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EFFECTIVE DATE: 06/17/2011 COURT CASE #:

PERIOD OF REVIEW: 08/01/2007 TO 01/31/2008

PERIOD COVERED: TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: RECAP AND NEW INSTRUCTIONS FOR THE 2008 AMENDMENT TO THE
SUSPENSION AGREEMENT ON URANIUM FROM THE RUSSIAN FEDERATION (A-462-102)

1. THE PURPOSE OF THESE INSTRUCTIONS IS TO NOTIFY CUSTOMS AND BORDER PROTECTION (CUSTOMS) OF A RECENT AMENDMENT TO THE AGREEMENT SUSPENDING THE ANTIDUMPING INVESTIGATION ON URANIUM FROM THE RUSSIAN FEDERATION (SUSPENSION AGREEMENT). THE FOLLOWING PARAGRAPHS EXPLAIN THE NEW PROVISIONS, AND REITERATE RELEVANT EXISTING PROVISIONS, OF THE AMENDED SUSPENSION AGREEMENT UNDER WHICH RUSSIAN URANIUM PRODUCTS MAY ENTER WITH COMMERCE'S APPROVAL. PARAGRAPHS 15 AND 16 REITERATE SPECIFIC ACTIONS THAT COMMERCE CONTINUES TO REQUEST OF CUSTOMS. WE NOTE THAT CUSTOMS SHOULD NOT RELEASE ANY SHIPMENT OF RUSSIAN URANIUM PRODUCTS UNTIL COMMERCE HAS SENT A SHIPMENT-SPECIFIC APPROVAL THROUGH THE ACE SYSTEM. NO OTHER SPECIFIC ACTION IS REQUIRED AT THIS TIME.

2. ON FEBRUARY 1, 2008, THE DEPARTMENT OF COMMERCE (COMMERCE) AND THE RUSSIAN FEDERATION'S FEDERAL ATOMIC ENERGY AGENCY (ROSATOM) SIGNED AN AMENDMENT TO THE SUSPENSION AGREEMENT WHICH WILL ALLOW THE RUSSIAN FEDERATION (RUSSIA) TO EXPORT RUSSIAN URANIUM PRODUCTS TO THE U.S. MARKET IN ACCORDANCE WITH THE EXPORT LIMITS AND OTHER TERMS DETAILED IN THE AMENDMENT.

3. THE CONSOLIDATED SECURITY, DISASTER ASSISTANCE, AND CONTINUING APPROPRIATIONS ACT, 2009, H.R. 2638, 110TH CONG. SECTION 8118, P. 110-123 (2008) (DOMENICI AMENDMENT) IMPOSED IMPORT LIMITATIONS CONSISTENT WITH THE AMENDED SUSPENSION AGREEMENT'S EXPORT LIMITS ON RUSSIAN URANIUM PRODUCTS. THUS, THE DOMENICI AMENDMENT ESSENTIALLY CODIFIED THE AMENDED SUSPENSION AGREEMENT'S NEW EXPORT LIMITS.

4. FOR ALL OF THE BELOW-NOTED PROVISIONS OF THE AMENDED SUSPENSION AGREEMENT, COMMERCE HAS THE RESPONSIBILITY OF MONITORING WHETHER INCOMING SHIPMENT QUANTITIES ARE WITHIN THE EXPORT LIMITS SPECIFIED IN THE

AMENDED SUSPENSION AGREEMENT AND ANY CORRESPONDING IMPORT LIMITS SPECIFIED IN THE DOMENICI AMENDMENT. CUSTOMS SHOULD NOT RELEASE SHIPMENTS OF RUSSIAN URANIUM PRODUCTS UNDER ANY PROVISION UNTIL COMMERCE HAS SENT A SHIPMENT-SPECIFIC APPROVAL THROUGH THE ACE SYSTEM. IN THIS APPROVAL, COMMERCE WILL SPECIFY THE NECESSARY DOCUMENTS AND CERTIFICATIONS CUSTOMS SHALL REQUIRE FOR ENTRY.

5. IN ITS SHIPMENT-SPECIFIC INSTRUCTION, COMMERCE MAY INSTRUCT CUSTOMS TO WITHHOLD/SUSPEND LIQUIDATION OF THE ENTRY SUMMARY AT A ZERO DEPOSIT RATE UNTIL COMMERCE HAS SENT THE REQUISITE LIQUIDATION INSTRUCTION THROUGH THE ACE SYSTEM (SECTIONS IV.G AND IV.H OF THE SUSPENSION AGREEMENT ONLY).

6. THE FOLLOWING PARAGRAPHS EXPLAIN SPECIFIC PROVISIONS OF THE AMENDED SUSPENSION AGREEMENT.

7. SECTION IV.B.1: BEGINNING IN 2011, RUSSIAN URANIUM PRODUCTS IN ANY FORM SUBJECT TO CONTRACTS FOR THE SALE OF RUSSIAN URANIUM PRODUCTS IN THE UNITED STATES, DIRECTLY TO THE U.S. UTILITIES OR OTHERWISE, AS APPROVED BY COMMERCE, MAY BE EXPORTED TO THE UNITED STATES UP TO THE EXPORT LIMITS, AS PROVIDED IN SECTION IV. B.1 OF THE 2008 AMENDMENT.

8. SECTION IV.B.2: AFTER FEBRUARY 1, 2008, RUSSIAN URANIUM PRODUCTS MAY BE SOLD IN, AND EXPORTED TO, THE UNITED STATES TO FULFILL CONTRACTS FOR THE SUPPLY OF INITIAL CORES WITHOUT BEING SUBJECT TO THE EXPORT LIMITS IN THIS AGREEMENT, AS PROVIDED IN SECTION IV.B.2 OF THE 2008 AMENDMENT. COMMERCE HAS THE RESPONSIBILITY OF DETERMINING WHETHER INCOMING SHIPMENTS OF RUSSIAN URANIUM PRODUCTS QUALIFY TO ENTER FOR THE SUPPLY OF INITIAL CORES.

9. ADDITIONAL INFORMATION ON SECTIONS IV.B.1 AND IV.B.2: RUSSIAN URANIUM PRODUCTS MAY ENTER THE UNITED STATES PURSUANT TO SECTIONS IV.B.1 AND IV.B.2 OF THE AMENDED SUSPENSION AGREEMENT IF: (A) THEY WERE SOLD PURSUANT TO A CONTRACT APPROVED BY COMMERCE UNDER THE AMENDED SUSPENSION AGREEMENT; (B) ARE ACCOMPANIED BY (I) A VALID EXPORT LICENSE AND CERTIFICATE AND (II) A VALID PURCHASE AND/OR DELIVERY ORDER ISSUED IN ACCORDANCE WITH THE CONTRACT APPROVED BY COMMERCE UNDER THE AMENDED SUSPENSION AGREEMENT SHOWING THE SPECIFIC PRODUCT AND TAILS ASSAYS, AS APPLICABLE; AND (C) DO NOT EXCEED THE EXPORT LIMITS IN SECTION IV. ADDITIONAL

INSTRUCTIONS FOR ENTRIES UNDER SECTION IV.B.2 WILL BE SENT AT A LATER DATE.

10. SECTIONS IV. G AND IV.H: AFTER FEBRUARY 1, 2008, RUSSIAN URANIUM PRODUCTS MAY CONTINUE TO BE IMPORTED FOR PROCESSING AND CERTIFIED FOR RE-EXPORT WITHIN EITHER 12 OR 36 MONTHS PURSUANT TO SECTIONS IV. G AND H OF THE SUSPENSION AGREEMENT, WITHOUT BEING SUBJECT TO THE EXPORT LIMITS IN SECTION IV.B.1.

11. ADDITIONAL INFORMATION ON SECTIONS IV.G AND IV.H: FOR IMPORTS ENTERING UNDER THE 36-MONTH LIMITATION PURSUANT TO SECTIONS IV.G AND IV.H ONLY, IN ITS SHIPMENT-SPECIFIC INSTRUCTION, COMMERCE WILL INSTRUCT CUSTOMS TO WITHHOLD/SUSPEND LIQUIDATION OF THE ENTRY SUMMARY AT A ZERO DEPOSIT RATE UNTIL THE TERMS OF THE AMENDED RUSSIAN SUSPENSION AGREEMENT HAVE BEEN MET. THE 2008 AMENDMENT STATES THAT COMMERCE SHALL INSTRUCT CUSTOMS TO LIQUIDATE ENTRIES UNDER SECTION IV.H, FOR 36 MONTH RE-EXPORT ENTRIES, AS PROMPTLY AS POSSIBLE, AND IN ALL CASES WITHIN TEN (10) DAYS OF RECEIVING CONFIRMATION OF THE RE-EXPORT OF THE MATERIAL OUT OF THE UNITED STATES. CUSTOMS SHOULD NOT LIQUIDATE ANY ENTRIES SPECIFIED IN THIS PARAGRAPH 9 UNTIL COMMERCE HAS SENT THE REQUISITE LIQUIDATION INSTRUCTION THROUGH THE ACE SYSTEM.

12. SECTION IV.M: AFTER FEBRUARY 1, 2008, RUSSIAN HEU IN EXISTENCE AT THE TIME OF THE SIGNING OF THE ORIGINAL SUSPENSION AGREEMENT AND/OR LOW-ENRICHED URANIUM (LEU) PRODUCED IN RUSSIA FROM THIS HEU MAY CONTINUE TO BE IMPORTED UNDER SECTION IV.M OF THE SUSPENSION AGREEMENT, WITHOUT BEING SUBJECT TO THE EXPORT LIMITS IN SECTION IV.B.1.

13. ALL PROVISIONS: EXPORT LICENSES SHALL BE ISSUED, AND EXPORT CERTIFICATES SHALL BE ENDORSED BY THE COMPETENT RUSSIAN GOVERNMENT AUTHORITY, FOR ALL DIRECT AND INDIRECT EXPORTS OF RUSSIAN URANIUM PRODUCTS TO THE UNITED STATES. SUCH EXPORT CERTIFICATES SHALL REMAIN VALID FOR ENTRY INTO THE UNITED STATES FOR 120 DAYS FROM THE DATE OF EXPORT AND WILL SPECIFY THE RELEVANT PROVISION OF THE AMENDED SUSPENSION AGREEMENT UNDER WHICH THE RUSSIAN URANIUM PRODUCTS ARE BEING EXPORTED.

14. IN ADDITION TO THE REQUIREMENTS OF THE AMENDED SUSPENSION AGREEMENT, THE FOLLOWING EXISTING REQUIREMENTS FOR URANIUM ENTRIES ARE STILL IN EFFECT.

15. URANIUM ENTRIES OF ANY COUNTRY OF ORIGIN: CUSTOMS SHALL REQUIRE ALL IMPORTERS OF URANIUM PRODUCTS INTO THE UNITED STATES, REGARDLESS OF STATED COUNTRY OF ORIGIN, TO SUBMIT AT THE TIME OF ENTRY WRITTEN STATEMENTS CERTIFYING THE FOLLOWING:

1. THE COUNTRY(IES) IN WHICH THE ORE WAS MINED AND, IF APPLICABLE, CONVERTED, ENRICHED, AND/OR FABRICATED, FOR ALL IMPORTS; AND
2. THAT THE URANIUM PRODUCTS BEING IMPORTED WERE NOT OBTAINED UNDER ANY ARRANGEMENT, SWAP, EXCHANGE, OR OTHER TRANSACTION DESIGNED TO CIRCUMVENT THE EXPORT LIMITS ESTABLISHED BY THE AGREEMENT, OR THE LIMITATIONS SET FORTH IN 43 U.S.C. 2297H-10(B) OF THE USEC PRIVATIZATION ACT, 42 U.S.C. 2297H, ET SEQ., AND THE PROCEDURES FOR DELIVERY OF HEU NATURAL URANIUM COMPONENT IN THE UNITED STATES, AS REVISED. PROCEDURES FOR DELIVERY OF HEU NATURAL URANIUM COMPONENT IN THE UNITED STATES, 64 FED. REG. 42930 (AUGUST 6, 1999).

16. FOR PURPOSES OF COMMERCE'S ANTI-CIRCUMVENTION MONITORING UNDER SECTION VII OF THE AMENDED AGREEMENT, CUSTOMS IS INSTRUCTED TO FORWARD ENTRY SUMMARIES AND OTHER RELEVANT SHIPMENT DOCUMENTATION AND CERTIFICATIONS FOR ALL ENTRIES OF URANIUM PRODUCTS OF ANY COUNTRY OF ORIGIN TO:

U.S. DEPARTMENT OF COMMERCE
14TH ST. AND CONSTITUTION AVE. N.W.
WASHINGTON, D.C. 20230
ATTN: BILATERAL AGREEMENTS UNIT/OP,
IMPORT ADMINISTRATION/ITA, ROOM 4083

17. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTHAM AT THE 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 IA/OP/BAU:SCG/MP).

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

MICHAEL B. WALSH

Company Details

*Party Indicator Value:

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