

MESSAGE NO: 2022201 MESSAGE DATE: 01/22/2002
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TYPE: TER-Termination Notice PUBLIC NON-PUBLIC
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REFERENCE
MESSAGE #
(s):

CASE #(s): A-412-820, A-421-808, A-428-828

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 12/21/2001 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: FINAL DETERMINATIONS IN THE ANTIDUMPING INVESTIGATIONS OF LOW ENRICHED URANIUM FROM THE UK, GERMANY, AND THE NETHERLANDS (A-412-820,A-428-828, A-421-808)

MESSAGE NO: 2022201	DATE: 01 22 2002
CATEGORY: ADA	TYPE: TER
REFERENCE:	REFERENCE DATE:
CASES: A - 412 - 820	A - 428 - 828
A - 421 - 808	- -
- -	- -

PERIOD COVERED: 12 21 2001 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, TRADE ENFORCEMENT & CONTROL

RE: FINAL DETERMINATIONS IN THE ANTIDUMPING INVESTIGATIONS OF LOW ENRICHED URANIUM FROM THE UK, GERMANY, AND THE NETHERLANDS (A-412-820,A-428-828, A-421-808)

1. ON DECEMBER 21, 2001, THE DEPARTMENT OF COMMERCE PUBLISHED IN THE FEDERAL REGISTER ITS FINAL DETERMINATIONS OF SALES AT NOT LESS THAN FAIR VALUE IN THE DUTY INVESTIGATIONS OF LOW ENRICHED URANIUM FROM THE UNITED KINGDOM, GERMANY AND THE NETHERLANDS.

2. AMENDED SCOPE OF INVESTIGATION

FOR PURPOSES OF THESE INVESTIGATIONS, THE PRODUCT COVERED IS ALL 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-BLENDING OF HIGHLY ENRICHED URANIUM).

CERTAIN MERCHANDISE IS OUTSIDE THE SCOPE OF THESE INVESTIGATIONS. SPECIFICALLY, THESE INVESTIGATIONS DO 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 THESE INVESTIGATIONS. FOR PURPOSES OF THESE INVESTIGATIONS, FABRICATED URANIUM IS DEFINED AS ENRICHED URANIUM DIOXIDE (UO₂), WHETHER OR NOT CONTAINED IN NUCLEAR FUEL RODS OR ASSEMBLIES. NATURAL URANIUM CONCENTRATES (U₃O₈) 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 THESE INVESTIGATIONS.

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 (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 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. SUCH ENTRIES MUST BE ACCOMPANIED BY THE CERTIFICATIONS OF THE IMPORTER AND END-USER.

THE MERCHANDISE SUBJECT TO THESE INVESTIGATIONS 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 THESE CASES HAVE BEEN ASSIGNED THE FOLLOWING INVESTIGATION NUMBERS:

COUNTRY	CASE NUMBER
UNITED KINGDOM	A-412-820
THE NETHERLANDS	A-421-808
GERMANY	A-428-828

4. THE DEPARTMENT OF COMMERCE FOUND THAT NO FINAL DUMPING MARGIN EXISTS WITH RESPECT TO LOW ENRICHED URANIUM FROM THE NETHERLANDS AND GERMANY (AS IT DID IN THE NEGATIVE PRELIMINARY DETERMINATIONS) AND THAT A DE MINIMIS DUMPING MARGIN EXISTS WITH RESPECT TO LOW ENRICHED URANIUM FROM THE UNITED KINGDOM. THESE INVESTIGATIONS ARE NOW TERMINATED. ACCORDINGLY, CUSTOMS IS DIRECTED TO TERMINATE THE SUSPENSION OF LIQUIDATION FOR SHIPMENTS OF LOW ENRICHED URANIUM FROM THE UNITED KINGDOM ENTERED,

OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER DECEMBER 21, 2001, AND TO RELEASE ANY BOND OR OTHER SECURITY, AND REFUND ANY CASH DEPOSIT FOR DUMPING DUTIES. THERE IS NO NEED TO TERMINATE SUSPENSION OF LIQUIDATION FROM GERMANY AND THE NETHERLANDS BECAUSE WE NEVER SUSPENDED LIQUIDATION (NEGATIVE PRELIMINARY DETERMINATIONS). INTEREST PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930 DO NOT APPLY.

5. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT VIA E-MAIL, THROUGH THE APPROPRIATE SUPERVISORY CHANNELS, OTHER GOVERNMENT AGENCY LIAISON, USING THE ATTRIBUTE "HQ OAB." THE IMPORTING PUBLIC AND OTHER INTERESTED PARTIES SHOULD CONTACT FRANK THOMSON, OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-4793.

6. 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