

MESSAGE NO: 3323304 MESSAGE DATE: 11/19/2013
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: OTH-Other PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: 78 FR 66898 FR CITE DATE: 11/07/2013

REFERENCE MESSAGE #
(s): 2051201, 2095301

CASE #(s): A-427-818

EFFECTIVE DATE: 10/31/2013 COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: Final results of changed circumstances review – Low Enriched Uranium from France (A-427-818)

1. On 11/07/2013, Commerce published in the Federal Register (78 FR 66898) its final results in the changed circumstances review of the antidumping duty order on low enriched uranium (LEU) from France (A-427-818).

2. In the final results of the changed circumstances review, Commerce extended until 11/01/2015, the deadline for re-exportation of a single shipment of LEU under entry number W96-3576942-0 (this entry number was made public to Commerce in an importer submission to Commerce), that entered the United States under the provisions of an exclusion to the scope of the order.

3. This LEU shipment is excluded from the scope of the antidumping order on LEU from France if it is owned by a foreign utility end-user and imported into the United States solely for the purpose of conversion or fabrication into fuel assemblies (i.e., fuel rods), so long as such fuel assemblies (1) remain in the possession and control of the U.S. fabricator, the foreign end-user, or their designated transporter while in U.S. customs territory, and (2) are exported within 18-months of entry of the LEU, for consumption by the end-user in a nuclear reactor outside the United States. These conditions must be certified by the importer and end-user; provision of the appropriate certification at the time of entry permits customs to exclude the entry from the application of the antidumping order (see message number 2051201, dated 02/20/2002, paragraph 2).

4. This single LEU entry number W96-3576942-0 met the scope exclusion requirements referenced in paragraph 3 above when it entered on 11/01/2010. The importer and the end-user provided certifications for this entry, which then permitted customs to exclude the entry from the application of the antidumping order.

5. The date for re-exportation of this entry of LEU was previously extended until November 1, 2013 (see message number 2095301, dated 04/04/2012).

6. In the final results of the changed circumstances review, Commerce determined that it is appropriate to extend the time for re-exportation, for this entry only, until 11/01/2015. Accordingly,

for entry number W96-3576942-0 of LEU from France, entry date 11/01/2010, the deadline for re-exportation is now extended until 11/01/2015.

7. Customs shall require an amended certification from the importer as follows:

We, the undersigned importer, hereby amend our importer certification, dated April 23, 2012, as follows:

a) the enriched uranium hexafluoride entered under entry no. W963576942-0, entry date November 1, 2010, was and continues to be imported by us for purposes of conversion by Areva NP Inc. into uranium dioxide and/or fabrication by Areva NP Inc. 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), 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 Areva NP Inc. for consumption by Chubu Electric Power Company, Inc. 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 of such an amount), and with the same country of origin, will be exported to Chubu Electric Power Company, Inc., Nagoya, Japan by Areva NP Inc. from the United States by November 1, 2015.

d) if by November 1, 2015 Chubu Electric Power Company is unable to take delivery of 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 of such an amount), and with the same country of origin, will be exported by Areva NP Inc. to France.

e) the enriched uranium hexafluoride under entry no. W96-3576942-0 was, and continues to be, 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.

8. Customs shall require an amended certification from the end-user as follows:

We, the undersigned end user, hereby amend our end user certification, dated April 12, 2013 to
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certify as follows:

a) the enriched uranium hexafluoride entered under entry no. W96-3576942-0, entry date November 1, 2010, was and continues to be imported on our behalf by Areva NP Inc. For purposes of conversion by Areva NP Inc. into uranium dioxide and/or fabrication by Areva NP Inc. 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 Areva NP Inc., or its 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 Areva NP Inc. 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 of such an amount), and with the same country of origin, will be exported to us by Areva NP Inc. from the United States by November 1, 2015..

d) if by November 1, 2015 we are unable to take delivery of 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 of such an amount), and with the same country of origin, will be exported by Areva NP Inc. to France.

e) the enriched uranium hexafluoride under entry no. W96-3576942-0 was, and continues to be 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.

9. The amended certifications referenced in paragraphs 7 and 8 above must be filed by 12/09/2013.

10. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce at (202) 482-0984. CBP ports should submit their inquiries through authorized CBP channels only. (This message was generated by O7:AH.)

11. There are no restrictions on the release of this information.

Michael B. Walsh

Company Details

*Party Indicator Value:

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