

Slip Op. 05-102

UNITED STATES COURT OF INTERNATIONAL TRADE

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:
NORSK HYDRO CANADA, INC. :
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:
Plaintiff, : Before: Pogue, Judge
: Court No. 03-00828
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v. :
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UNITED STATES, :
:
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Defendant, :
:
:
and :
:
:
U.S. Magnesium, LLC, :
:
:
Defendant-Intervenor. :
:
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JUDGMENT

In Norsk Hydro Canada, Inc. v. United States, 29 CIT ____, Slip Op. 05-58 (May 17, 2005), this court remanded Commerce's determination in Pure Magnesium and Alloy Magnesium from Canada, 68 Fed. Reg. 53,962 (Dep't Commerce Sept. 15, 2003) (final results of countervailing duty administrative review) to "'review and determine the amount of any net countervailable subsidy,' and specifically [to] 'ensure that the amount of the countervailing duty imposed is equal to the amount of the countervailable subsidy.'" Norsk Hydro Canada, Inc., 29 CIT at ____, Slip Op. 05-58 at 2 (quoting 19 U.S.C. § 1675(a) and Norsk Hydro Canada, Inc. v. United States, 28 CIT ____, 350 F. Supp. 2d 1172, 1864 (2005)). On July 18, 2005, Commerce issued a remand determination complying with the court's instructions.

After reviewing Commerce's remand determination, the parties' comments and the rebuttals thereto, and all other papers on file herein, and good cause appearing therefore, it is hereby

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

Dated: August 23, 2005
New York, New York

_____/s/
Donald C. Pogue, Judge