



## **INSTRUCTION BOOKLET**

### **GENERAL INFORMATION, INSTRUCTIONS, AND DEFINITIONS FOR COMMISSION QUESTIONNAIRES**

#### **LOW ENRICHED URANIUM FROM FRANCE**

##### **Investigation No. 731-TA-909 (Second 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):*

*Chris Cassise, investigator (202-708-5408; Email [chris.cassise@usitc.gov](mailto:chris.cassise@usitc.gov))  
regarding general questions and trade and related information;*

*Justin Jee, auditor (202-205-3186; Email [justin.jee@usitc.gov](mailto:justin.jee@usitc.gov))  
regarding financial information; and*

*Aimee Larsen, economist (202-205-3179; Email [aimee.larsen@usitc.gov](mailto:aimee.larsen@usitc.gov))  
regarding pricing, market, and related information.*

## **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 December 3, 2012, 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.

Questionnaires and other information pertinent to this proceeding are available at:

[http://www.usitc.gov/trade\\_remedy/731\\_ad\\_701\\_cvd/investigations/2012/uranium/reviewphase.htm](http://www.usitc.gov/trade_remedy/731_ad_701_cvd/investigations/2012/uranium/reviewphase.htm)

Please direct questions regarding the questionnaire and correspondence to Chris Cassise ([chris.cassise@usitc.gov](mailto:chris.cassise@usitc.gov), 202-708-5408) at the U.S. International Trade Commission, 500 E Street, SW, Washington, D.C. 20436. Correspondence may be sent to the above address or via FAX to 202-205-3205. Hearing-impaired individuals can obtain information regarding this proceeding via the Commission's TDD terminal (202-205-1810).

***Due date of questionnaire(s).***-- Please submit the completed questionnaire(s) to the United States International Trade Commission so as to be received by no later than July 16, 2013. Because Commission staff might contact you with questions during the course of the proceeding, save the final version of the document(s) and retain all files and worksheets associated with the completed questionnaire(s). Please also retain a copy of any paper original document that you submit.

***Service of questionnaire response(s).***--In the event that your firm is a party to this proceeding, 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).

***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, general 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.

## **GENERAL INFORMATION--Continued**

**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 of your files, worksheets, 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 proceeding, 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 proceedings 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.

## **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 zero or "none", enter the number zero or "none". **If information is not readily available from your records in exactly the form requested, furnish carefully prepared estimates.** Answers to questions and any necessary comments or explanations should be entered in the space provided or in a separate MS Word document submitted along with the questionnaire(s). If your firm is completing more than one questionnaire in connection with this proceeding (i.e., a producer, importer, and/or purchaser 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.**

**Electronic completion.**—Please electronically enter your responses into the Commission provided MS Word document. The MS Word versions of all the questionnaires in this proceeding are available online at the ITC web page.

**Electronic submission.**-- Responding firms should submit their questionnaire responses electronically in MS Word format. The submission of questionnaire responses in the MS Word format allows the Commission to electronically extract data from questionnaires and thus, compile, assess, and analyze submitted data more efficiently and promptly. Furthermore, the electronic submission of questionnaires completed in MS Word facilitates the Commission's ability to produce documents that comply with Section 508 of the Rehabilitation Act of 1973. There are three electronic submissions options detailed below.

## **INSTRUCTIONS--Continued**

### **OPTIONS FOR FILING**

This questionnaire is available as a “fillable” form in MS Word format on the Commission’s website at

[http://www.usitc.gov/trade\\_remedy/731\\_ad\\_701\\_cvd/investigations/2012/uranium/reviewphase.htm](http://www.usitc.gov/trade_remedy/731_ad_701_cvd/investigations/2012/uranium/reviewphase.htm)

*Please do not attempt to modify the format or permissions of the questionnaire document.* Please complete the questionnaire and submit it electronically using one of the methods noted below. If your firm is unable to complete the MS Word questionnaire or cannot use one of the electronic methods of submission, please contact the Commission for further instructions.

- **Upload via Secure Drop Box.**—Upload the completed questionnaire in MS Word format along with a scanned copy of the signed certification page (page 1) through the Commission’s secure upload facility:

*Web address:* <https://dropbox.usitc.gov/oinv/> *Pin:* LEU2

- **E-mail.**—E-mail your questionnaire to the investigator identified on page 1 of the Instruction Booklet; include a scanned copy of the signed certification page (page 1). *Please note that submitting your questionnaire by e-mail may subject your firm’s business proprietary information to transmission over an unsecure environment and to possible disclosure. If you choose this option, the Commission warns you that any risk involving possible disclosure of such information is assumed by the submitter and not by the Commission.*

- **Compact disc (CD).**—Copy your MS Word questionnaire onto a CD. Also please include a signed certification page (page 1), and mail to the U.S. International Trade Commission, 500 E. Street, SW, Washington, DC 20024. *It is strongly recommended that you use an **overnight mail service.** U.S. mail sent to government offices undergoes additional processing which not only results in substantial delays in delivery but may also damage CDs.*

Note: If you are a party to the proceeding, and service of the questionnaire is required, such service should be made in paper form.

## **DEFINITIONS**

**Low enriched uranium (“LEU”).**— is enriched uranium hexafluoride (UF<sub>6</sub>) with a U<sup>235</sup> product assay of less than 20 percent that has not been converted into another chemical form, such as UO<sub>2</sub>, 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 U<sup>235</sup> 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 (UO<sub>2</sub>), whether or not contained in nuclear fuel rods or assemblies. Natural uranium concentrates (U<sub>3</sub>O<sub>8</sub>) with a U<sup>235</sup> concentration of no greater than 0.711 percent and natural uranium concentrates converted into uranium hexafluoride with a U<sup>235</sup> 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 (UO<sub>2</sub>) 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 UF<sub>6</sub>.

**Assay.**--Percent weight of U<sup>235</sup> in LEU or tails.

**Depleted uranium (tails).**--Byproduct of the enrichment process with a U<sup>235</sup> 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 was solely or jointly owned, managed, or otherwise controlled by a firm that also solely or jointly owned, managed, or otherwise controlled your firm.

## **DEFINITIONS—Continued**

**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.

**Quantities**.--For purposes of these investigations, quantities of UF<sub>6</sub> are collected in two ways:

**Separative work units (SWUs)**.--SWUs are the units of effort required to enrich UF<sub>6</sub> in the U<sup>235</sup> isotope. The effort required to enrich a given quantity of uranium to a product having a higher assay of U<sup>235</sup> than the starting material, and a byproduct (tails) having a lower assay of U<sup>235</sup> than the starting material.

**Kg of enriched U**.--The weight in kilograms of uranium in the enriched UF<sub>6</sub>.

**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.

**Imports**.--Those products 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 values (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. A retail firm that is the importer of record may be considered a purchaser.

## **DEFINITIONS—Continued**

**Purchases.**--Purchases from all sources, NOT including direct imports from foreign sources located outside of the United States (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.

**Shipments.**--Shipments of products produced in or imported by your U.S. establishment(s). Include shipments to the contracting firm of product produced by your firm under a toll agreement.

**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 a toll agreement is the conversion 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 UF<sub>6</sub> for all or part of the LEU's natural uranium component.

**Natural UF<sub>6</sub> component.**--The quantity of natural UF<sub>6</sub> required for the production of a quantity of LEU at a given U<sup>235</sup> product assay and a given U<sup>235</sup> tails assay. The natural UF<sub>6</sub> component is calculated by application of an industry standard formula that describes the relationship between SWU and natural UF<sub>6</sub> in the production of LEU.

## **DEFINITIONS—Continued**

**SWU component.**--The quantity (number) of SWU required for the production of a quantity of LEU at a given U<sup>235</sup> product assay and a given U<sup>235</sup> tails assay. The SWU component is calculated by application of an industry standard formula that describes the relationship between SWU and natural UF<sub>6</sub> in the production of LEU.

**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 UF<sub>6</sub> and SWU components descriptions. In an EUP contract, the quantity and value of the natural UF<sub>6</sub> 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, trails stripping, reprocessing uranium, downblending highly enriched uranium, and enriching reprocessed uranium.



## **DEFINITIONS**—*Continued*

**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.

**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.

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