

MESSAGE NO: 5278204 MESSAGE DATE: 10/05/2005
MESSAGE STATUS: Active CATEGORY: Countervailing
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 4315202
MESSAGE #
(s):

CASE #(s): C-427-819

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 01/01/2004 TO 12/31/2004

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: LIQUIDATION INSTRUCTIONS FOR LOW ENRICHED URANIUM FROM FRANCE (C-427-819) LIQ ALL EXCEPT EURODIF, COGEMA, & COMPAGNIE GENERALE DES MATIERES NUCLEAIRES. INJ 4315202

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CASES: C - 427 - 819

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PERIOD COVERED: 01 01 2004 TO 12 31 2004

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION INSTRUCTIONS FOR LOW ENRICHED URANIUM FROM FRANCE (C-427-819) LIQ ALL EXCEPT EURODIF, COGEMA, & COMPAGNIE GENERALE DES MATIERES NUCLEAIRES. INJ 4315202

1. THE DEPARTMENT OF COMMERCE DID NOT RECEIVE A REQUEST FOR AN ADMINISTRATIVE REVIEW OF THE COUNTERVAILING DUTY ORDER FOR LOW ENRICHED URANIUM FROM FRANCE (C-427-819) FOR THE PERIOD 1/1/2004 THROUGH 12/31/2004, EXCEPT FOR THE FIRMS LISTED BELOW IN PARAGRAPH 3.

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 UO₂, OR FABRICATED INTO NUCLEAR FUEL ASSEMBLIES, REGARDLESS OF THE MEANS BY WHICH THE LEU IS PRODUCED (INCLUDING LEU PRODUCED THROUGH THE DOWN-ENRICHING OF HIGHLY ENRICHED URANIUM).

CERTAIN MERCHANDISE IS OUTSIDE THE SCOPE OF THIS ORDER. SPECIFICALLY, THIS ORDER DOES NOT COVER ENRICHED URANIUM HEXAFLUORIDE WITH A U²³⁵ 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 (UO₂), WHETHER OR NOT CONTAINED IN NUCLEAR FUEL RODS OF ASSEMBLIES. NATURAL URANIUM CONCENTRATES (U³⁰⁸) WITH A U²³⁵ CONCENTRATION OF NO GREATER THAN 0.711 PERCENT AND NATURAL URANIUM CONCENTRATES CONVERTED INTO URANIUM HEXAFLUORIDE WITH A U²³⁵ 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 (UO₂) 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.

THE MERCHANDISE SUBJECT TO THIS ORDER IS CLASSIFIED IN THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTSUS) AT SUBHEARING 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. THEREFORE, IN ACCORDANCE WITH SECTION 351.212(c) OF THE COMMERCE REGULATIONS, YOU ARE TO ASSESS COUNTERVAILING DUTIES AT RATES EQUAL TO THE CASH DEPOSIT OF ESTIMATED COUNTERVAILING DUTIES REQUIRED AT THE TIME OF ENTRY ON THE SPECIFIED SUBJECT MERCHANDISE EXPORTED ON OR AFTER 1/1/2004 AND ON OR BEFORE 12/31/2004.

LOW ENRICHED URANIUM FROM FRANCE (C-427-819) 01/01/2004-12/31/2004.

LIQUIDATE ALL ENTRIES FOR ALL FIRMS EXCEPT:

EURODIF S.A.
COMPAGNIE GENERALE DES MATIERES NUCLEAIRES
COGEMA, INC.

4. ENTRIES OF MERCHANDISE OF EXCEPTED FIRMS SHOULD NOT BE LIQUIDATED UNTIL YOU RECEIVE SPECIFIC INSTRUCTIONS AFTER THE COMPLETION OF THE COUNTERVAILING DUTY REVIEW. CONTINUE TO SUSPEND LIQUIDATION OF ALL ENTRIES OF MERCHANDISE EXPORTED OR PRODUCED BY THE LISTED FIRMS AND ENTERED, OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION DURING THIS PERIOD.

5. IN ADDITION, AS EXPLAINED IN MESSAGE #4315202 DATED 11/10/2004, THERE IS A PRELIMINARY INJUNCTION ENJOINING LIQUIDATION OF CERTAIN ENTRIES WHICH ARE SUBJECT TO THE COUNTERVAILING DUTY ORDER ON LOW ENRICHED URANIUM FROM FRANCE (C-427-819) THAT WERE ENRICHED AND/OR EXPORTED BY EURODIF S.A., COMPAGNIE GENERAL DES MATIERES NUCLEAIRES AND COGEMA INC. FOR THE PERIOD ON 5/14/2001 THROUGH 9/11/2001 AND ON OR AFTER 2/13/2002.

6. THEREFORE, UNTIL FURTHER NOTICE DO NOT LIQUIDATE ENTRIES OF

SUBJECT MERCHANDISE WHICH WERE ENRICHED AND/OR EXPORTED BY EURODIF S.A., COMPAGNIE GENERAL DES MATIERES NUCLEAIRES AND COGEMA, INC. AND WHICH WERE ENTERED, OR WITHDRAWN FROM WAREHOUSE

FOR CONSUMPTION, DURING THE PERIODS: (A) ON OR AFTER 5/14/2001 THROUGH 9/11/2001; OR (B) ON OR AFTER 2/13/2002 THROUGH 12/31/2002; AND REMAIN UNLIQUIDATED AS OF 5 O'CLOCK P.M. ON 11/12/2004, THE FIFTH BUSINESS DAY AFTER THE DAY UPON WHICH COPIES OF THIS ORDER WERE PERSONALLY SERVED BY PLANTIFFS UPON ANN SEBASTIAN OF IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, OR HER DELEGATES.

7. THE SUSPENSION OF LIQUIDATION ORDERED FOR THE MERCHANDISE LISTED ABOVE EXPORTED ON OR BEFORE 12/31/2004 IS LIFTED EXCEPT AS NOTED IN PARAGRAPHS 3 AND 5 ABOVE. THE SUSPENSION OF LIQUIDATION FOR ALL SHIPMENTS OF THE MERCHANDISE LISTED ABOVE EXPORTED AFTER 12/31/2004 WILL CONTINUE.

8. THE ASSESSMENT OF COUNTERVAILING DUTIES BY THE U.S. CUSTOMS AND BORDER PROTECTION (CBP) ON SHIPMENTS OR ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CBP PAY INTEREST ON OVERPAYMENTS OR ASSESS INTEREST ON UNDERPAYMENTS, OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED COUNTERVAILING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED COUNTERVAILING DUTIES BEFORE THE DATE OF PUBLICATION OF THE COUNTERVAILING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE ENTRY DATE OR DATE OF DEPOSIT WHICHEVER IS LATER, OR ESTIMATED COUNTERVAILING DUTIES THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

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

10. 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