

MESSAGE NO: 9189201 MESSAGE DATE: 07/08/2009
MESSAGE STATUS: Active CATEGORY: Countervailing
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 7165202
MESSAGE #
(s):

CASE #(s): C-427-819

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 07/13/2001 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: REVOCATION OF COUNTERVAILING DUTY ON LOW ENRICHED URANIUM FROM FRANCE (C-427-819). ALL INJUNCTIONS DISSOLVED

MESSAGE NO: 9189201

DATE: 07 08 2009

CATEGORY: CVD

TYPE: LIQ

REFERENCE: 7165202

REFERENCE DATE: 06 14 2007

CASES: C - 427 - 819

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PERIOD COVERED: 07 13 2001 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: REVOCATION OF COUNTERVAILING DUTY ON LOW ENRICHED URANIUM FROM FRANCE (C-427-819). ALL INJUNCTIONS DISSOLVED

THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

1. THESE INSTRUCTIONS PROVIDE NOTICE OF THE DISSOLUTION OF ALL INJUNCTIONS COVERING ENTRIES OF LOW ENRICHED URANIUM (LEU) FROM FRANCE (C-427-819) FOR PERIOD ON OR AFTER 07/13/2001.

2. THE DEPARTMENT OF COMMERCE (THE DEPARTMENT) REVOKED THE COUNTERVAILING DUTY (CVD) ORDER FOR ALL ENTRIES OF LEU FROM

FRANCE EFFECTIVE 05/14/2001 AND PUBLISHED THE REVOCATION IN THE FEDERAL REGISTER ON 05/25/2007 (72 FR 29301).

3. BY MESSAGE NO. 7165202, DATED 06/14/2007, THE DEPARTMENT NOTIFIED CUSTOMS AND BORDER PROTECTION (CBP) THAT EFFECTIVE 05/14/2001, THE DEPARTMENT AMENDED ITS FINAL DETERMINATION AND REVOKED THE CVD ORDER ON LEU FROM FRANCE. MESSAGE 7165202 ALSO NOTED THAT INJUNCTIONS ENJOINING LIQUIDATION OF ENTRIES SUBJECT TO THE CVD ORDER ON LEU FROM FRANCE COVERED BY MESSAGES 3308211 (11/04/2003), 4315202 (11/10/2004), AND 5299203 (10/26/2005), REMAIN IN PLACE.

4. BY MESSAGE NO. 7213206, DATED 08/01/2007, THE DEPARTMENT INSTRUCTED CBP TO LIQUIDATE WITHOUT REGARD TO COUNTERVAILING DUTIES ALL ENTRIES OF LEU FROM FRANCE THAT WERE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER 05/14/2001 THROUGH 07/12/2001.

IN THAT SAME MESSAGE, THE DEPARTMENT NOTED THAT AS A RESULT OF THE FINAL AND CONCLUSIVE DECISION BY THE COURT IN THE CASE OF EURODIF S.A., COMPAGNIE GENERALE DES MATIERES NUCLEAIRES, AND COGEME INC., ET. AL., V. UNITED STATES (COURT NO. 02-00221), THE INJUNCTION TO WHICH MESSAGE 3308211 (DATED 11/10/2004) REFERRED DISSOLVED.

FURTHER THE DEPARTMENT NOTED THAT CERTAIN INJUNCTIONS ENJOINING LIQUIDATION OF ENTRIES SUBJECT TO THE CVD ORDER ON LEU FROM FRANCE THAT WERE ENRICHED AND/OR EXPORTED BY EURODIF S.A., COMPAGNIE GENERALE DES MATIERES NUCLEAIRES, AND COGEMA INC. STILL REMAINED IN PLACE, I.E., MESSAGE NO. 4315202, DATED 11/10/2004, COVERING ENTRIES FOR THE PERIODS ON OR AFTER 05/14/2001 THROUGH 09/11/2001, AND 02/13/2002 THROUGH 12/31/2002; AND MESSAGE NO. 5299203, DATED 10/26/2005, COVERING ENTRIES FOR THE PERIOD ON OR AFTER 01/01/2003 THROUGH 12/31/2003.

5. ON 05/26/2009, THE UNITED STATES COURT OF INTERNATIONAL

TRADE ENTERED AN ORDER OF DISMISSAL FOR ALL APPEALS INVOLVING THREE ADMINISTRATIVE REVIEWS OF THE CVD ORDER IMPOSED ON IMPORTS OF LEU FROM FRANCE (COURT NO. 06-00284, COURT NO. 05-00456, AND CONSOL. COURT NO. 04-00392). THUS THE INJUNCTIONS COVERED BY MESSAGE NO. 4315202 AND MESSAGE NO. 5299203 ARE NOW DISSOLVED.

6. THERE WAS ALSO AN ANTIDUMPING DUTY (AD) ORDER ON LEU FROM FRANCE (A-427-818). THE AD CASE WHICH INVOLVED LITIGATION COVERING THE SAME ENTRIES HAS ALSO BEEN DISMISSED. SEPARATE LIQUIDATION INSTRUCTIONS WILL BE ISSUED PERTAINING TO THE AD CASE.

7. ACCORDINGLY, CBP IS DIRECTED TO TERMINATE THE SUSPENSION OF LIQUIDATION FOR ALL SHIPMENTS OF LEU ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER 07/13/2001. ALL ENTRIES OF THE SUBJECT PRODUCT FOR WHICH LIQUIDATION WAS SUSPENDED ON OR AFTER 07/13/2001 SHOULD BE LIQUIDATED WITHOUT REGARD TO COUNTERVAILING DUTIES (I.E., RELEASE ALL BONDS AND REFUND ALL CASH DEPOSITS).

8. THE ASSESSMENT OF COUNTERVAILING DUTIES BY 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 DATE OF PAYMENT OF 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 OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASIMI OR RON TRENTAM AT OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION , U.S . DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-6230 RESPECTIVELY (GENERATED BY O3:KJ).

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

CHRISTINE M. FURGASON

Company Details

*Party Indicator Value:

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