



**GENERAL INFORMATION, INSTRUCTIONS, AND
DEFINITIONS FOR COMMISSION PRODUCER,
IMPORTER, AND PURCHASER QUESTIONNAIRES**

**LOW ENRICHED URANIUM from FRANCE
Investigation No. 731-TA-909 (Review)**

Further information.--If you have any questions concerning the enclosed questionnaire(s) or other matters related to this review, you may contact the following members of the Commission's staff (Fax 202-205-3205):

Nathanael Comly, investigator (202-205-3174; E-mail Nathanael.Comly@USITC.GOV) regarding general questions and trade and related information;

David Boyland, auditor (202-708-4725; E-mail David.Boyland@USITC.GOV) regarding financial information; and

Kelly Clark, economist (202-205-3166; E-mail Kelly.Clark@USITC.GOV) regarding pricing, market, and related information.

GENERAL INFORMATION, INSTRUCTIONS, AND DEFINITIONS

GENERAL INFORMATION

Background.--On February 13, 2002, the Department of Commerce issued an antidumping duty order on imports of low enriched uranium from France (67 F.R. 6680-6681). On January 2, 2007 the Commission instituted a review pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. § 1675(c)) (the Act) to determine whether revocation of the order would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time (72 F.R. 144). If the Commission makes an affirmative determination, the order will remain in place. If the Commission makes a negative determination, the Department of Commerce will revoke the order.

Additional questionnaires will be supplied promptly upon request, or photocopies of the enclosed questionnaire(s) may be used. Address all correspondence to the United States International Trade Commission, Washington, DC 20436. Hearing-impaired individuals can obtain information regarding this review via the Commission's TDD terminal (202-205-1810).

Due date of questionnaire(s).--Return the completed questionnaire(s) to the United States International Trade Commission by no later than **August 3, 2007**. Although the enclosed postpaid envelope may be used to return the completed questionnaire, use of an overnight mail service may be necessary to ensure that your response (in hard copy or on CD) actually reaches the Commission by **August 3, 2007**. If you do not use the enclosed envelope, please make sure the completed questionnaire is sent to the attention of Nathanael Comly. If submitting in CD format, please also submit a hard copy of the signed first page of the questionnaire response. **Return only one copy of the completed questionnaire(s), but please keep a copy for your records so that you can refer to it if the Commission staff contacts you with any questions during the course of the review.**

Service of questionnaire response(s).--In the event that your firm is a party to this review, you are required to serve a copy of the questionnaire(s), once completed, on parties to the proceeding that are subject to administrative protective order (see 19 CFR § 207.7). A list of such parties is maintained by the Commission's Secretary and may be obtained by calling 202-205-1803. A certificate of service must accompany the copy of the completed questionnaire(s) you submit (see 19 CFR § 207.7).

GENERAL INFORMATION, INSTRUCTIONS, AND DEFINITIONS--Continued

GENERAL INFORMATION--Continued

Confidentiality.--The commercial and financial data furnished in response to the enclosed questionnaire(s) that reveal the individual operations of your firm will be treated as confidential by the Commission to the extent that such data are not otherwise available to the public and will not be disclosed except as may be required by law (see 19 U.S.C. § 1677f). Such confidential information will not be published in a manner that will reveal the individual operations of your firm; however, nonnumerical characterizations of numerical business proprietary information (such as discussion of trends) will be treated as confidential business information only at the request of the submitter for good cause shown.

Verification.--**The information submitted in the enclosed questionnaire(s) is subject to audit and verification by the Commission. To facilitate possible verification of data, please keep all your workpapers and supporting documents used in the preparation of the questionnaire response(s).**

Release of information.--The information provided by your firm in response to the questionnaire(s), as well as any other business proprietary information submitted by your firm to the Commission in connection with the review, may become subject to, and released under, the administrative protective order provisions of the Tariff Act of 1930 (19 U.S.C. § 1677f) and section 207.7 of the Commission's Rules of Practice and Procedure (19 CFR § 207.7). This means that certain lawyers and other authorized individuals may temporarily be given access to the information for use in connection with this review or other import-injury investigations or reviews conducted by the Commission on the same or similar merchandise; those individuals would be subject to severe penalties if the information were divulged to unauthorized individuals.

GENERAL INFORMATION, INSTRUCTIONS, AND DEFINITIONS--Continued

INSTRUCTIONS

Answer all questions.--Do not leave any question or section blank unless a questionnaire expressly directs you to skip over certain questions or sections. If the answer to any question is "none," write "none." **If information is not readily available from your records in exactly the form requested, furnish carefully prepared estimates--designated as such by the letter "E"--and explain the basis of your estimates. FOR EXAMPLE, if you purchase SWU, you will know from your records information related to the quantity and value of the SWU purchased as well as the kilograms of U in the natural UF6 that you are required to give to the enricher, however you may have to make some assumptions to derive the approximate kg of enriched U delivered and other assumptions to derive an approximate value for the natural UF6 given to the enricher. LIKEWISE, if you purchase EUP, you will know from your records the value and the kilograms of U in the EUP purchased but you may have to make some assumptions as to the SWU component (both number of SWU and value of the SWU) and the value of the natural UF6 component. Estimates for the value of natural UF6 could be given based on published pricing information such as TradeTech and estimates for the quantities of LEU (whether in SWU or in kilograms of enriched U) could be based on whatever industry standard formula that you believe typical for a purchase at the product assay stated for the period during which the purchase was made.** Answers to questions and any necessary comments or explanations should be supplied in the space provided or on separate sheets attached to the appropriate page of the questionnaire(s). If your firm is completing more than one questionnaire in connection with this review (i.e., a producer, importer, purchaser, and/or foreign producer questionnaire), you need not respond to duplicated questions in the questionnaires.

Consolidate all U.S. establishments.--Report the requested data for your establishment(s) located in the United States. **Firms operating more than one establishment should combine the data for all establishments into a single report.**

GENERAL INFORMATION, INSTRUCTIONS, AND DEFINITIONS--Continued

DEFINITIONS

Low enriched uranium.— Low enriched uranium (“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 downblending of highly enriched uranium).

Certain merchandise is outside the scope of the antidumping duty order. Specifically, the 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 the order. For purposes of the 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 the 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 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.

LEU is covered by statistical reporting number 2844.20.0020 of the Harmonized Tariff Schedule of the United States (HTS). Subject merchandise may also enter under 2844.20.0030, 2844.20.0050, and 2844.40.00. Although the HTS numbers are provided for convenience and customs purposes, the written description of the merchandise is dispositive.

Enriched uranium product (EUP).--LEU that is sold or purchased where the customer does not provide any natural UF₆.

Assay.--Percent weight of U²³⁵ in LEU or tails.

Depleted uranium (tails).--Byproduct of the enrichment process with a U²³⁵ product assay of approximately 0.2 to 0.3 percent.

Firm.--An individual proprietorship, partnership, joint venture, association, corporation (including any subsidiary corporation), business trust, cooperative, trustee in bankruptcy, or receiver under decree of any court.

Related firm.--A firm that your firm solely or jointly owned, managed, or otherwise controlled; a firm that solely or jointly owned, managed, or otherwise controlled your firm; and/or a firm that

GENERAL INFORMATION, INSTRUCTIONS, AND DEFINITIONS--Continued

DEFINITIONS--Continued

was solely or jointly owned, managed, or otherwise controlled by a firm that also solely or jointly owned, managed, or otherwise controlled your firm.

Establishment.--Each facility of a firm in the United States involved in the production, importation, and/or purchase of LEU (as defined above), including auxiliary facilities operated in conjunction with (whether or not physically separate from) such facilities.

United States.--For purposes of this review, the 50 States, Puerto Rico, the U.S. Virgin Islands, and the District of Columbia.

Importer.--Any person or firm engaged, either directly or through a parent company or subsidiary, in importing LEU (as defined above) into the United States from a foreign manufacturer or through its selling agent.

Quantities.--For purposes of these investigations, quantities of UF₆ are collected in two ways:

Separative work units (SWUs).--SWUs are the units of effort required to enrich UF₆ in the U²³⁵ isotope. The effort required to enrich a given quantity of uranium to a product having a higher assay of U²³⁵ than the starting material, and a byproduct (tails) having a lower assay of U²³⁵ than the starting material.

Kg of enriched U.--The weight in kilograms of uranium in the enriched UF₆.

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DEFINITIONS--Continued

Imports--LEU identified for Customs purposes as imports for consumption for which your firm was the importer of record (i.e., was responsible for paying any import duty) or consignee (i.e., to which the merchandise was first delivered).

Import quantities--Quantities reported should be net of returns.

Import values--Values reported should be landed, duty-paid but not including antidumping and/or countervailing duties, at the U.S. port of entry, including ocean freight and insurance costs, brokerage charges, and normal import duties (i.e., including all charges except inland freight in the United States and antidumping and/or countervailing duties).

Timing of imports--LEU imported into the United States is counted as an import in the period in which the physical transport of the product occurs, NOT when the ownership is transferred.

Purchaser--Any person or firm engaged, either directly or through a parent company or subsidiary, in purchasing LEU (as defined above) from another firm that produces, imports, or otherwise distributes LEU.

Purchases--Purchases from all sources, NOT including direct imports from foreign producers (which should be reported in an importer questionnaire).

Purchase quantities--Quantities reported should be net of returns.

Purchase values--Values reported should be net values (i.e., gross purchase values less all discounts, allowances, rebates, and the value of returned goods), delivered to your U.S. receiving point.

Timing of purchases--Purchases should be reported in the period in which the ownership is transferred. This may involve physical delivery to the customer, but also may involve a book transfer of ownership without any physical movement of the product.

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DEFINITIONS--Continued

Shipments--Shipments of LEU produced in or imported by your U.S. establishment(s). Include shipments to the contracting firm of product enriched by your firm under a SWU contract.

Shipment quantities--Quantities reported should be net of returns.

Shipment values--Values reported should be net values (i.e., gross sales values less all discounts, allowances, rebates, prepaid freight, and the value of returned goods), f.o.b. your U.S. point of shipment. The value of domestic shipments to the contracting firm under an SWU contract is the enrichment fee (including profit).

Timing of shipments--Shipments should be reported in the period in which the ownership is transferred. This may involve physical delivery to the customer, but more likely will involve a book transfer of ownership without any physical movement of the product.

Types of shipments:

U.S. shipments--Commercial shipments, internal consumption, and transfers to related firms within the United States.

Commercial shipments--Report all commercial shipments (or U.S. shipments on the producers' questionnaire) as either SWU contracts or as EUP contracts:

SWU contract--Any agreement for the delivery of LEU in which the customer delivers natural UF₆ for all or part of the LEU's natural uranium component.

Natural UF₆ component--The quantity of natural UF₆ required for the production of a quantity of LEU at a given U²³⁵ product assay and a given U²³⁵ tails assay. The natural UF₆ component is calculated by application of an industry standard formula that describes the relationship between SWU and natural UF₆ in the production of LEU.

SWU component--The quantity (number) of SWU required for the production of a quantity of LEU at a given U²³⁵ product assay and a given U²³⁵ tails assay. The SWU component is calculated by application of an industry standard formula that describes the relationship between SWU and natural UF₆ in the production of LEU.

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EUP contract.--A contract for the purchase of LEU in which the customer pays the enricher for both the SWU component and the natural uranium component. See above for natural UF₆ and SWU components descriptions. In an EUP contract, the quantity and value of the natural UF₆ component and the quantity (number) or value of SWUs may or may not be provided to the customer.

Export shipments.--Shipments to destinations outside the United States, including shipments to related firms. Report all shipments as either SWU contracts or EUP contracts as defined above under U.S. commercial shipments.

Inventories.--Unless otherwise specified, inventories reported should be finished goods inventory, not raw materials or work-in-progress. Inventories should include product held on behalf of your firm by fabricators and others. Additionally, importers' inventories should only be inventories located in the United States.

The following definitions apply only to the PRODUCER QUESTIONNAIRE.

Average production capacity.--The level of production that your establishment(s) could reasonably have expected to attain during the specified periods. Assume normal operating conditions (i.e., using equipment and machinery in place and ready to operate; normal operating levels (hours per week/weeks per year) and time for downtime, maintenance, repair, and cleanup; and a typical or representative LEU mix).

Toll agreement.--Agreement between two firms whereby the first firm furnishes the raw materials and the second firm uses the raw materials to produce LEU that it then returns to the first firm with a charge for processing costs, overhead, etc.

Production.--All production in your U.S. establishment(s), including production consumed internally within your firm and production for another firm under a toll agreement. Production of LEU includes traditional methods, such as centrifugation and gaseous diffusion, as well as all other production methods resulting in enriched uranium, including such methods as enriching depleted tails, tails stripping, reprocessing uranium, downblending highly enriched uranium, and enriching reprocessed uranium.

PRWs.--Production and related workers, including working supervisors and all nonsupervisory workers (including group leaders and trainees) engaged in fabricating, processing, assembling, inspecting, receiving, storage, handling, packing, warehousing, shipping, trucking, hauling, maintenance, repair, janitorial and guard services, product development, auxiliary production for plant's own use (e.g., power plant), recordkeeping, and other services closely associated with the above production operations.

GENERAL INFORMATION, INSTRUCTIONS, AND DEFINITIONS--Continued

DEFINITIONS--Continued

Average number employed.--Add the number of employees, both full-time and part-time, for the 12 pay periods ending closest to the 15th of the month and divide that total by 12. For the January-March periods, calculate similarly and divide by 3.

Hours worked.--Include time paid for sick leave, holidays, and vacation time. Include overtime hours actually worked; do not convert overtime pay to its equivalent in straight-time hours.

Wages paid.--Total wages paid before deductions of any kind (e.g., withholding taxes, old-age and unemployment insurance, group insurance, union dues, bonds, etc.). Include wages paid directly by your firm for overtime, holidays, vacations, and sick leave.

Fiscal year.--The 12-month period between settlement of your firm's financial accounts.

Continued Dumping and Subsidy Offset Act (Byrd Amendment) funds received.--Funds disbursed by the Bureau of Customs and Border Protection under the Continued Dumping and Subsidy Offset Act of 2000 (the "Byrd Amendment"). The Byrd Amendment provides for the annual distribution of the duties collected pursuant to antidumping and countervailing duty orders. The distribution is available to "affected domestic producers for qualifying expenditures."

Purchases other than direct imports.--Purchases from U.S. producers, U.S. importers, and other U.S. sources.