

## EXPLANATION OF COMMISSION DETERMINATION ON ADEQUACY

in

*Low Enriched Uranium from France*

Inv. Nos. 701-TA-409 and 731-TA-909 (Review)

On April 9, 2007, the Commission determined that it should conduct full reviews in the subject five-year reviews pursuant to section 751(c)(5) of the Tariff Act of 1930, as amended, 19 U.S.C. § 1675(c)(5).<sup>1</sup>

The Commission received responses to its notice of institution from: (i) USEC, Inc and its wholly-owned subsidiary, the United States Enrichment Corporation (the sole domestic producer of low enriched uranium or “LEU”); (ii) Eurodif S.A. (the sole producer and exporter of LEU in France); and (iii) the Ad Hoc Utilities Group (“AHUG”) (a coalition of U.S. nuclear utilities that are industrial users of LEU).

The Commission determined that the responses described above (except that of AHUG, which, as a coalition of industrial users, is not an “interested party” within the meaning of 19 U.S.C. §1677(9), and with respect to which an adequacy determination is not contemplated) were individually adequate. The Commission also determined that both the domestic interested party group response and the respondent interested party group response were adequate.

Although the Commission found Eurodif’s response to be adequate, it is concerned that Eurodif did not provide data on the amount of LEU it enriched and exported pursuant to separative work unit (“SWU”) transactions.<sup>2</sup> In the full reviews the Commission expects Eurodif to provide data that is requested by the Commission regardless of its legal position on the appropriate scope of the orders or on whether enrichment constitutes production of LEU.

A record of the Commissioners’ votes is available from the Office of the Secretary and the Commission’s web site (<http://www.usitc.gov>).

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<sup>1</sup> Commissioner Okun did not participate in this determination.

<sup>2</sup> Given this lack of data, Commissioner Williamson found Eurodif’s response to be inadequate, and therefore found that the respondent interested party group response was inadequate. Commissioner Williamson found, however, that other circumstances warranted conducting full reviews.