



A-427-818

Changed Circumstances Review

~~Business Proprietary Document~~

Office VII: AH

*Public  
Version*

**DATE:** September 25, 2014

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

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

**SUBJECT:** Preliminary Results of Changed Circumstances Review of Low Enriched Uranium from France; Analysis of Business Proprietary Information

## SUMMARY

The Department of Commerce (the Department) is conducting a changed circumstances review (CCR) of the antidumping duty (AD) order on low-enriched uranium (LEU) from France.<sup>1</sup> The CCR covers one interested party, Global Nuclear Fuel – Americas (GNF-A), an importer of LEU from France. We preliminarily determine that changed circumstances exist which have affected the ability of GNF-A to manage its inventory of LEU and comply with the re-export provision of the scope of the order. Furthermore, we preliminarily determine that these changed circumstances warrant: 1) granting GNF-A permission to make certain entries of LEU from France under the provision in the scope that excludes LEU from the AD order when it enters solely for purposes of fabrication into fuel rods and re-exportation to a third country customer; and 2) determining that certain entries of LEU by GNF-A have satisfied the conditions for exclusion from the AD order. We recommend that you approve the positions described in the “Discussion of the Issues” section of this memorandum.

## BACKGROUND

On January 31, 2014, GNF-A submitted a request for a CCR claiming that earthquakes and other external events have led to changed circumstances which were not present at the time of the order. GNF-A contends that these changed circumstances have affected GNF-A’s ability to manage its imports and re-exports to maintain compliance with the AD order, and delayed the re-export of subject merchandise. GNF-A requested that the Department conduct this CCR on an

<sup>1</sup> See Low Enriched Uranium from France: Initiation of Changed Circumstances Review, 79 FR 7426 (February 7, 2014) (Initiation of CCR).



expedited basis.<sup>2</sup> On February 7, 2014 the Department initiated the CCR on a non-expedited basis.<sup>3</sup> The Department issued a questionnaire to GNF on July 11, 2014, and a revision to the original questionnaire in a letter dated July 29, 2014. GNF submitted timely responses on August 1, 2014 and August 15, 2014.

## DISCUSSION OF THE ISSUES

### **Issue 1:** [ ]

GNF-A reported that after the March 2011 Tohoku Earthquake, it sought to avoid having entries of LEU in the United States that it anticipated being unable to re-export within the 18- month deadline that is a condition for exclusion from the AD order. As a result, GNF-A [ ] of LEU from France. For its Japanese customers who had already [ ]

[ ] GNF-A is now requesting that the Department clarify that such [ ] are consistent with the exclusion provision in the scope of the AD order such that the Department can authorize the [ ] GNF-A proposes new importer and end-user certifications to allow for [ ].

### **Department Position:**

The Department preliminarily finds that GNF-A's [ ] resulted from the aftermath of the Tohoku Earthquake, and that permitting the requested imports subject to the exclusion provision in the scope of the order does not undermine or contravene the AD order. Thus, we preliminarily determine that it is appropriate to authorize imports of LEU from France under the exclusion provision in the scope of the order for purposes of [ ] for its third-country customer. Accordingly, the Department will adopt new certifications to allow for such [ ].

### **Issue 2:** [ ]

An [ ] conducted by GNF-A revealed instances where earthquakes and other external events [ ]

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<sup>2</sup> See letter from GNF-A, "Low Enriched Uranium from France: Request for Changed Circumstances Review," dated January 31, 2014.

<sup>3</sup> See Initiation of CCR, 79 FR at 7427.

Consistent with the Departments previous CCRs of the AD order on LEU from France, GNF-A<sup>4</sup> asks the Department to find that, although these entries [ ], this was due to changed circumstances, and the entries [ ], and thus they satisfied the conditions for exclusion from the order. GNF-A asks the Department to provide appropriate communication to U.S. Customs and Border Protection regarding these entries.

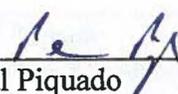
**Department Position:**

Documentation provided by GNF-A (cite to response) establishes that that the entries identified by GNF-A were [ ] and thus the entries have satisfied the conditions for exclusion from the order.

**RECOMMENDATION**

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

Agree  Disagree

  
\_\_\_\_\_  
Paul Piquado  
Assistant Secretary  
for Enforcement and Compliance

25 September 2014  
Date

<sup>4</sup> See Low Enriched Uranium from France: Final Results of Antidumping Duty Changed Circumstances Review, 77 FR 19642 (April 2, 2012) and Final Results of Changed Circumstances Review: Low Enriched Uranium from France, 78 FR 66898 (November 7, 2013).