



**UNITED STATES
INTERNATIONAL TRADE
COMMISSION**

Office of Investigations
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**A complete response must be
received at the U.S. International
Trade Commission no later than
>> March 16, 2004 <<**

The information called for in this questionnaire is for use by the United States International Trade Commission in connection with its antidumping investigations concerning magnesium from China and Russia (invs. Nos. 731-TA-1071-1072 (Preliminary/)). The information requested in the questionnaire is requested under the authority of the Tariff Act of 1930, title VII.

**Your response to this report is
mandatory and failure to reply
as directed can result in a
subpoena or other order to
compel the submission of
records or information in your
possession (19 U.S.C. § 1333(a)).**

***** REVISED *****

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

MAGNESIUM FROM CHINA AND RUSSIA

Investigations Nos. 731-TA-1071-1072 (Preliminary)

If you have any questions concerning the enclosed questionnaire(s) or other matters related to these investigations, you may contact the following members of the Commission's staff (fax no. 202-205-3205)

Fred Fischer--Investigator (202.205.3179 or fred.fischer@usitc.gov)
regarding general questions and trade and related information

Charles Yost--Auditor (202.205.3432 or charles.yost@usitc.gov)
Regarding financial information

John Benedetto--Economist (202.205.3179 or john.benedetto@usitc.gov)
regarding pricing, market, and related information

GENERAL INFORMATION

Why You Are Being Asked to Complete This Questionnaire

The United States International Trade Commission, an independent, quasi-judicial federal agency, has been requested by petitioning U.S. firms to determine whether an industry in the United States is being materially injured or threatened with material injury by reason of allegedly unfair imports from China of alloy magnesium and from Russia of pure and alloy magnesium. In order for the Commission to make its determinations, it is collecting certain production, capacity, shipment, inventory, financial, market, pricing, and other data from U.S. producers, importers, and purchasers.

Why Your Questionnaire Response Is Important

Your completed questionnaire response is *extremely* important because it is the foundation on which the Commission will base its determinations. These industry questionnaires are the single best sources of comprehensive and current industry data. Your response will be treated as confidential business proprietary information. As such, it will not be disclosed to any competitors or other market participants. *There are strict legal safeguards in place to protect and prevent the potential misuse of any confidential information you may submit.*

Who Initiates Antidumping Investigations

Petitions are filed with the Commission and the United States Department of Commerce by U.S. companies on behalf of a particular industry. The purpose of a petition is to request that the federal government initiate an investigation into whether antidumping duties should be imposed on unfairly traded imports.

The Role of the Commission in Antidumping Investigations

As mentioned, antidumping investigations involve two separate federal agencies--the Commission and Commerce. Both agencies make separate, distinct, and independent determinations. Commerce is responsible for examining whether the identified imports are being sold in the United States at less than fair value. The Commission is *not* involved in this aspect of an investigation, but is responsible for examining whether a U.S. industry producing products like such imports is materially injured or threatened with material injury by reason of the unfairly traded imports. *Affirmative determinations must be made by both agencies in order for antidumping duties to be imposed.*

The Time Frame in Which Antidumping Determinations are Made

Antidumping investigations take between 9 and 14 months to complete. Investigations first proceed through an initial or preliminary phase. The Commission must make an initial determination whether or not to continue proceedings, normally within 45 days of the filing of the petition. Unless it extends the investigation, Commerce must make an initial dumping determination within 160 days of filing, and must make a final determination within 75 days of its preliminary determination. The Commission then must make its final injury determination no later than 45 days after Commerce's final determination.

GENERAL INFORMATION--Continued

Background.--These investigations were instituted in response to a petition filed on February 27, 2004 by US Magnesium Corp., Salt Lake City, UT; United Steelworkers of America, Local 8319, Salt Lake City, UT; and Glass, Molders, Pottery, Plastics & Allied Workers International, Local 374, Long Beach, CA. Antidumping duties may be assessed on the subject imports as a result of these investigations if the Commission makes an affirmative determination of injury, threat, or material retardation, and if the U.S. Department of Commerce makes an affirmative determination of dumping.

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 investigation 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 **March 16, 2004**. 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 **March 16, 2004**. If you do not use the enclosed envelope, please make sure the completed questionnaire is sent to the attention of **Fred Fischer**. **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 investigations.**

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

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).**

GENERAL INFORMATION--Continued

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 investigations, 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 investigations or other import-injury investigations 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. In addition, if your firm is a U.S. producer, the information you provide on your production and imports of magnesium and your responses to the questions in Part I of the producer questionnaire will be provided to the U.S. Department of Commerce, upon its request, for use in connection with (and only in connection with) its requirement pursuant to section 732(c)(4) of the Act (19 U.S.C. § 1673a(c)(4)) to make a determination concerning the extent of industry support for the petition requesting these investigations. Any information provided to Commerce will be transmitted under the confidentiality and release guidelines set forth above. Your response to these questions constitutes your consent that such information be provided to Commerce under the conditions described above.

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). If your firm is completing more than one questionnaire in connection with these investigations (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.**

DEFINITIONS

Magnesium.--Consists of all forms of pure and alloy magnesium, whether or not produced by decomposing raw materials (primary magnesium) or recycling magnesium-based scrap (secondary magnesium), as provided for in subheadings 8104.11.00, 8104.19.00, and 8104.30.00 of the Harmonized Tariff Schedule of the United States (HTS).

Excluded from these investigations are (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 (Al₂O₃), calcium aluminate, soda ash, hydrocarbons, graphite, coke, silicon, rare earth metals/mischmetal, cryolite, silica/fly ash, magnesium oxide, periclase, ferroalloys, dolomite lime, and colemanite.

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.

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.--All physical forms of magnesium other than ingots, such as raspings, turnings, granules, and powders.

DEFINITIONS--Continued

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.

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 this investigation, 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 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 at the U.S. port of entry, including ocean freight and insurance costs, brokerage charges, and import duties (i.e., all charges except inland freight in the United States).

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.

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.

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.

DEFINITIONS--Continued

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 furnishes the raw materials and the second firm 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.

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.

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 U.S. Customs Service 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.