

MESSAGE NO: 4204201 MESSAGE DATE: 07/22/2004  
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SUB-TYPE:

FR CITE: FR FR CITE DATE:

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(s):

CASE #(s): C-412-821

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 07/07/2004 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: CASH DEPOSIT INSTRUCTIONS FOR LOW ENRICHED URANIUM FROM THE UNITED KINGDOM (C-412-821).

MESSAGE NO: 4204201 DATE: 07 22 2004

CATEGORY: CVD TYPE: OTH

REFERENCE: REFERENCE DATE:

CASES: C - 412 - 821 - -

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PERIOD COVERED: 07 07 2004 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS  
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: CASH DEPOSIT INSTRUCTIONS FOR LOW ENRICHED URANIUM FROM THE UNITED KINGDOM (C-412-821).

1. THE DEPARTMENT OF COMMERCE PUBLISHED IN THE FEDERAL REGISTER ON JULY 7, 2004 (69 FR 40869) THE FINAL RESULTS OF ITS ADMINISTRATIVE REVIEW OF THE COUNTERVAILING DUTY ORDER (C-412-821) ON LOW ENRICHED URANIUM FROM UNITED KINGDOM FOR THE PERIOD 5/14/2001 THROUGH 12/31/2002.

2. THE SCOPE OF THIS ORDER COVERS LOW ENRICHED URANIUM (LEU). LEU IS ENRICHED URANIUM HEXAFLUORIDE (UF6) WITH A U235 PRODUCT ASSAY OF LESS THAN 20 PERCENT THAT HAS NOT BEEN CONVERTED INTO

ANOTHER CHEMICAL FORM, SUCH AS UO<sub>2</sub>, OR FABRICATED INTO NUCLEAR FUEL ASSEMBLIES, REGARDLESS OF THE MEANS BY WHICH THE LEU IS PRODUCED (INCLUDING LEU PRODUCED THROUGH THE DOWN-BLENDING OF HIGHLY ENRICHED URANIUM).

CERTAIN MERCHANDISE IS OUTSIDE THE SCOPE OF THIS ORDER. SPECIFICALLY, THIS ORDER DOES NOT COVER ENRICHED URANIUM HEXAFLUORIDE WITH A U<sup>235</sup> ASSAY OF 20 PERCENT OR GREATER, ALSO KNOWN AS HIGHLY ENRICHED URANIUM. IN ADDITION, FABRICATED LEU IS NOT COVERED BY THE SCOPE OF THIS ORDER. FOR PURPOSES OF THIS ORDER, FABRICATED URANIUM IS DEFINED AS ENRICHED URANIUM DIOXIDE (UO<sub>2</sub>), WHETHER OR NOT CONTAINED IN NUCLEAR FUEL RODS OR ASSEMBLIES. NATURAL URANIUM CONCENTRATES (U<sub>3</sub>O<sub>8</sub>) WITH A U<sup>235</sup> CONCENTRATION OF NO GREATER THAN 0.711 PERCENT AND NATURAL URANIUM CONCENTRATES CONVERTED INTO URANIUM HEXAFLUORIDE WITH A U<sup>235</sup> CONCENTRATION OF NO GREATER THAN 0.711 PERCENT ARE NOT COVERED BY THE SCOPE OF THIS ORDER.

ALSO EXCLUDED FROM THIS ORDER IS LEU OWNED BY A FOREIGN UTILITY END-USER AND IMPORTED INTO THE UNITED STATES BY OR FOR SUCH END-USER SOLELY FOR PURPOSES OF CONVERSION BY A U.S. FABRICATOR INTO URANIUM DIOXIDE (UO<sub>2</sub>) AND/OR FABRICATION INTO FUEL ASSEMBLIES SO LONG AS THE URANIUM DIOXIDE AND/OR FUEL ASSEMBLIES DEEMED TO INCORPORATE SUCH IMPORTED LEU (I) REMAIN IN THE POSSESSION AND CONTROL OF THE U.S. FABRICATOR, THE FOREIGN END-USER, OR THEIR DESIGNATED TRANSPORTER(S) WHILE IN U.S. CUSTOMS TERRITORY, AND (II) ARE RE-EXPORTED WITHIN EIGHTEEN (18) MONTHS OF ENTRY OF THE LEU FOR CONSUMPTION BY THE END-USER IN A NUCLEAR REACTOR OUTSIDE THE UNITED STATES. SUCH ENTRIES MUST BE ACCOMPANIED BY THE CERTIFICATIONS OF THE IMPORTER AND END-USER. (SEE PARAGRAPHS 5 AND 6 BELOW).

THE MERCHANDISE SUBJECT TO THIS ORDER IS CLASSIFIED IN THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTSUS) AT SUBHEADING 2844.20.0020. SUBJECT MERCHANDISE MAY ALSO ENTER UNDER 2844.20.0030, 2844.20.0050, AND 2844.40.00. ALTHOUGH THE HTSUS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND CUSTOMS

PURPOSES, THE WRITTEN DESCRIPTION OF THE MERCHANDISE IS DISPOSITIVE.

3. ACCORDINGLY, FOR SHIPMENTS OF LOW ENRICHED URANIUM FROM THE UNITED KINGDOM (C-412-821), ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER JULY 7, 2004, YOU SHALL COLLECT A CASH DEPOSIT OF ESTIMATED COUNTERVAILING DUTIES OF 0.00 PERCENT OF THE ENTERED VALUE FOR THE URENCO GROUP (URENCO (CAPENHURST) LTD., URENCO DEUTSCHLAND GMBH, URENCO NEDERLAND B.V., URENCO LTD., URENCO INC.) (C-412-821-001).

4. THIS REQUIREMENT FOR A CASH DEPOSIT WILL REMAIN IN EFFECT UNTIL PUBLICATION OF THE FINAL RESULTS OF THE NEXT ADMINISTRATIVE REVIEW. DO NOT LIQUIDATE ANY ENTRIES OF MERCHANDISE INCLUDED IN THIS ADMINISTRATIVE REVIEW UNTIL ASSESSMENT INSTRUCTIONS ARE RECEIVED.

5. ENTRY SUMMARIES COVERING MERCHANDISE TO BE EXCLUDED FROM THE SCOPE OF THIS ORDER - LEU OWNED BY A FOREIGN UTILITY END-USER AS DESCRIBED IN PARAGRAPH 2, ABOVE - MUST BE ACCOMPANIED BY A CERTIFICATION FROM THE IMPORTER AS FOLLOWS:

WE, THE UNDERSIGNED IMPORTER, HEREBY CERTIFY AS FOLLOWS:

A) THE ACCOMPANYING ENTRY OF ENRICHED URANIUM HEXAFLUORIDE IS IMPORTED BY US FOR PURPOSES OF CONVERSION BY (INSERT NAME OF FABRICATOR) INTO URANIUM DIOXIDE AND/OR FABRICATION BY INSERT (NAME OF FABRICATOR) INTO NUCLEAR FUEL ASSEMBLIES FOR CONSUMPTION BY THE NAMED END-USER IN A NUCLEAR REACTOR OUTSIDE THE UNITED STATES.

B) THIS ENRICHED URANIUM HEXAFLUORIDE, AND ANY URANIUM PRODUCTS DERIVED THEREFROM, WILL (1) REMAIN AT ALL TIMES IN OUR POSSESSION AND CONTROL OR IN THE POSSESSION AND CONTROL OF OUR AUTHORIZED TRANSPORTER(S), OR IN THE POSSESSION AND CONTROL OF (INSERT NAME OF FABRICATOR) OR THEIR AUTHORIZED TRANSPORTER(S), WHILE IN THE CUSTOMS TERRITORY OF THE UNITED STATES AND (2) SHALL NOT BE SOLD, LOANED, SWAPPED, USED AS LOAN REPAYMENTS, OR UTILIZED FOR ANY

PURPOSE OTHER THAN FOR CONVERSION INTO URANIUM DIOXIDE AND/OR FABRICATION INTO NUCLEAR FUEL ASSEMBLIES BY (INSERT NAME OF FABRICATOR) FOR CONSUMPTION BY (INSERT NAME OF END-USER) OUTSIDE THE UNITED STATES.

C) AN AMOUNT OF ENRICHED URANIUM IN THE FORM OF URANIUM DIOXIDE EQUAL TO THE ACCOMPANYING ENTRY IN TERMS OF THE QUANTITY OF URANIUM-235 CONTAINED IN THIS ENTRY (LESS AN IRRECOVERABLE PROCESSING LOSS NOT TO EXCEED 1.0 PERCENT), AND WITH THE SAME COUNTRY OF ORIGIN, WILL BE EXPORTED TO (INSERT NAME OF END-USER) BY (INSERT NAME OF FABRICATOR) FROM THE UNITED STATES WITHIN EIGHTEEN (18) MONTHS OF THE DATE OF THIS ENTRY.

D) THE ACCOMPANYING ENTRY IS BEING IMPORTED SOLELY FOR THE ABOVE STATED PURPOSES. WE MAKE THIS CERTIFICATION UNDER PENALTY OF LAW, INCLUDING (WITHOUT LIMITATION) THE PENALTIES OF 19 U.S.C. SECTION 1592.

6. ENTRY SUMMARIES COVERING MERCHANDISE TO BE EXCLUDED FROM THE SCOPE OF THIS ORDER - LEU OWNED BY A FOREIGN UTILITY END-USER AS DESCRIBED IN PARAGRAPH 2, ABOVE - MUST ALSO BE ACCOMPANIED BY A CERTIFICATION FROM THE END-USER AS FOLLOWS: WE, THE UNDERSIGNED END-USER, HEREBY CERTIFY AS FOLLOWS:

A) THE ACCOMPANYING ENTRY OF ENRICHED URANIUM HEXAFLUORIDE IS IMPORTED ON OUR BEHALF BY (INSERT NAME OF IMPORTER) FOR PURPOSES OF CONVERSION BY (INSERT NAME OF FABRICATOR) INTO URANIUM DIOXIDE AND/OR FABRICATION BY (INSERT NAME OF FABRICATOR) INTO NUCLEAR FUEL ASSEMBLIES FOR CONSUMPTION BY US IN A NUCLEAR REACTOR OUTSIDE THE UNITED STATES.

B) THIS ENRICHED URANIUM HEXAFLUORIDE, AND ANY URANIUM PRODUCTS DERIVED THEREFROM, WILL (1) REMAIN AT ALL TIMES IN THE POSSESSION AND CONTROL OF (INSERT NAME OF IMPORTER), (INSERT NAME OF FABRICATOR IF DIFFERENT FROM IMPORTER) OR ITS/THEIR AUTHORIZED TRANSPORTER(S) WHILE IN THE CUSTOMS TERRITORY OF THE UNITED STATES AND (2) SHALL NOT BE SOLD, LOANED, SWAPPED, USED AS LOAN REPAYMENTS, OR UTILIZED FOR ANY PURPOSE OTHER THAN FOR CONVERSION

INTO URANIUM DIOXIDE AND/OR FABRICATION INTO NUCLEAR FUEL ASSEMBLIES BY (INSERT NAME OF FABRICATOR) FOR CONSUMPTION BY US OUTSIDE THE UNITED STATES.

C) AN AMOUNT OF ENRICHED URANIUM IN THE FORM OF URANIUM DIOXIDE EQUAL TO THE ACCOMPANYING ENTRY IN TERMS OF THE QUANTITY OF URANIUM-235 CONTAINED IN THIS ENTRY (LESS AN IRRECOVERABLE PROCESSING LOSS NOT TO EXCEED 1.0 PERCENT), AND WITH THE SAME COUNTRY OF ORIGIN, WILL BE EXPORTED TO US BY (INSERT NAME OF FABRICATOR) FROM THE UNITED STATES WITHIN EIGHTEEN (18) MONTHS OF THE DATE OF THIS ENTRY.

D) THE ACCOMPANYING ENTRY IS BEING IMPORTED SOLELY FOR THE ABOVE STATED PURPOSES. WE MAKE THIS CERTIFICATION UNDER PENALTY OF LAW, INCLUDING (WITHOUT LIMITATION) THE PENALTIES OF 19 U.S.C. SECTION 1592.

7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577, RESPECTIVELY (GENERATED BY O3:DB).

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

CATHY SAUCEDA

## Company Details

\*Party Indicator Value:

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