

MESSAGE NO: 2011203 MESSAGE DATE: 01/11/2002  
MESSAGE STATUS: Active CATEGORY: Antidumping  
TYPE: FNO-Final Det w/Order PUBLIC  NON-PUBLIC   
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE  
MESSAGE #  
(s):

CASE #(s): A-427-818

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 12/21/2001 TO 01/09/2002

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: FINAL DETERMINATION IN THE ANTIDUMPING INVESTIGATION OF LOW ENRICHED URANIUM FROM FRANCE (A-427-818)

MESSAGE NO: 2011203 DATE: 01 11 2002

CATEGORY: ADA TYPE: FNO

REFERENCE: REFERENCE DATE:

CASES: A - 427 - 818 - -

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PERIOD COVERED: 12 21 2001 TO 01 09 2002

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS  
PORT DIRECTORS

FROM: DIRECTOR, TRADE ENFORCEMENT & CONTROL

RE: FINAL DETERMINATION IN THE ANTIDUMPING INVESTIGATION OF  
LOW ENRICHED URANIUM FROM FRANCE (A-427-818)

1. ON DECEMBER 21, 2001, THE DEPARTMENT OF COMMERCE PUBLISHED IN THE FEDERAL REGISTER ITS FINAL DETERMINATION OF SALES AT LESS THAN FAIR VALUE IN THE ANTIDUMPING DUTY INVESTIGATION OF LOW ENRICHED URANIUM FROM FRANCE (66 FR 65877).

2. SCOPE OF THE INVESTIGATION

THE SCOPE OF THIS INVESTIGATION 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 INVESTIGATION. SPECIFICALLY, THIS INVESTIGATION 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 INVESTIGATION. FOR PURPOSES OF THIS INVESTIGATION, 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 INVESTIGATION.

ALSO EXCLUDED FROM THESE INVESTIGATIONS 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 DESIGNED 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.

THE MERCHANDISE SUBJECT TO THIS INVESTIGATION 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. FOR FURTHER REPORTING PURPOSES, THIS CASE HAS BEEN ASSIGNED INVESTIGATION NUMBER A-427-818.

4. FOR IMPORTS OF LOW ENRICHED URANIUM FROM FRANCE, THE CUSTOMS SERVICE SHALL CONTINUE TO SUSPEND LIQUIDATION OF SHIPMENTS THAT ARE ENTERED OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR

AFTER JULY 13, 2001, THE DATE OF PUBLICATION OF THE PRELIMINARY DETERMINATION IN THE FEDERAL REGISTER. EFFECTIVE ON DECEMBER 21, 2001, THE DATE OF PUBLICATION OF THE FINAL DETERMINATION IN THE FEDERAL REGISTER, AND ENDING ON JANUARY 9, 2002, CUSTOMS SHALL REQUIRE A CASH DEPOSIT OR OTHER SECURITY EQUAL TO THE MARGINS SHOWN BELOW:

MFR/PRODUCER EXPORTER	CUSTOMS ID NUMBER	MARGIN PERCENTAGE
COMPAGNIE GENERALE DES MATIERES NUCLEAIRES	A-427-818-001	19.57
ALL OTHERS	A-427-818-000	19.57

THE SUSPENSION OF LIQUIDATION SHALL BE DISCONTINUED ON ALL SHIPMENTS OF SUBJECT MERCHANDISE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER JANUARY 9, 2002. THE SUSPENSION OF LIQUIDATION WILL NOT BE RESUMED UNLESS AND UNTIL THE DEPARTMENT OF COMMERCE PUBLISHES AN ANTIDUMPING ORDER IN THIS INVESTIGATION.

5. ENTRY SUMMARIES COVERING MERCHANDISE TO BE EXCLUDED FROM THE SCOPE OF THIS INVESTIGATION - AS DESCRIBED IN PARAGRAPH TWO, ABOVE - MUST BE ACCOMPANIED BY A CERTIFICATION FROM THE IMPORTER AND A CERTIFICATE FROM THE END USER, EACH OF WHICH ATTESTS TO THE FOLLOWING:

A. THE MERCHANDISE IS OWNED BY A FOREIGN UTILITY END-USER AND

IMPORTED INTO THE UNITED STATES BY OR FOR SUCH END-USER;

B. THAT THE MERCHANDISE WAS IMPORTED 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;

C. THAT THE PROCESSED MATERIAL (1) REMAIN IN THE POSSESSION OR CONTROL OF THE U.S. FABRICATOR, THE FOREIGN END-USER, OR THEIR DESIGNATED TRANSPORTER(S) WHILE IN U.S. CUSTOMS TERRITORY;

D. THAT THE PROCESSED MATERIAL (2) BE 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.

AFTER EXAMINING THIS CERTIFICATION FOR CONSISTENCY WITH THE ENTRY SUMMARY, THE CUSTOMS SERVICE WILL FORWARD THE CERTIFICATIONS TO THE DEPARTMENT.

6. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT, VIA E-MAIL, THROUGH THE APPROPRIATE SUPERVISORY CHANNELS, IMPORT OPERATIONS, ANTIDUMPING/COUNTERVAILING DUTY, USING ATTRIBUTE "HQ OAB". THE IMPORTING PUBLIC AND OTHER INTERESTED PARTIES SHOULD CONTACT VICTORIA SCHEPKER AT (202)482-1756 OR EDWARD EASTON AT (202)482-3003, OFFICE OF ANTIDUMPING DUTY ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE.

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

PAUL SCHWARTZ

## Company Details

\*Party Indicator Value:

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