

**Closed Session**

4. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference to 20 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at [Yvette.Springer@bis.doc.gov](mailto:Yvette.Springer@bis.doc.gov) no later than September 4, 2013.

A limited number of seats will be available during the public session of the meeting. Reservations are not accepted. To the extent time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate distribution of public presentation materials to Committee members, the Committee suggests that presenters forward the public presentation materials prior to the meeting to Ms. Springer via email.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on October 19, 2012, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 § (10)(d)), that the portion of the meeting dealing with pre-decisional changes to the Commerce Control List and U.S. export control policies shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3). The remaining portions of the meeting will be open to the public.

For more information, call Yvette Springer at (202) 482-2813.

Dated: August 15, 2013.

**Yvette Springer,**

*Committee Liaison Officer.*

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**DEPARTMENT OF COMMERCE****International Trade Administration**

[A-427-818]

**Low Enriched Uranium From France: Initiation of Expedited Changed Circumstances Review, and Preliminary Results of Changed Circumstances Review**

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**SUMMARY:** Pursuant to section 751(b) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.216 and 351.221(c)(3), the Department of

Commerce (Department) is initiating a changed circumstances review (CCR) of the antidumping duty order on low-enriched uranium from France with respect to Eurodif S.A. and AREVA NP Inc. (collectively, AREVA). Moreover, the Department has determined that it is appropriate to conduct this CCR on an expedited basis. Thus, the Department has preliminarily determined to extend the deadline for the re-exportation of one specified entry of LEU until November 1, 2015. The Department has also preliminarily determined that this will be the final extension. We invite interested parties to comment on these preliminary results.

**DATES:** *Effective Date:* August 27, 2013.

**FOR FURTHER INFORMATION CONTACT:**

Andrew Huston or Dana Mermelstein, AD/CVD Operations, Office 6, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-4261 or (202) 482-1391, respectively.

**SUPPLEMENTARY INFORMATION:****Background**

On February 13, 2002, the Department published an order on low-enriched uranium from France.<sup>1</sup> The order contains a provision to exclude from the scope low-enriched uranium 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.<sup>2</sup>

On December 5, 2011, AREVA requested that the Department initiate and conduct an expedited CCR to amend the scope of the order to extend by 18 months the deadline for re-exporting an entry of low-enriched uranium for which AREVA reported it would not be able to meet the deadline for re-exportation.<sup>3</sup> At the time of entry, the low-enriched uranium at issue met

the requirements for exclusion from the scope outlined above. On April 2, 2012, the Department published the final results of the CCR, extending the deadline for re-exportation of this sole entry by 18 months, to no later than November 1, 2013.<sup>4</sup>

On July 8, 2013, AREVA requested that the Department initiate a CCR in order to further extend the period for the re-exportation this sole entry of low-enriched uranium from November 1, 2013, until November 1, 2015. AREVA also requested that the Department conduct the review on an expedited basis. On August 7, 2013, USEC, Inc., and its subsidiary, United States Enrichment Corporation (collectively, USEC), filed a letter indicating that it does not object to a further extension of the deadline, as requested by AREVA, for the re-exportation of this one shipment.

**Scope of the Order**

The product covered by the order is all low-enriched uranium. Low-enriched uranium 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 low-enriched uranium produced through the down-blending of highly enriched uranium).

Certain merchandise is outside the scope of the 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 low-enriched uranium 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 the order.

Also excluded from the order is low-enriched uranium 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

<sup>1</sup> See *Notice of Amended Final Determination and Notice of Antidumping Duty Order: Low Enriched Uranium From France*, 67 FR 6680 (February 13, 2002).

<sup>2</sup> See *id.*

<sup>3</sup> See Letter from AREVA, "Low Enriched Uranium from France," dated December 5, 2011.

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

assemblies so long as the uranium dioxide and/or fuel assemblies deemed to incorporate such imported low-enriched uranium (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 low-enriched uranium 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.

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 subject to this proceeding is dispositive.

#### Initiation of Changed Circumstances Review

Pursuant to section 751(b) of the Act and 19 CFR 351.216 and 351.221(c)(3), the Department is initiating a CCR of the antidumping duty order on low-enriched uranium from France with respect to AREVA. Based on the information and documentation AREVA submitted in its July 8, 2013, letter we find that we have received information which shows changed circumstances sufficient to warrant initiation of a review to determine if circumstances support the extension of the time period to re-export the specified entry of low-enriched uranium. Further, the Department finds that it is appropriate to conduct this review on an expedited basis, and issue the preliminary results along with this initiation.

#### Preliminary Results of Expedited Changed Circumstances Review

Based on the Department's analysis of the information provided by AREVA with its request for CCR, in accordance with 19 CFR 351.216, we preliminarily determine to amend the scope of the order to extend by an additional 18 months the deadline for re-exporting the LEU entry at issue. AREVA imported the entry of LEU at issue into the United States on November 1, 2010, for fabrication and subsequent re-exportation to the end-user, the Japanese customer. The entry met the conditions in the scope of the order for exclusion from the order; both the importer and the end-user filed with U.S. Customs and Border Protection (CBP) the certifications required for

exclusion. As a result of the shutdown of the Hamaoka nuclear power facility following the March 11, 2011 earthquake and tsunami in Japan, the Department extended the 18-month period for the re-exportation of this entry by an additional 18 months, until November 1, 2013, and new certifications were filed with CBP by the importer and the end-user.<sup>5</sup>

AREVA's July 8, 2013, request explains its end-user is not yet in a position to take delivery of the low-enriched uranium. AREVA provided documents with its request indicating that the improvements and the earthquake and tsunami countermeasures at the Hamaoka facility have not been completed, as previously anticipated, and the Japanese end-user was unable to take delivery of the subject merchandise within both the original and the second, subsequent, 18-month periods (*i.e.*, since the shutdown of the Hamaoka nuclear power facility following the March 11, 2011 earthquake and tsunami in Japan), and the end-user remains unable to take delivery. Specifically, AREVA provided a timeline, and correspondence from Chubu Electric Power Co. Inc. and the Japanese Ministry of Economy, Trade and Industry regarding improvements to the Hamaoka Nuclear Power Station and the anticipated completion of the earthquake and tsunami countermeasures at the Hamaoka facility.<sup>6</sup>

We preliminarily find that the evidence provided by AREVA is sufficient to establish that changed circumstances exist. Therefore, in accordance with 19 CFR 351.216, we preliminarily find that it is appropriate to extend further the deadline for re-exportation of this sole entry of low-enriched uranium by an additional 24 months. Should these preliminary results remain unchanged in the final results, we will extend the deadline for re-exportation of this entry to no later than November 1, 2015. AREVA and the end-user will be required to provide new certifications to CBP prior to the current deadline for re-exportation of this entry, *i.e.*, November 1, 2013. Furthermore, because the result of the extensions is that AREVA would have five years from the date of the entry to re-export the entry, we preliminarily determine that it is appropriate to make this extension final. Accordingly, AREVA will be required to comply with

the terms of the new certifications by November 1, 2015, with no further extension. Because the low-enriched uranium shipment was entered as a "type 1" entry for consumption, outside the scope of the order, and not suspended or subject to antidumping duties, we will require AREVA to provide an additional certification by November 1, 2015, stating its agreement that it will pay antidumping duties on the entry at the applicable rate if the re-exportation deadline of November 1, 2015 is not met.

#### Public Comment

The Department specifically requests that parties comment on the Department's preliminary determination that this extension will be final, addressing if relevant an appropriate alternative for establishing an end-date by which the re-exportation of this shipment should be required, or any other options for the final resolution of this matter.

Any interested party may request a hearing within 15 days of publication of this notice. Any hearing, if requested, will be held no later than 27 days after the date of publication of this notice, or the first business day thereafter. Persons interested in attending the hearing, if one is requested, should contact the Department for the date and time of the hearing. Case briefs from interested parties may be submitted not later than 15 days after the date of publication of this notice. Rebuttal briefs, limited to the issues raised in the case briefs, may be filed no later than five days after the submission of case briefs. All written comments shall be submitted in accordance with 19 CFR 351.303. Parties are reminded that as of August 5, 2011, with certain, limited exceptions, all submissions for all proceedings must be filed electronically using Import Administration's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS).<sup>7</sup> An electronically filed document must be received successfully in its entirety by the Department's electronic records system, IA ACCESS, by 5 p.m. Eastern Time (ET) on the deadline.

The Department intends to issue the final results of this CCR no later than October 31, 2013. This date may be extended in accordance with 19 CFR 351.216(e). The final results will include the Department's analysis of issues raised in any written comments.

We are issuing and publishing these preliminary results and notice in

<sup>5</sup> See *Final Results of Changed Circumstances Review*.

<sup>6</sup> See Letter from AREVA, "Low Enriched Uranium from France: Request for Changed Circumstances Review," dated July 8, 2013.

<sup>7</sup> For additional information on IA ACCESS, please visit <https://iaaccess.trade.gov/help.aspx>.

accordance with sections 751(b)(1) and 777(i)(1) and (2) of the Act and 19 CFR 351.216.

Dated: August 26, 2013.

**Ronald K. Lorentzen,**  
*Acting Assistant Secretary for Import Administration.*

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## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Determination Under the Textile and Apparel Commercial Availability Provision of the Dominican Republic-Central America-United States Free Trade Agreement (“CAFTA–DR Agreement”)

**AGENCY:** The Committee for the Implementation of Textile Agreements.  
**ACTION:** Determination to add a product in unrestricted quantities to Annex 3.25 of the CAFTA–DR agreement.

**SUMMARY:** The Committee for the Implementation of Textile Agreements (“CITA”) has determined that certain polyester/nylon cut corduroy fabric, as specified below, is not available in commercial quantities in a timely manner in the CAFTA–DR countries. The product will be added to the list in Annex 3.25 of the CAFTA–DR Agreement in unrestricted quantities.

**DATES:** Effective August 27, 2013.

**FOR FURTHER INFORMATION CONTACT:** Maria Dybczak, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-3651.

*For Further Information Online:*  
<http://web.ita.doc.gov/tacgi/CaftaReqTrack.nsf> under “Approved Requests,” Referencen number: 184.2013.07.25.Fabric.Alston&BirdforSPCGlobal

#### SUPPLEMENTARY INFORMATION:

**Authority:** The CAFTA–DR Agreement; Section 203(o)(4) of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (“CAFTA–DR Implementation Act”), Public Law 109-53; the Statement of Administrative Action, accompanying the CAFTA–DR Implementation Act; and Presidential Proclamations 7987 (February 28, 2006) and 7996 (March 31, 2006).

#### Background:

The CAFTA–DR Agreement provides a list in Annex 3.25 for fabrics, yarns, and fibers that the Parties to the CAFTA–DR Agreement have determined are not available in commercial quantities in a timely manner in the territory of any Party. The CAFTA–DR Agreement provides that this list may be modified pursuant to

Article 3.25(4)–(5), when the President of the United States determines that a fabric, yarn, or fiber is not available in commercial quantities in a timely manner in the territory of any Party. See Annex 3.25 of the CAFTA–DR Agreement; see also section 203(o)(4)(C) of the CAFTA–DR Implementation Act.

The CAFTA–DR Implementation Act requires the President to establish procedures governing the submission of a request and providing opportunity for interested entities to submit comments and supporting evidence before a commercial availability determination is made. In Presidential Proclamations 7987 and 7996, the President delegated to CITA the authority under section 203(o)(4) of CAFTA–DR Implementation Act for modifying the Annex 3.25 list. Pursuant to this authority, on September 15, 2008, CITA published modified procedures it would follow in considering requests to modify the Annex 3.25 list of products determined to be not commercially available in the territory of any Party to CAFTA–DR (*Modifications to Procedures for Considering Requests Under the Commercial Availability Provision of the Dominican Republic-Central America-United States Free Trade Agreement*, 73 FR 53200) (“CITA’s procedures”).

On July 25, the Chairman of CITA received a request for a Commercial Availability determination (“Request”) from Alston & Bird, LLP on behalf of SPC Global, LLC, for certain polyester/nylon cut corduroy fabric, as specified below. On July 29, 2013, in accordance with CITA’s procedures, CITA notified interested parties of the Request, which was posted on the dedicated Web site for CAFTA–DR Commercial Availability proceedings. In its notification, CITA advised that any Response with an Offer to Supply (“Response”) must be submitted by August 8, 2013, and any Rebuttal Comments to a Response must be submitted by August 14, 2013, in accordance with sections 6 and 7 of CITA’s procedures. No interested entity submitted a Response to the Request advising CITA of its objection to the Request and its ability to supply the subject product.

In accordance with section 203(o)(4)(C) of the CAFTA–DR Implementation Act, and section 8(c)(2) of CITA’s procedures, as no interested entity submitted a Response to object to the Request with an offer to supply the subject product, CITA has determined to add the specified fabric to the list in Annex 3.25 of the CAFTA–DR Agreement.

The subject product has been added to the list in Annex 3.25 of the CAFTA–

DR Agreement in unrestricted quantities. A revised list has been posted on the dedicated Web site for CAFTA–DR Commercial Availability proceedings.

**Specifications:** Certain Polyester/Nylon Cut Corduroy Fabric.

HTS: 5801.32.0000.

Fiber Content: 80–95% polyester, 5–20% nylon.

Yarn Size:

Warp: Polyester filament between 111–222 decitex (English: 100–200 denier).

Fill: Polyester filament 111–278 decitex (English: 100–250 denier) and bi-constituent polyester-nylon filament between 222–389 decitex (English: 200–350 denier).

NOTE 1: In the bi-constituent yarn, the polyester and nylon are mixed prior to extrusion.

NOTE 2: The yarn size designations describe a range of specifications for yarn in its greige condition. They are intended as specifications to be followed by the mill in sourcing yarn used to produce the fabric. Weaving, dyeing, and finishing can alter the characteristics of the yarn as it appears in the finished fabric. This specification therefore includes yarns appearing in the finished fabric as finer or coarser than the designated yarn sizes provided that the variation occurs after processing of the greige yarn and production of the fabric.

Thread count: 20–34 warp ends x 50–67 fill picks per centimeter (English: 50–86 warp ends x 127–170 fill picks per inch).

Weight: 220–290 grams per sq. meter (English: 6.48–8.55 oz per sq. yard).

Width: 142–162 cm (English: 56–64 inches).

Weave: Cut corduroy with 3–6 wales per cm (English: 8–16 wales per inch).

Finishing: Piece dyed or of yarns of different colors.

**Kim Glas,**

*Chairman, Committee for the Implementation of Textile Agreements.*

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## COMMODITY FUTURES TRADING COMMISSION

### Fees for Reviews of the Rule Enforcement Programs of Designated Contract Markets and Registered Futures Associations

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice of FY 2013 Schedule of Fees.

**SUMMARY:** The Commission charges fees to designated contract markets and registered futures associations to recover the costs incurred by the Commission in the operation of its program of oversight of self-regulatory organization rule enforcement programs, specifically National Futures Association, a