

MESSAGE NO: 3288114 MESSAGE DATE: 10/14/1992

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: COR PUBLIC NON-PUBLIC
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REFERENCE 3283112
MESSAGE #
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CASE #(s): A-462-102, A-462-202, A-462-302,
A-463-102, A-463-202, A-463-302

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 06/03/1992 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: CLARIFICATION OF THE SCOPE DETERMINATION ON URANIUM FROM
KAZAKHSTAN,KRYGYZSTAN,RUSSIA,UKRAINE TAJIKISTAN AND UZBEKISTAN - NOTE
PARAGRAPH 4 CORRECTION

MESSAGE NO: 3288114

DATE: 10 14 1992

CATEGORY: ADA

TYPE: COR

REFERENCE: 3283112

REFERENCE DATE: 10 09 1992

CASES: A - 462 - 102

A - 462 - 202

A - 462 - 302

A - 463 - 102

A - 463 - 202

A - 463 - 302

PERIOD COVERED: 06 03 1992 TO

LIQ SUSPENSION DATE:

TO: REGIONAL DIRECTORS, COMMERCIAL OPERATIONS

DISTRICT DIRECTORS, AREA AND PORT DIRECTORS

FROM: DIRECTOR, IMPORT SPECIALIST DIVISION

RE: CLARIFICATION OF THE SCOPE DETERMINATION ON URANIUM

FROM KAZAKHSTAN,KRYGYZSTAN,RUSSIA,UKRAINE

TAJIKISTAN AND UZBEKISTAN - NOTE PARAGRAPH 4 CORRECTION

1. IN JUNE 1992, THE DEPARTMENT OF COMMERCE ISSUED INSTRUCTIONS TO CUSTOMS ORDERING THE SUSPENSION OF LIQUIDATION OF URANIUM FROM KAZAKHSTAN, KYRGYZSTAN, RUSSIA, TAJIKISTAN, UKRAINE AND UZBEKISTAN PURSUANT TO AN AFFIRMATIVE PRELIMINARY ANTIDUMPING DUTY DETERMINATION. THIS MESSAGE CLARIFIES THE SCOPE OF THE PRELIMINARY DETERMINATION.

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 OR URANIUM ENRICHED IN U235. THE URANIUM SUBJECT TO THESE INVESTIGATIONS IS PROVIDED FOR UNDER SUBHEADING 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. THE DEPARTMENT OF COMMERCE HAS HAD INQUIRIES FROM IMPORTERS REGARDING THE ENTRY OF URANIUM ORE OR CONCENTRATE FROM KAZAKHSTAN, KYRGYZSTAN, RUSSIA, TAJIKISTAN, UKRAINE OR UZBEKISTAN WHICH HAS UNDERGONE CERTAIN FURTHER PROCESSING IN A THIRD COUNTRY. THIS CERTAIN 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). THE IMPORTERS HAVE ASKED THE DEPARTMENT WHETHER MILLING OR CONVERSION IN A THIRD COUNTRY REMOVES THE PRODUCT FROM THE SCOPE OF THE PRELIMINARY DETERMINATION.

4. COMMERCE DOES NOT CONSIDER URANIUM ORE OR CONCENTRATE, WHICH HAS UNDERGONE FURTHER PROCESSING IN A THIRD COUNTRY AS DESCRIBED IN PARAGRAPH 3, TO BE A PRODUCT OF THE THIRD COUNTRY. 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 OR KAZAKH, KYRGZ, RUSSIA, TAJIK, UKRANIAN OR UZBEK ORIGIN, RESPECTIVELY, FOR THE PURPOSES OF THE PRELIMINARY DETERMINATION. LIQUIDATION OF SUCH IMPORTS SHOULD CONTINUE TO BE SUSPENDED. CUSTOMS FIELD OFFICES SHOULD CAREFULLY EXAMINE ALL IMPORTS OF MILLED OR CONVERTED URANIUM TO DETERMINE WHETHER THE URANIUM ORE OR CONCENTRATE USED TO PRODUCE THE MILLED OR CONVERTED PRODUCT IS OF KAZKH, KYRGZ, RUSSIAN, TAJIK, UKRANIAN OR UZBEK ORIGIN.

5. IN ACCORDANCE WITH PREVIOUS INSTRUCTIONS, CONTINUE TO SUSPEND LIQUIDATION OF URANIUM FROM KAZAKHSTAN, KRYGYZSTAN, RUSSIA, TADJIKISTAN, UKRAINE AND UZBEKISTAN.

6. CURRENTLY, THE OFFICE OF REGULATIONS AND RULINGS (OR&R) IS REVEIING WHETHER THE FURTHER PROCESSING OF URANIUM ORE OR CONCENTRATE CONSTITUTES SUBSTANTIAL TRANSFORMATION FOR TARIFF AND COUNTRY OF ORIGIN PURPOSES. AN OR&R DECISION RELATIVE TO THIS MATTER WILL BE ISSUED SOON.

7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS PLEASE CONTACT THE IMPORT SPECIALIST DIVISION, OTHER AGENCY BRANCH VIA E-MAIL ATTIBUTE HQ OAB. THE IMPORTING PUBLIC AND OTHER INTERESTED PARTIES SHOULD CONTACT LARRY SULLIVAN AT (202) 482-0114, OF THE OFFICE OF COUNTERVAILING INVESTIGATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, DEPARTMENT OF COMMERCE.

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

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Company Details

*Party Indicator Value:

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