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REFERENCE
MESSAGE #
(s):

CASE #(s): C-427-819

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 02/13/2002 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: COUNTERVAILING DUTY ORDER IN THE INVESTIGATION OF LOW ENRICHED URANIUM FROM FRANCE (C-427-819)

MESSAGE NO: 2066204 DATE: 03 07 2002

CATEGORY: CVD TYPE: ORD

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CASES: C - 427 - 819 - -

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PERIOD COVERED: 02 13 2002 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, TRADE ENFORCEMENT & CONTROL

RE: COUNTERVAILING DUTY ORDER IN THE INVESTIGATION OF LOW ENRICHED URANIUM FROM FRANCE (C-427-819)

1. ON FEBRUARY 13, 2002, THE DEPARTMENT OF COMMERCE PUBLISHED IN THE FEDERAL REGISTER ITS COUNTERVAILING DUTY ORDER AND AMENDED FINAL DETERMINATION, IN THE INVESTIGATION OF LOW ENRICHED URANIUM FROM FRANCE.

2. THE SCOPE OF THIS ORDER 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 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 THIS ORDER. SPECIFICALLY, THIS ORDER DOES 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 THIS ORDER. FOR PURPOSES OF THIS ORDER, 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 THIS ORDER.

ALSO EXCLUDED FROM THIS ORDER 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 DESIGNATED 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 (SEE PARAGRAPHS 5 AND 6 BELOW).

THE MERCHANDISE SUBJECT TO THIS ORDER 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 C-427-819.

4. FOR IMPORTS OF LOW ENRICHED URANIUM FROM FRANCE, THE CUSTOMS SERVICE SHALL SUSPEND LIQUIDATION OF SUCH SHIPMENTS ENTERED OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER FEBRUARY 13, 2002. EFFECTIVE FEBRUARY 13, 2002 CUSTOMS SHALL REQUIRE A CASH DEPOSIT EQUAL TO THE SUBSIDY RATES SHOWN BELOW:

MFR/PRODUCER EXPORTER	CUSTOMS ID NUMBER	AD VALOREM SUBSIDY RATE
EURODIF S.A.	C-427-819-001	12.15 PERCENT
ALL OTHERS	C-427-819-000	12.15 PERCENT

5. ENTRY SUMMARIES COVERING MERCHANDISE TO BE EXCLUDED FROM THE SCOPE OF THIS ORDER - LEU OWNED BY A FOREIGN UTILITY END-USER AS DESCRIBED IN PARAGRAPH 2, ABOVE - MUST BE ACCOMPANIED BY A CERTIFICATION FROM THE IMPORTER AS FOLLOWS:

WE, THE UNDERSIGNED IMPORTER, HEREBY CERTIFY AS FOLLOWS:

A) THE ACCOMPANYING ENTRY OF ENRICHED URANIUM HEXAFLUORIDE IS IMPORTED BY US FOR PURPOSES OF CONVERSION BY {INSERT NAME OF FABRICATOR} INTO URANIUM DIOXIDE AND/OR FABRICATION BY {INSERT NAME OF FABRICATOR} 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), OR IN THE POSSESSION AND CONTROL OF {INSERT NAME OF FABRICATOR} OR THEIR 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 {INSERT NAME OF FABRICATOR} FOR CONSUMPTION BY {INSERT NAME OF END-USER} 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), AND WITH THE SAME COUNTRY OF ORIGIN, WILL BE EXPORTED TO {INSERT NAME OF END-USER} BY {INSERT NAME OF FABRICATOR} FROM THE UNITED STATES WITHIN EIGHTEEN (18) MONTHS OF THE DATE OF THIS ENTRY.

D) THE ACCOMPANYING ENTRY IS BEING 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.

6. ENTRY SUMMARIES COVERING MERCHANDISE TO BE EXCLUDED FROM THE SCOPE OF THIS ORDER - LEU OWNED BY A FOREIGN UTILITY END-USER AS DESCRIBED IN PARAGRAPH 2, ABOVE - MUST ALSO BE ACCOMPANIED BY A CERTIFICATION FROM THE END-USER AS FOLLOWS:

WE, THE UNDERSIGNED END-USER, HEREBY CERTIFY AS FOLLOWS:

A) THE ACCOMPANYING ENTRY OF ENRICHED URANIUM HEXAFLUORIDE IS IMPORTED ON OUR BEHALF BY (INSERT NAME OF IMPORTER) FOR PURPOSES OF CONVERSION BY {INSERT NAME OF FABRICATOR} INTO URANIUM DIOXIDE AND/OR FABRICATION BY {INSERT NAME OF FABRICATOR} 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 {INSERT NAME OF IMPORTER}, {INSERT

NAME OF FABRICATOR IF DIFFERENT FROM IMPORTER} OR ITS/THEIR 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 {INSERT NAME OF FABRICATOR} 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), AND WITH THE SAME COUNTRY OF ORIGIN, WILL BE EXPORTED TO US BY {INSERT NAME OF FABRICATOR} FROM THE UNITED STATES WITHIN EIGHTEEN (18) MONTHS OF THE DATE OF THIS ENTRY.

D) THE ACCOMPANYING ENTRY IS BEING 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.

7. UPON PROVISION OF THE CERTIFICATIONS DESCRIBED IN PARAGRAPHS 5 AND 6 ABOVE, CUSTOMS IS DIRECTED TO TERMINATE THE SUSPENSION OF LIQUIDATION FOR SHIPMENTS OF MERCHANDISE TO BE EXCLUDED FROM THE ORDER - LEU OWNED BY A FOREIGN UTILITY END-USER AS DESCRIBED IN PARAGRAPH 2, ABOVE, ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER FEBRUARY 13, 2002, AND TO RELEASE ANY BOND OR OTHER SECURITY, AND REFUND ANY CASH DEPOSIT. INTEREST PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930 DO NOT APPLY.

8. 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 ERIC GREYNOLDS, OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL

TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202)
482-2786.

9. 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