

Slip-Op. 02-62

UNITED STATES COURT OF INTERNATIONAL TRADE

BEFORE: SENIOR JUDGE NICHOLAS TSOUCALAS

CONSOLIDATED BEARINGS COMPANY,	:	
	:	
Plaintiff,	:	
	:	Court No. 98-09-02799
v.	:	
	:	
THE UNITED STATES,	:	
	:	
Defendant.	:	

ORDER

Upon consideration of the Final Results of Redetermination Pursuant to Ct. Remand ("Remand Results II") for Consolidated Bearings Co. v. United States ("Consolidated Bearings"), 26 CIT __, 182 F. Supp. 2d 1380 (2002), filed by the United States Department of Commerce, International Trade Administration ("Commerce"), on April 18, 2002, plaintiff's comments contesting the Remand Results II, defendant's response in opposition to plaintiff's comments, and all other pertinent papers, it is hereby

ORDERED that this case is remanded again to Commerce to liquidate all Consolidated Bearings' imports of FAG Kugelfisher's merchandise imported during the period of review in accordance with the September 9, 1997, liquidation instructions as ordered by this

Court in Consolidated Bearings, 26 CIT __, 182 F. Supp. 2d 1380¹; and it is further

ORDERED that the re-remand results are due within thirty (30) days of the date that this order is entered. Any responses or comments are due within fifteen (15) days thereafter. Any rebuttal comments are due within five (5) days after the date the responses or comments are due.

NICHOLAS TSOUCALAS
SENIOR JUDGE

DATED: July 9, 2002
New York, New York

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The Court is bewildered by Commerce's continued misreading of the purpose and scope of the Court's previous remands in this matter. Similar to Commerce's Final Results of Redetermination Pursuant to Ct. Remand ("Remand Results I"), in Remand Results II, Commerce rather than follow the clear instructions set forth by this Court, states that Commerce

will instruct the U.S. Customs Service to liquidate Consolidated's imports of FAG merchandise during the [POR] . . . using the ad valorem rates from the September 9, 1997, liquidation instructions which [Commerce] calculated based on FAG's reported sales through its U.S. affiliate to various U.S. customers.

Remand Results II at 5.