202.92.30 19.5% or 19.3% or 19% 4202.92.90 19.5% or 19%	3924.10.50 Free of duty	Agreed statement of facts	Chicago Portable soft-sided insulated coolers
C06/31 6/14/06 Stanceu, J.	Abb Flexible Automation, Inc.	00-4-00193	8479.50.00 2.5% 8537.10.90 2.7%	8515.31.00 1.6% 8515.21.00 Free of duty 8428.90.00 Free of duty 8424.80.70 1.8%	Agreed statement of facts	Milwaukee Various models of industrial robot systems
C06/32 6/22/06 Goldberg, J.	Leica Geosystems GIS & Mapping, LLC	05-00116	9015.40.80 3%	9015.40.40 0%	Agreed statement of facts	Chicago ADS40 Airborne Digital Sensor System

ABSTRACTED VALUATION DECISIONS

DECISION NO./DATE JUDGE	PLAINTIFF	COURT NO.	VALUATION	HELD	BASIS	PORT OF ENTRY & MERCHANDISE
V06/9 7/12/06 Barzilai, J.	Target Stores	04-00550	Transaction value	Price paid for merchandise by OPIL to Onus Apparels	Agreed statement of acts	Los Angeles Norfolk Women's blouses, jackets & trousers
V06/10 7/12/06 Barzilai, J.	Target Stores	04-00571	Transaction value	Price paid for merchandise by OPIL to King-Hann Industrial Co.	Agreed statement of acts	Los Angeles Women's shorts & skirts
V06/11 7/12/06 Barzilai, J.	Target Stores	04-00572	Transaction value	Price paid for merchandise by OPIL to Sam-Han Synthetic Co.	Agreed statement of acts	Los Angeles Women's sweaters, shirts & skirts
V06/12 7/12/06 Barzilai, J.	Target Stores	05-00012	Transaction value	Price paid for merchandise by OPIL to Arumina Apparel	Agreed statement of acts	Los Angeles Norfolk Women's blouses, jackets & trousers
V06/13 7/12/06 Barzilai, J.	Target Stores	05-00042	Transaction value	Price paid for merchandise by OPIL to Sheng Min Garment	Agreed statement of acts	Los Angeles Women's sweaters, shirts & skirts
V06/14 7/12/06 Barzilai, J.	Target Stores	05-00072	Transaction value	Price paid for merchandise by OPIL to Onus Apparel	Agreed statement of acts	Los Angeles Women's blouses, jackets & trousers

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