

MESSAGE NO: 3014114 MESSAGE DATE: 01/14/1993
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: FIN-Final Determination PUBLIC NON-PUBLIC
SUB-TYPE:

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REFERENCE
MESSAGE #
(s):

CASE #(s): A-463-102, A-463-202, A-463-302,
A-463-402, A-464-102, A-464-202

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 10/30/1992 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: FINAL DETERMINATION OF SALES AT NOT LESS THAN FAIR VALUE: URANIUM FROM AM,AZ,BY,GE,MD,TM. AND SUSPENSION OF INVEST. AND AMENDMENT OF PRE. DETERM. FOR KZ,KG,RU,TJ,UA AND UZ

MESSAGE NO: 3014114

DATE: 01 14 1993

CATEGORY: ADA

TYPE: FIN

REFERENCE:

REFERENCE DATE:

CASES: A - 463 - 102

A - 463 - 302

A - 463 - 402

A - 464 - 202

A - 463 - 202

A - 464 - 102

PERIOD COVERED: 10 30 1992 TO

LIQ SUSPENSION DATE:

TO: REGIONAL DIRECTORS, COMMERCIAL OPERATIONS

DISTRICT DIRECTORS, AREA AND PORT DIRECTORS

FROM: DIRECTOR, IMPORT SPECIALIST DIVISION

RE: FINAL DETERMINATION OF SALES AT NOT LESS THAN FAIR VALUE:

URANIUM FROM AM,AZ,BY,GE,MD,TM. AND SUSPENSION OF INVEST.

AND AMENDMENT OF PRE. DETERM. FOR KZ,KG,RU,TJ,UA AND UZ

ADDITIONAL CASE NUMBERS:

A-463-502 A-462-302 A-462-202

A-464-302 A-462-102 A-464-402

1. THE DEPARTMENT OF COMMERCE (THE DEPARTMENT) PUBLISHED IN THE FEDERAL REGISTER ON OCTOBER 30, 1992, ITS SUSPENSION OF INVESTIGATIONS AND AMENDMENT OF PRELIMINARY DETERMINATIONS FOR

URANIUM FROM KAZAKHSTAN, KYRGYZSTAN, RUSSIA, TAJIKISTAN, UKRAINE, AND UZBEKISTAN. IMPORTS OF URANIUM FROM KAZAKHSTAN, KYRGYZSTAN, RUSSIA, TAJIKISTAN, UKRAINE, AND UZBEKISTAN ARE NOW SUBJECT TO QUANTITATIVE LIMITATIONS PURSUANT TO AGREEMENTS BETWEEN THE DEPARTMENT AND THESE COUNTRIES.

2. THE MERCHANDISE COVERED BY THESE INVESTIGATIONS INCLUDES NATURAL URANIUM IN THE FORM OF URANIUM ORES AND CONCENTRATES; NATURAL URANIUM METAL AND NATURAL URANIUM COMPOUNDS; ALLOYS, DISPERSIONS (INCLUDING CERMETS), CERAMIC PRODUCTS AND MIXTURES CONTAINING NATURAL URANIUM OR NATURAL URANIUM COMPOUNDS; URANIUM

ENRICHED IN U235 AND ITS COMPOUNDS; ALLOYS, DISPERSIONS (INCLUDING CERMETS), CERAMIC PRODUCTS, AND MIXTURES CONTAINING URANIUM ENRICHED IN U235 OR COMPOUNDS OF URANIUM ENRICHED IN U235. BOTH LOW-ENRICHED URANIUM (LEU) AND HIGHLY-ENRICHED URANIUM (HEU) ARE INCLUDED WITHIN THE SCOPE OF THESE INVESTIGATIONS. LEU IS URANIUM ENRICHED IN U235 TO A LEVEL OF UP TO 20 PERCENT WHILE HEU IS THE URANIUM ENRICHED IN U235 OF 20 PERCENT OF MORE. THE URANIUM SUBJECT TO THESE INVESTIGATIONS IS PROVIDED FOR UNDER SUBHEADINGS 2612.10.00.00, 2844.10.10.00, 2844.10.20.10, 2844.10.20.25, 2844.10.20.50, 2844.10.20.55, 2844.10.50.00, 2844.20.00.10, 2844.20.00.20, 2844.20.00.30, AND 2844.20.00.50, OF THE HARMONIZED TARIFF SCHEDULE (HTS). ALTHOUGH THE HTS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES, OUR WRITTEN DESCRIPTION OF THE SCOPE OF THESE PROCEEDINGS IS DISPOSITIVE.

3. AS THE DEPARTMENT STATED IN PREVIOUS INSTRUCTIONS, CERTAIN THIRD COUNTRY PROCESSING DOES NOT CONFER A NEW COUNTRY OF ORIGIN.

THIS FURTHER PROCESSING CAN BE EITHER "MILLING" OR "CONVERSION." MILLING CONSISTS OF PROCESSING URANIUM ORE INTO URANIUM CONCENTRATE. CONVERSION CONSISTS OF TRANSFORMING URANIUM CONCENTRATE INTO URANIUM HEXAFLUORIDE (UF6).

4. THE DEPARTMENT CONSIDERS THAT THE MILLING AND CONVERSION

PROCESSES DO NOT CONFER A NEW COUNTRY OF ORIGIN. THEREFORE, URANIUM ORE OR CONCENTRATE WITH A COUNTRY OF ORIGIN OF KAZAKHSTAN, KYRGYZSTAN, RUSSIA, TAJIKISTAN, UKRAINE OR UZBEKISTAN WHICH IS SUBSEQUENTLY MILLED AND\ OR CONVERTED IN A THIRD COUNTRY SHOULD STILL BE CONSIDERED OF KAZAKHSTAN, KYRGYZSTAN, RUSSIA, TAJIKISTAN, UKRAINE OR UZBEKISTAN ORIGIN, RESPECTIVELY. RECEIPT OF SUCH IMPORTS SHOULD BE REPORTED TO THE DEPARTMENT IN ACCORDANCE WITH INSTRUCTIONS BELOW. THE DEPARTMENT REQUESTS THAT

CUSTOMS CAREFULLY EXAMINE ALL IMPORTS OF MILLED OR CONVERTED URANIUM AND DETERMINE WHETHER THE URANIUM ORE OR CONCENTRATE USED

TO PRODUCE THE MILLED OR CONVERTED PRODUCT IS OF KAZAKHSTAN, KYRGYZSTAN, RUSSIA, TAJIKISTAN, UKRAINE OR UZBEKISTAN ORIGIN.

5. THE DEPARTMENT CONTINUES TO REGARD ENRICHMENT OF URANIUM AS CONFERRING ORIGIN. IN LIGHT OF THE ANTICIRCUMVENTION PROVISION OF THE SUSPENSION AGREEMENTS (SECTION VII), THE DEPARTMENT REQUESTS THAT CUSTOMS DETERMINE WHETHER THE URANIUM ORE OR CONCENTRATE USED TO PRODUCE THE ENRICHED PRODUCT IS OF KAZAKHSTAN, KYRGYZSTAN, RUSSIA, TAJIKISTAN, UKRAINE OR UZBEKISTAN ORIGIN.

6. UNTIL FURTHER NOTICE, CUSTOMS WILL DENY ENTRY OF THE SUBJECT MERCHANDISE UNLESS AUTHORIZED TO DO SO BY THE DEPARTMENT. AUTHORIZATION FOR ENTRY WILL BE PROVIDED BY THE DEPARTMENT THROUGH HQ OAB VIA EMAIL.

7. IN ADDITION, FOR ALL IMPORTS OF URANIUM FROM OTHER COUNTRIES, THE U.S. CUSTOMS SERVICE SHALL REQUIRE ALL IMPORTERS TO SUBMIT WITH THE ENTRY SUMMARY A WRITTEN STATEMENT SIGNED BY THE IMPORTER OF RECORD CERTIFYING THAT THE URANIUM BEING IMPORTED WAS NOT OBTAINED UNDER ANY ARRANGEMENT, SWAP, EXCHANGE, OR OTHER

TRANSACTION DESIGNED TO CIRCUMVENT THE AGREEMENTS WITH KAZAKHSTAN, KYRGYZSTAN, RUSSIA, TAJIKISTAN, UKRAINE, AND UZBEKISTAN. IF THE IMPORTER FAILS TO PROVIDE THIS STATEMENT,

CUSTOMS SHALL ORDER RE-DELIVER OF THE MERCHANDISE.

8. FOR ALL IMPORTS OF URANIUM, THE U.S. CUSTOMS SERVICE SHALL FORWARD TO THE DEPARTMENT A COPY OF THE COMPLETE ENTRY SUMMARY

PACKAGE WITHIN 14 DAYS OF PRESENTATION OF THE ENTRY SUMMARY. ENTRY SUMMARY COPIES SHOULD BE SENT TO:

DEPARTMENT OF COMMERCE
IMPORT ADMINISTRATION
OFFICE OF AGREEMENT COMPLIANCE, ROOM 7866
14TH AND CONSTITUTION AVE., N.W.,
WASHINGTON, DC 20230.
ATTN: MELISSA G. SKINNER

9. UPON PRESENTATION OF ANY IMPORTS OF URANIUM FROM ARMENIA, AZERBAIJAN, BELARUS, GEORGIA, MOLDOVA, AND\ OR TURKMENISTAN THE U.S. CUSTOMS SERVICE SHOULD IMMEDIATELY NOTIFY THE DEPARTMENT THROUGH HQ OAB VIA EMAIL.

10. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS PLEASE CONTACT THE IMPORT SPECIALIST DIVISION, OTHER AGENCY BRANCH, BY E-MAIL ATTRIBUTE HQ OAB. THE IMPORTING PUBLIC AND OTHER INTERESTED PARTIES SHOULD CONTACT MELISSA SKINNER OR STEVE PRESING OF THE OFFICE OF COMPLIANCE AT (202) 482-4851 OR (202) 482-4106, RESPECTIVELY, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, DEPARTMENT OF COMMERCE.

11. THERE ARE NO RESTRICTIONS ON RELEASE OF THIS INFORMATION.

NANCY MCTIERNAN

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party