



## **INSTRUCTION BOOKLET**

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

#### **MAGNESIUM FROM CHINA AND RUSSIA Investigation Nos. 731-TA-1071-1072 (Review)**

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

*Mary Messer, investigator (202-205-3193; E-mail [mary.messer@usitc.gov](mailto:mary.messer@usitc.gov))  
regarding general questions and trade and related information;*

*Charles Yost, auditor (202-205-3432; E-mail [charles.yost@usitc.gov](mailto:charles.yost@usitc.gov))  
regarding financial information; and*

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

## **GENERAL INFORMATION**

**Background.**-- On April 15, 2005, the Department of Commerce issued antidumping duty orders on imports of magnesium (also known as magnesium metal) from China and Russia (70 FR 19928-19931). On March 1, 2010, 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 (75 FR 9252). If the Commission makes affirmative determinations, the orders will remain in place. If the Commission makes negative determinations, the Department of Commerce will revoke the orders.

Questionnaires and other information pertinent to these reviews are available at [http://www.usitc.gov/trade\\_remedy/731\\_ad\\_701\\_cvd/investigations/2010/magnesium/reviewphase.htm](http://www.usitc.gov/trade_remedy/731_ad_701_cvd/investigations/2010/magnesium/reviewphase.htm) Address all correspondence to the United States International Trade Commission, Washington, DC 20436. Hearing-impaired individuals can obtain information regarding these reviews 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 **SEPTEMBER 23, 2010**. 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 actually reaches the Commission by **SEPTEMBER 23, 2010**. If you do not use the enclosed envelope, please make sure the completed questionnaire is sent to the attention of **Mary Messer**. **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 reviews.**

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

## 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 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 reviews, 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 these reviews 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.

## 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.** 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).

**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.**

**Filing instructions.**—Questionnaires may be filed either in paper form or electronically.

## **INSTRUCTIONS--Continued**

### **OPTIONS FOR FILING IN PAPER FORM**

- **Overnight mail service.**—Mail to the following address:

**United States International Trade Commission  
Office of Investigations, Room 615  
500 E Street SW  
Washington, DC 20024**

- **Fax.**—Fax to 202.205.3205.
- **U.S. mail.**—Mail to the address above, but use zip code 20436. *This option is not recommended. U.S. mail sent to government offices undergoes additional processing to screen for hazardous materials; this additional processing results in substantial delays in delivery.*

### **OPTIONS FOR FILING ELECTRONICALLY**

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/2010/magnesium/reviewphase.htm](http://www.usitc.gov/trade_remedy/731_ad_701_cvd/investigations/2010/magnesium/reviewphase.htm) *Please do not attempt to modify the format or permissions of the questionnaire document.* You may complete the questionnaire electronically, print it out, and submit it in paper form as described above, or you may submit it electronically through one of the following means:

- **Compact disc (CD).**—Copy your questionnaire onto a CD, include a signed certification page (page 1) (either in paper form or scanned PDF copied onto CD), and mail to the address above. *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.*
- **E-mail.**—E-mail your questionnaire to the investigator identified on page 1 of the Instruction Booklet; include a scanned PDF of the signed certification page (page 1). Type the following in the e-mail subject line: **BPI Questionnaire, INV. NOS. 731-TA-1071-1072**. *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.*

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

## **DEFINITIONS**

**Magnesium.**--Primary and secondary pure and alloy magnesium metal (including blends of primary and secondary magnesium), regardless of chemistry, raw material source, form, shape, or size. Magnesium is a metal or alloy containing by weight primarily the element magnesium. Primary magnesium is produced by decomposing raw materials into magnesium metal. Secondary magnesium is produced by recycling magnesium-based scrap into magnesium metal. The subject merchandise includes the following magnesium metal products made from primary and/or secondary magnesium, including, without limitation, magnesium cast into ingots, slabs, rounds, billets, and other shapes, and magnesium ground, chipped, crushed, or machined into raspings, granules, turnings, chips, powder, briquettes, and other shapes: (1) Products that contain at least 99.95 percent magnesium, by weight (generally referred to as “ultra-pure” magnesium); (2) products that contain less than 99.95 percent but not less than 99.8 percent magnesium, by weight (generally referred to as “pure” magnesium); and (3) chemical combinations of magnesium and other material(s) in which the magnesium content is 50 percent or greater, but less than 99.8 percent, by weight, whether or not conforming to an “ASTM Specification for Magnesium Alloy.” Excluded from the subject merchandise are the following: (1) Magnesium that is in liquid or molten form; and (2) mixtures containing 90 percent or less magnesium in granular or powder form by weight and one or more of certain non-magnesium granular materials to make magnesium based reagent mixtures, including lime, calcium metal, calcium silicon, calcium carbide, calcium carbonate, carbon, slag coagulants, fluorspar, nepheline syenite, feldspar, alumina (Al<sub>2</sub>O<sub>3</sub>), calcium aluminate, soda ash, hydrocarbons, graphite, coke, silicon, rare earth metals/mischmetal, cryolite, silica/fly ash, magnesium oxide, periclase, ferroalloys, dolomite lime, and colemanite. The subject merchandise is classifiable under items 8104.11.00, 8104.19.00, and 8104.30.00 of the Harmonized Tariff Schedule of the United States (“HTSUS”). Although the HTSUS items are provided for convenience and customs purposes, the written description of the merchandise under investigation is dispositive.

**Pure magnesium.**—Unwrought magnesium containing at least 99.8 percent magnesium by weight.

**Alloy magnesium.**—Unwrought magnesium containing less than 99.8 percent magnesium by weight but more than 50 percent magnesium by weight.

**Ultra-pure magnesium.**--Unwrought magnesium containing at least 99.95 percent magnesium by weight.

**Commodity-grade pure magnesium.**--Unwrought magnesium containing at least 99.8 percent magnesium but less than 99.95 percent magnesium by weight.

## **DEFINITIONS--Continued**

**ASTM specifications.**—American Society for Testing and Materials (“ASTM”) Standard “Specification for Magnesium Alloys in Ingot Form for Sand Castings, Permanent Mold Castings, and Die Castings,” Designation B 93/B 93M, Annual Book of ASTM Standards.

**Primary magnesium.**--Pure and alloy magnesium produced by decomposing raw materials into magnesium metal, and containing less than 50 percent of recycled magnesium-based scrap.

**Secondary magnesium.**--Magnesium produced by recycling magnesium-based scrap, and containing less than 50 percent of primary magnesium.

**Granules.**--Magnesium that is ground, chipped, crushed, machined, or atomized. Examples include, but are not limited to, raspings, granules, turnings, chips, powder, and briquettes. Includes all non-liquid physical forms of magnesium other than castings (e.g., ingots, slabs, rounds, and billets).

### **Magnesium producers:**

**Primary producer.**--A producer of pure and/or alloy magnesium from seawater or from magnesium-bearing ores. Primary magnesium is produced by decomposing raw materials into magnesium metal.

**Secondary producer or “recycler”.**--A secondary magnesium producer, or “recycler,” obtains magnesium by recycling magnesium-based scrap.

**Diecaster.**--Diecasters typically purchase magnesium and use it to manufacture diecast parts. Diecasters may also produce secondary alloy magnesium by recycling scrap generated in their diecasting operations.

**Grinder.**--Firms that grind, chip, crush, atomize and/or otherwise machine magnesium into raspings, granules, turnings, chips, powder, briquettes, and other non-liquid shapes.

**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 magnesium (as defined above), including auxiliary facilities operated in conjunction with (whether or not physically separate from) such facilities.

**United States**.--For purposes of these reviews, the 50 States, Puerto Rico, the U.S. Virgin Islands, and the District of Columbia.

**Quantities**.--For purposes of these questionnaires, quantities reported should reflect the **gross weight** (not necessarily magnesium content) in metric tons, unless otherwise specifically indicated.

**Importer**.--Any person or firm engaged, either directly or through a parent company or subsidiary, in importing magnesium (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).

**Purchaser**.--Any person or firm engaged, either directly or through a parent company or subsidiary, in purchasing magnesium (as defined above) from another firm that produces, imports, or otherwise distributes magnesium. A retail firm that is the importer of record may be considered a purchaser.

**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.

## **DEFINITIONS--Continued**

**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).

### **Types of shipments:**

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

**Commercial shipments.**--Shipments, other than internal consumption and transfers to related firms, within the United States.

**Internal consumption.**--Product consumed internally by your firm.

**Transfers to related firms.**--Shipments made to related domestic firms.

**Export shipments.**--Shipments to destinations outside the United States, including shipments to related firms.

**Inventories.**--Finished goods inventory, not raw materials or work-in-progress.

**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 product mix).

**Toll agreement.**--Agreement between two firms whereby the first firm (the “tollee”) furnishes the raw materials and the second firm (the “toll producer” or “toller”) uses the raw materials to produce a product 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.



## **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-June periods, calculate similarly and divide by 2.

**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.