



A-427-818  
Changed Circumstances Review  
Public Document  
Office VII: AH

**MEMORANDUM TO:** Paul Piquado  
Assistant Secretary  
for Enforcement and Compliance

**FROM:** Christian Marsh   
Deputy Assistant Secretary  
for Antidumping and Countervailing Duty Operations

**SUBJECT:** Decision Memorandum for Final Results of Changed  
Circumstances Review of Low Enriched Uranium from France

#### SUMMARY

We have analyzed the comments of the interested parties in the changed circumstances review (CCR) of low enriched uranium (LEU) from France. As a result we have made changes to the determination found in the Preliminary Results.<sup>1</sup> We recommend that you approve the positions described in the “Discussion of the Issues” section of this memorandum.

#### BACKGROUND

In accordance with 19 CFR 351.309(c)(ii), the Department of Commerce (the Department) invited parties to comment on our Preliminary Results. Eurodif S.A. and AREVA NP Inc. (collectively, AREVA) submitted comments on September 11, 2013. No other party submitted comments and no rebuttal comments were filed.

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<sup>1</sup> See Low Enriched Uranium from France: Initiation of Expedited Changed Circumstances Review, and Preliminary Results of Changed Circumstances Review, 78 FR 52905 (August 27, 2013) (Preliminary Results).



## DISCUSSION OF THE ISSUES

### Allowing Further Extension of the Re-Export Deadline or Re-Export to France

#### *AREVA's comments:*

- It would be inappropriate to penalize AREVA if the Japanese end-user is unable to take delivery of the subject merchandise by the end of the extended deadline. The remediation efforts required as a result of the Fukushima disaster, which have prevented the Japanese end-user from taking delivery, are time consuming and complicated.
- The entry of LEU from France has not entered the general commerce of the United States and has not displaced any U.S. sale of LEU.
- Determining the applicable rate of duty would require substantial effort, time and expense of the parties and the Department.
- The Department's final CCR results should extend the re-exportation deadline to November 1, 2015, but not make that an absolute deadline.
- If the Department does make this an absolute deadline, it should allow AREVA to re-export the entry to France without the imposition of antidumping duties.

#### **Department's Position:**

The Department disagrees with AREVA that the November 1, 2015 deadline for re-export should not be final. The Department notes that the deadline for re-export of the merchandise in question has already been extended,<sup>2</sup> and determines that this deadline should not be extended indefinitely. The Department determined during the investigation, after reviewing comments submitted by interested parties, that it was necessary to establish a deadline for the re-export of uranium imported for conversion to uranium oxide or fuel rods. To allow the deadline to be extended indefinitely would mean, essentially, ignoring this aspect of the scope. Therefore the Department determines that the November 1, 2015 deadline for re-export is final. The Department agrees with AREVA that it should be allowed to re-export the merchandise in question to France, without the imposition of antidumping duties, if the Japanese end-user is unable to take delivery by November 1, 2015.

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<sup>2</sup> See Low Enriched Uranium from France: Final Results of Antidumping Duty Changed Circumstances Review, 77 FR 19642 (April 2, 2012).

**RECOMMENDATION**

We recommend adopting the above positions. If these recommendations are accepted, we will publish the final results of this CCR in the Federal Register.

Agree ✓      Disagree \_\_\_\_\_

  
Paul Piquado  
Assistant Secretary  
for Enforcement and Compliance

31 OCTOBER 2013  
Date