Slip Op. 00-26

American Silicon Technologies, Elkem :		
Metals Co., and Globe Metallurgical, Inc.,	_	
Plaintiffs,	:	Court No. 98-03-00567
v.	:	Before: Barzilay, Judge
United States of America,	:	
Defendant,	:	
and	:	
RIMA Industrial S.A. and General	:	
Electric Co.,	:	
Defendant-Intervenors.	:	

UNITED STATES COURT OF INTERNATIONAL TRADE

Decided: March 9, 2000

JUDGMENT ORDER

BARZILAY, JUDGE:

On August 19, 1999, in *American Silicon Technologies v. United States*, 24 CIT ---, 63 F. Supp. 2d 1324, the Court remanded to the Department of Commerce, International Trade Administration's ("Commerce") three issues arising from its final determination in *Silicon Metal from Brazil: Notice of Final Results of Antidumping Duty Administrative Review*, 63 Fed. Reg. 6,899 (Feb. 11, 1998). In that opinion, the Court addressed four issues arising from the administrative review. In the only contested issue, whether Commerce properly relied upon certain depreciation expenses in calculating cost of production and constructed value, the Court upheld Commerce's actions. The remand was for the purpose of allowing Commerce to appropriately calculate and dispose of three issues that the parties had agreed upon. Therefore, the Court remanded to allow Commerce to (1) reconsider evidence with respect to RIMA's short term investments in determining whether to offset RIMA's interest expenses, (2) recalculate RIMA's financial expenses to account for foreign exchange losses in 1996, and (3) recalculate RIMA's export price to deduct port warehouse expenses.

In accordance with the Court's order, Commerce filed its *Final Results of Redetermination Pursuant to Court Remand, American Silicon Technologies v. United States* ("*Redetermination Results*"), 24 CIT ---, 63 F. Supp.2d 1324 (1999). The *Redetermination Results* reflect that Commerce did (1) reconsider whether RIMA interest income consisted only of short-term investments; (2) include foreign exchange losses within the calculation of RIMA's financial expenses; and (3) deduct RIMA's warehousing expenses from the export price in the calculation of the overall margin. As a result of recalculations, where necessary, the weighted average margin for the period of review was altered from 3.08 per cent to 3.27 per cent.

Commerce furnished the Court with its comments on the redetermination results. All interested parties were granted the opportunity to submit comments on or before twenty days from the date of Commerce's filing, and any rebuttal comments were due twenty days thereafter. The remand was requested by Commerce and agreed to by the parties, and there were no further comments filed. Therefore, it is hereby

ORDERED that the *Final Results of Redetermination Pursuant to Court Remand* are affirmed; and it is further

ORDERED that, all other issues having been decided, this case is dismissed.

Dated:

New York, NY