Silicomanganese from India, Kazakhstan, and Venezuela

Investigation Nos. 731-TA-929-931 (Third Review)

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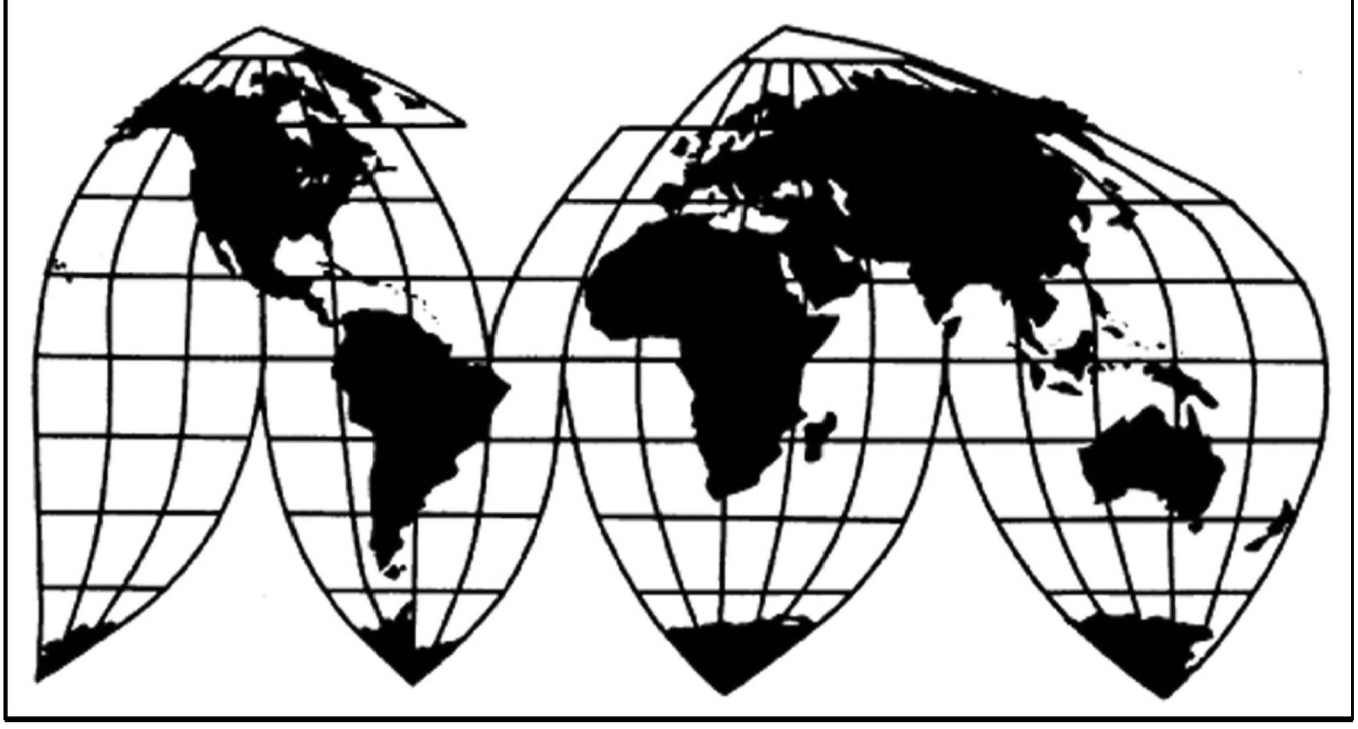
U.S. International Trade Commission



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U.S. International Trade Commission

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UNITED STATES INTERNATIONAL TRADE COMMISSION

Investigation Nos. 731-TA-929-931 (Third Review)

Silicomanganese from India, Kazakhstan, and Venezuela

DETERMINATIONS

On the basis of the record[1] developed in the subject five-year reviews, the United States International Trade Commission ("Commission") determines, pursuant to the Tariff Act of 1930 ("the Act"), that revocation of the antidumping duty orders on silicomanganese from India, Kazakhstan, and Venezuela would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

BACKGROUND

The Commission, pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)), instituted these reviews on September 4, 2018 (83 FR 44898) and determined on December 10, 2019, that it would conduct expedited reviews (84 FR 8544, March 8, 2019).

By order of the Commission.

Lisa R. Barton
Secretary to the Commission

Issued:

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

Views of the Commission

Based on the record in these five-year reviews, we determine under section 751(c) of the Tariff Act of 1930, as amended ("the Tariff Act"), that revocation of the antidumping duty orders on silicomanganese from India, Kazakhstan, and Venezuela would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[1]

I. Background

Original Investigations: On April 6, 2001, the Commission received antidumping petitions filed by Eramet Marietta, Inc. ("Eramet"), a domestic producer of silicomanganese, and the Paper, Allied-Industrial, Chemical and Energy Workers International Union, Local 5-0639, concerning imports of silicomanganese from India, Kazakhstan, and Venezuela. The Commission made final affirmative determinations on May 16, 2002.[2] The U.S. Department of Commerce ("Commerce") published antidumping duty orders on silicomanganese from the three countries on May 23, 2002.[3]

First Reviews: The Commission instituted its first reviews in April 2007.[4] After conducting expedited reviews, the Commission reached affirmative determinations in November 2007.[5] Commerce issued a continuation of the antidumping duty orders effective November 30, 2007.[6]

Second Reviews: The Commission instituted its second reviews in October 2012.[7] It conducted full reviews based on adequate group responses from the domestic interested parties and the respondent interested parties from Venezuela. It reached affirmative

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[1] Due to the lapse in appropriations and ensuing cessation of partial government operations, all import injury investigations conducted under authority of Title VII of the Tariff Act of 1930 accordingly have been tolled. *See* 19 U.S.C. § 1673d(b)(2).

[2] *Silicomanganese from India, Kazakhstan, and Venezuela*, Inv. Nos. 731-TA-929-931 (Final), USITC Pub. 3505 at 1 (May 2002) ("*Original Determination*").

[3] *Notice of Amended Final Determination of Sales at Less than Fair Value and Antidumping Duty Orders: Silicomanganese from India, Kazakhstan, and Venezuela*, 67 Fed. Reg. 36149 (May 23, 2002).

[4] *Silicomanganese from India, Kazakhstan, and Venezuela*, 72 Fed. Reg. 15726 (Apr. 2, 2007).

[5] *Silicomanganese from India, Kazakhstan, and Venezuela*, 72 Fed. Reg. 67965 (Dec. 3, 2007); *see also Silicomanganese from India, Kazakhstan, and Venezuela*, Inv. Nos. 731-TA-929-931 (First Review), USITC Pub. 3963 at 1 (Nov. 2007) ("*First Review Determination*").

[6] *Continuation of Antidumping Duty Orders on Silicomanganese from India, Kazakhstan, and Venezuela*, 73 Fed. Reg. 841 (Jan. 4, 2008).

[7] *Silicomanganese from India, Kazakhstan, and Venezuela; Institution of Five-Year Reviews Concerning the Antidumping Duty Orders on Silicomanganese from India, Kazakhstan, and Venezuela*, 77 Fed. Reg. 59970 (Oct. 1, 2012).

determinations in September 2013.[8] Commerce issued a continuation of the orders effective October 2, 2013.[9]

Third Reviews. The Commission instituted these reviews on September 4, 2018.[10] Eramet filed the sole response to the notice of institution.[11] On December 10, 2018, the Commission determined that the domestic interested party group response to the notice of institution was adequate, and the respondent interested party group response to be inadequate for each order under review. Finding that no other circumstances warranted conducting full reviews, the Commission determined to conduct expedited reviews.[12]

In these reviews, U.S. industry data are based on information Eramet submitted in its response to the notice of institution. Eramet estimates that it accounted for *** percent of domestic production of silicomanganese in 2017.[13] U.S. import data and related information are based on Commerce's official import statistics.[14] Foreign industry data and related information are based on information Eramet submitted, questionnaire responses from the prior proceedings, as well as publicly available information gathered by staff.[15]

II. Domestic Like Product and Industry

A. Domestic Like Product

In making its determination under section 751(c) of the Tariff Act, the Commission defines the "domestic like product" and the "industry."[16] The Tariff Act defines "domestic like product" as "a product which is like, or in the absence of like, most similar in characteristics and

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[8] *Silicomanganese from India, Kazakhstan, and Venezuela*, 78 Fed. Reg. 58556 (Sept. 24, 2013); *see also Silicomanganese from India, Kazakhstan, and Venezuela*, Inv. Nos. 731-TA-929-931 (Second Review), USITC Pub. 4424 at 1 (Sept. 2013) ("*Second Review Determination*").

[9] *Silicomanganese from India, Kazakhstan, and Venezuela: Continuation of Antidumping Duty Orders*, 78 Fed. Reg. 60846 (Oct. 2, 2013).

[10] *Silicomanganese from India, Kazakhstan, and Venezuela; Institution of Five-Year Reviews*, 83 Fed. Reg. 44898 (Sept. 4, 2018).

[11] Confidential Report, Memorandum INV-QQ-138 (Nov. 26, 2018) ("CR"), at I-2; Public Report, *Silicomanganese from India, Kazakhstan, and Venezuela*, Inv. Nos. 731-TA-929-931 (Third Review), USITC Pub. 4881 ("PR") at I-1.

[12] *Silicomanganese from India, Kazakhstan, and Venezuela; Scheduling of Expedited Five-Year Reviews*, 84 Fed. Reg. 8544 (March 8, 2019); *see also* Explanation of Commission Determinations on Adequacy, EDIS Doc. 664612 (Dec. 19, 2018).

[13] CR at I-2 PR at I-2; CR/PR at Table I-1.

[14] CR/PR at Table I-4.

[15] These include Global Trade Atlas ("GTA") data. *See generally* the data tables in CR at I-34 – I-43, PR at I-24 – I-30.

[16] 19 U.S.C. § 1677(4)(A).

uses with, the article subject to an investigation under this subtitle."[17] The Commission's practice in five-year reviews is to examine the domestic like product definition from the original investigation and consider whether the record indicates any reason to revisit the prior findings.[18]

Commerce has defined the imported merchandise within the scope of the orders under review as follows:

> all forms, sizes and compositions of silicomanganese, except low-carbon silicomanganese, including silicomanganese briquettes, fines and slag. Silicomanganese is a ferroalloy composed principally of manganese, silicon and iron, and normally contains much smaller proportions of minor elements, such as carbon, phosphorous and sulfur. Silicomanganese is sometimes referred to as ferrosilicon manganese. Silicomanganese is used primarily in steel production as a source of both silicon and manganese. Silicomanganese generally contains by weight not less than 4 percent iron, more than 30 percent manganese, more than 8 percent silicon and not more than 3 percent phosphorous. Silicomanganese is properly classifiable under subheading 7202.30.0000 of the Harmonized Tariff Schedule of the United States (``HTSUS''). Some silicomanganese may also be classified under HTSUS subheading 7202.99.5040.
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> The low-carbon silicomanganese excluded from this scope is a ferroalloy with the following chemical specifications: Minimum 55 percent manganese, minimum 27 percent silicon, minimum 4 percent iron, maximum 0.10 percent phosphorus, maximum 0.10 percent carbon and maximum 0.05 percent sulfur. Low-carbon silicomanganese is used in the manufacture of stainless steel and special carbon steel grades, such as motor lamination grade steel, requiring a very low carbon content. It is sometimes referred to as ferromanganese-silicon. Low-carbon silicomanganese is classifiable under HTSUS subheading 7202.99.5040.

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[17] 19 U.S.C. § 1677(10); *see*, *e.g., Cleo Inc. v. United States*, 501 F.3d 1291, 1299 (Fed. Cir. 2007); *NEC Corp. v. Department of Commerce*, 36 F. Supp. 2d 380, 383 (Ct. Int'l Trade 1998); *Nippon Steel Corp. v. United States*, 19 CIT 450, 455 (1995); *Timken Co. v. United States*, 913 F. Supp. 580, 584 (Ct. Int'l Trade 1996); *Torrington Co. v. United States*, 747 F. Supp. 744, 748-49 (Ct. Int'l Trade 1990), *aff'd*, 938 F.2d 1278 (Fed. Cir. 1991); *see also* S. Rep. No. 249, 96th Cong., 1st Sess. 90-91 (1979).

[18] *See*, *e.g.*, *Internal Combustion Industrial Forklift Trucks from Japan*, Inv. No. 731-TA-377 (Second Review), USITC Pub. 3831 at 8-9 (Dec. 2005); *Crawfish Tail Meat from China*, Inv. No. 731-TA-752 (Review), USITC Pub. 3614 at 4 (July 2003); *Steel Concrete Reinforcing Bar from Turkey*, Inv. No. 731-TA-745 (Review), USITC Pub. 3577 at 4 (Feb. 2003).

> The low-carbon silicomanganese excluded from this scope is a ferroalloy with the following chemical specifications: minimum 55 percent manganese, minimum 27 percent silicon, minimum 4 percent iron, maximum 0.10 percent phosphorus, maximum 0.10 percent carbon and maximum 0.05 percent sulfur. Low-carbon silicomanganese is used in the manufacture of stainless steel and special carbon steel grades, such as motor lamination grade steel, requiring a very low carbon content. It is sometimes referred to as ferromanganese-silicon. Low-carbon silicomanganese is classifiable under HTSUS subheading 7202.99.5040.19

Silicomanganese is consumed in bulk form primarily by the steel industry as a source of both silicon and manganese, although some silicomanganese is used as an alloying agent in the production of iron castings. Manganese, intentionally present in nearly all steels, is used as a steel desulfurizer and deoxidizer. By removing sulfur from steel, manganese prevents the steel from becoming brittle during the hot rolling process. In addition, manganese increases the strength and hardness of steel. Silicon is used as a deoxidizer, aiding in making steels of uniform chemistry and mechanical properties. As such, it is not retained in the steel, but forms silicon oxide, which separates from the steel as a component of the slag. As an alloying agent, silicon increases the hardness and strength of hot-rolled steel mill products, and enhances the toughness, corrosion resistance, and magnetic and electrical properties of certain steel mill products.[20]

In the prior proceedings, the Commission defined the like product to be coextensive with Commerce's scope.[21] In these reviews, Eramet agrees with the Commission's definition of the domestic like product from the prior proceedings.[22] The record contains no information suggesting that the characteristics and uses of domestically produced silicomanganese have changed since the prior proceedings.[23] Based on the analysis in the original investigations, the

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[19] *Silicomanganese from India, Kazakhstan, and Venezuela: Final Results of Expedited Third Sunset Reviews of the Antidumping Duty Orders*, 83 Fed. Reg. 64525, 64526 (Dec. 17, 2018).

[20] CR at I-12 – I-13, PR at I-8 – I-9.

[21] *Original Determination*, USITC Pub. 3505 at 4-5; *First Review Determination*, USITC Pub. 3963 at 5; *Second Review Determination*, USITC Pub. 4424 at 5-6**.** In the preliminary phase of the original investigations, the Commission found one like product consisting of all silicomanganese coextensive with the scope of Commerce's notice of initiation. Commerce subsequently excluded low-carbon silicomanganese from the scope. None of the parties in the final phase of the investigations opposed a like product definition coextensive with the revised scope. *Original Determination*, USITC Pub. 3505 at 4.

[22] Eramet's Response to the Notice of Institution, EDIS Doc. 657324 (Oct. 1, 2018) at 18. Eramet reserved the right to comment on the appropriate definitions during the course of these reviews, but did not file additional comments on this issue.

[23] *See generally* CR at I-11 – I-14, PR at I-8 – I-10.

record in these reviews, and the lack of any contrary argument, we again define a single domestic like product that includes all silicomanganese, except low-carbon silicomanganese, coextensive with Commerce's definition of the scope of the orders under review.

B. Domestic Industry

Section 771(4)(A) of the Tariff Act defines the relevant industry as the domestic "producers as a whole of a domestic like product, or those producers whose collective output of a domestic like product constitutes a major proportion of the total domestic production of the product."[24] In defining the domestic industry, the Commission's general practice has been to include in the industry producers of all domestic production of the like product, whether toll-produced, captively consumed, or sold in the domestic merchant market.

In each of the prior proceedings, the Commission has defined the domestic industry to include all domestic producers of silicomanganese, except low-carbon silicomanganese. There were no related party or other domestic industry issues in any of the prior proceedings.[25]

Eramet agrees with the Commission's definition of the domestic industry from the prior proceedings.[26] The record does not indicate that either of the known domestic producers (Eramet and Felman Production LLC ("Felman")) is a related party.[27] Accordingly, we define the domestic industry to be all domestic producers of silicomanganese, except low-carbon silicomanganese.

III. Cumulation

A. Legal Standard

With respect to five-year reviews, section 752(a) of the Tariff Act provides as follows:

> the Commission may cumulatively assess the volume and effect of imports of the subject merchandise from all countries with respect to which reviews under section 1675(b) or (c) of this title were initiated on the same day, if such imports would be likely to compete with each other and with domestic like products in the United States market. The Commission shall not cumulatively assess the volume and effects of imports of the subject merchandise in a case in which it

[24] 19 U.S.C. § 1677(4)(A). The definitions in 19 U.S.C. § 1677 are applicable to the entire subtitle containing the antidumping and countervailing duty laws, including 19 U.S.C. §§ 1675 and 1675a. *See* 19 U.S.C. § 1677.

[25] *Original Determination*, USITC Pub. 3505 at 5; *First Review Determination*, USITC Pub. 3963 at 5-6; *Second Review Determination*, USITC Pub. 4424 at 6**.**

[26] Eramet's Response to the Notice of Institution at 18.

[27] CR at I-23, PR at I-17.

determines that such imports are likely to have no discernible adverse impact on the domestic industry.[28]

Cumulation therefore is discretionary in five-year reviews, unlike original investigations, which are governed by section 771(7)(G)(i) of the Tariff Act.[29] The Commission may exercise its discretion to cumulate, however, only if the reviews are initiated on the same day, the Commission determines that the subject imports are likely to compete with each other and the domestic like product in the U.S. market, and imports from each such subject country are not likely to have no discernible adverse impact on the domestic industry in the event of revocation. Our focus in five-year reviews is not only on present conditions of competition, but also on likely conditions of competition in the reasonably foreseeable future.

B. Prior Proceedings

In the original investigations, the Commission found a reasonable overlap of competition both among the subject imports from India, Kazakhstan, and Venezuela and between imports from each subject country and the domestic like product. Accordingly, it determined to cumulate subject imports from all three countries for purposes of its material injury analysis.[30]

In each of the prior reviews, the Commission did not find that imports from each subject country would likely have no discernible adverse impact upon revocation.[31] The Commission also found that there would likely be a reasonable overlap of competition among subject imports from each subject country and the domestic like product, as well as between subject

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[28] 19 U.S.C. § 1675a(a)(7).

[29] 19 U.S.C. § 1677(7)(G)(i); *see also*, *e.g.*, *Nucor Corp. v. United States*, 601 F.3d 1291, 1293 (Fed. Cir. 2010) (Commission may reasonably consider likely differing conditions of competition in deciding whether to cumulate subject imports in five-year reviews); *Allegheny Ludlum Corp. v. United States*, 475 F. Supp. 2d 1370, 1378 (Ct. Int'l Trade 2006) (recognizing the wide latitude the Commission has in selecting the types of factors it considers relevant in deciding whether to exercise discretion to cumulate subject imports in five-year reviews); *Nucor Corp. v. United States*, 569 F. Supp. 2d 1328, 1337-38 (Ct. Int'l Trade 2008).

[30] *Original Determination*, USITC Pub. 3505 at 6-8.

[31] *First Review Determination*, USITC Pub. 3963 at 8; *Second Review Determination*, USITC Pub. 4424 at 9-12. In the prior reviews, the Commission found that each of the subject industries was export oriented and had substantial production capacity. *First Review Determination*, USITC Pub. 3963 at 8; *Second Review Determination*, USITC Pub. 4424 at 8-12, 23. In the full second reviews, the Commission noted that questionnaire and published data on the record contained substantial discrepancies regarding the Venezuelan industry's capacity. Referencing published data on total capacity and capacity utilization rates, the Commission found that the Venezuelan industry would likely have excess capacity in the reasonably foreseeable future. *Second Review Determination*, USITC Pub. 4424 at 10-11, 23 n. 134.

imports from each country.[32] Further, it found that imports from each of the three subject countries were likely to compete in the U.S. market under similar conditions of competition upon revocation.[33] Thus, in each review the Commission exercised its discretion to cumulate the subject imports from all three subject countries.[34]

C. Analysis

In these reviews, the statutory threshold for cumulation is satisfied because all reviews were initiated on the same day: September 1, 2018.[35] In addition, we consider the following issues in deciding whether to exercise our discretion to cumulate the subject imports: (1) whether imports from any of the subject countries are precluded from cumulation because they are likely to have no discernible adverse impact on the domestic industry; (2) whether there is a likelihood of a reasonable overlap of competition among subject imports and the domestic like product; and (3) whether subject imports are likely to compete in the U.S. market under different conditions of competition.[36]

1. Likelihood of No Discernible Adverse Impact

The statute precludes cumulation if the Commission finds that subject imports from a country are likely to have no discernible adverse impact on the domestic industry.[37] Neither the statute nor the Uruguay Round Agreements Act ("URAA") Statement of Administrative Action ("SAA") provides specific guidance on what factors the Commission is to consider in determining that imports "are likely to have no discernible adverse impact" on the domestic industry.[38] With respect to this provision, the Commission generally considers the likely volume of subject imports and the likely impact of those imports on the domestic industry within a reasonably foreseeable time if the orders are revoked. Our analysis for each of the subject countries takes into account, among other things, the nature of the product and the behavior of subject imports in the original investigations.

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[32] *First Review Determination*, USITC Pub. 3963 at 9-10; *Second Review Determination*, USITC Pub. 4424 at 12-13.

[33] *First Review Determination*, USITC Pub. 3963 at 10; *Second Review Determination*, USITC Pub. 4424 at 14-15.

[34] *First Review Determination*, USITC Pub. 3963 at 10; *Second Review Determination*, USITC Pub. 4424 at 15.

[35] *Initiation of Five-Year (Sunset) Reviews*, 83 Fed. Reg. 45887 (Sept. 11, 2018).

[36] Eramet argues that because the conditions that warranted cumulation of subject imports from all three subject countries in the prior proceedings have not changed, the Commission should again exercise its discretion to cumulate all subject imports in these reviews. Eramet's Comments in Support of Continuing Orders, EDIS Doc. 668818 (Mar. 12, 2019) at 6-7 n.31.

[37] 19 U.S.C. § 1675a(a)(7).

[38] SAA, H.R. Rep. No. 103-316, vol. I at 887 (1994).

Based on the record in these reviews, we do not find that imports from any of the subject countries are likely to have no discernible adverse impact on the domestic industry in the event of revocation of the corresponding orders.

India. In the original investigations, the volume of subject imports from India totaled *** short tons in 1998, *** short tons in 1999, and *** short tons in 2000, and accounted on an annual basis for *** percent of apparent U.S. consumption during this period.[39] In the first period of review, the volume of subject imports from India declined from 43,856 short tons in 2001 to 849 short tons in 2002.[40] Subject imports from India exited the U.S. market for several years following imposition of the antidumping duty order on May 23, 2002.[41] Subject imports from India resumed in the current 2013-2017 period of review, during which the annual volume of subject imports from India has ranged from 1,317 to 6,438 short tons.[42] Subject imports from India accounted for *** percent of the quantity of apparent U.S. consumption in 2017.[43] In the original investigations, the Commission received usable data from three producers in India.[44] In the expedited first reviews, the Commission received usable data from one Indian producer.[45] In the full second reviews, the Commission received questionnaire responses from two producers in India, Nava Bharat and Sarda,[46] that accounted for *** percent of total production in 2012.[47] No producer from India participated in these reviews.[48] India is the second largest silicomanganese producer in the world.[49] According to information Eramet provided, in 2017 production of silicomanganese in India was *** short tons, the subject industry's capacity was *** short tons, and its capacity utilization was *** percent.[50] Nava

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[39] CR/PR at C-3.

[40] First Review Determination Confidential Report, INV-EE-158 (Oct. 29, 2007), EDIS Doc. 660916 (Nov. 5, 2018) ("*First Review Determination CR*"), at Table I-4.

[41] *First Review Determination CR* at Table I-12 (for subject import data concerning the first period of review); and CR/PR at C-6 (for subject import data concerning the second period of review).

[42] CR/PR at Table I-4.

[43] CR/PR at Table I-6. Data for 2017 may understate apparent U.S. consumption and overstate India's share of it. This is because Eramet's reported domestic shipments constitute the entirety of the domestic industry's domestic shipments used to compute apparent U.S. consumption for 2017. CR/PR at Table I-6 Note.

[44] Original Determination Confidential Report, INV-Z-047 (Apr. 16, 2002), EDIS Doc. 660914 (Nov. 5, 2018) ("*Original Determination CR*"), at VII-1.

[45] *First Review Determination CR* at I-49.

[46] Second Review Determination Confidential Report, INV-LL-058 (Aug. 8, 2013), EDIS Doc. 661090 (Nov. 6, 2018) ("*Second Review Determination CR*") at IV-13.

[47] *Second Review Determination CR* at I-14.

[48] CR at I-32, PR at I-22.

[49] The *** and U.S. Geological Survey both list India as the second largest global producer of silicomanganese by volume on an annual basis throughout the portion of the current review period for which data are available. CR/PR at Tables I-13 and I-14.

[50] CR/PR at Table I-7. The available data for 2017 may be somewhat overstated to the extent that they include out-of-scope low-carbon silicomanganese. *See* Eramet's Response to the Notice of Institution at 7 n. 19.

Bharat and Sarda reported exporting *** percent of total shipments in 2012, the most recent year for which such data are available.[51]

GTA data indicate that global exports from India of ferrosilicon manganese, a broader product category than silicomanganese, declined from 1,053,542 short tons in 2013 to 682,605 short tons in 2016, then increased to 889,494 short tons in 2017.[52] The largest export markets for ferrosilicon manganese from India in 2017 were Japan, Taiwan, Italy, and the United Arab Emirates.[53] Silicomanganese from India is subject to antidumping duties in South Korea and Mexico.[54]

In light of the foregoing, including the high degree of export orientation, substantial capacity and excess capacity of the subject industry, and its continued interest in the U.S. market, we do not find that subject imports from India would likely have no discernible adverse impact on the domestic industry if the antidumping duty order covering these imports were revoked.

Kazakhstan. Subject imports from Kazakhstan totaled *** short tons in 1998, *** short tons in 1999, and *** short tons in 2000 and accounted on an annual basis for between *** percent of apparent U.S. consumption during the original period of investigation.[55] During the first period of review, subject imports from Kazakhstan were present in the U.S. market in limited quantities in 2003 (6 short tons) and 2005 (22 short tons).[56] There have been no subsequent subject imports from Kazakhstan.[57]

In the original investigations, the Commission received usable data from the sole Kazakh producer, Kazchrome.[58] In the expedited first reviews, Kazchrome did not provide the Commission with any data.[59] In the full second reviews, the Commission received usable data from Kazchrome, accounting for *** percent of Kazakhstan's reported silicomanganese exports.[60] No producer from Kazakhstan participated in these reviews.[61]

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[51] *Second Review Determination CR* at Table IV-5.

[52] CR/PR at Table I-8.

[53] CR/PR at Table I-8.

[54] CR at I-39, PR at I-28.

[55] CR/PR at C-3.

[56] *First Review Determination CR* at Table I-4. Subject imports from Kazakhstan accounted for less than 0.05 percent of the share of the total quantity of all U.S. imports in both years. *Id*.

[57] *See* CR/PR at C-6 (for subject import data concerning the second period of review) and at Table I-4 (for subject import data concerning the current period of review).

[58] *Original Determination CR* at VII-4.

[59] *First Review Determination CR* at I-53.

[60] *Second Review Determination CR* at IV-18.

[61] CR at I-32, PR at I-25.

According to data Eramet provided, in 2017 Kazakhstan was the *** largest silicomanganese producer in the world.[62] These data further indicate that in 2017, the subject industry in Kazakhstan produced *** short tons of silicomanganese, had capacity of *** short tons, and capacity utilization of *** percent.[63] Kazchrome reported exporting *** percent of its total shipments in 2012, the most recent year for which such data are available.[64]

GTA data indicate that global exports from Kazakhstan of ferrosilicon manganese, a broader product category than silicomanganese, declined from 92,241 short tons in 2013 to 31,542 short tons in 2015, increased to 48,757 short tons in 2016, then declined to 43,231 short tons in 2017.[65] The largest export markets for ferrosilicon manganese from Kazakhstan in 2017 were Japan and Uzbekistan.[66]

In light of the foregoing, including the export orientation of the subject industry and its substantial capacity and excess capacity, we do not find that subject imports from Kazakhstan would likely have no discernible adverse impact on the domestic industry if the antidumping duty order covering these imports were revoked.

Venezuela. Subject imports from Venezuela totaled 19,511 short tons in 1999, 18,604 short tons in 1999, and 26,565 short tons in 2000.[67] On an annual basis, their share of the quantity of apparent U.S. consumption ranged between *** percent during the original period of investigation.[68] During the first period of review, Venezuelan producers shipped 1,442 short tons of subject merchandise to the United States in 2004.[69] There have been no subsequent entries of subject imports from Venezuela.[70]

In the original investigations, the Commission received a usable questionnaire response from the sole Venezuelan producer, Hevensa.[71] In the expedited first reviews, Hevensa did not provide the Commission with any data.[72] In the full second reviews, the Commission received usable questionnaire responses from Hevensa and another Venezuelan producer, FerroVen,

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[62] CR/PR at Table I-13 (*** data). U.S. Geological Survey data identify Kazakhstan as the ninth leading silicomanganese producer by volume on an annual basis in 2011 through 2015. CR/PR at Table I-14.

[63] CR/PR at Table I-9.

[64] *Second Review Determination CR* at Table IV-8.

[65] CR/PR at Table I-10

[66] CR/PR at Table I-10.

[67] Volume data for Venezuela were based on official Commerce statistics, adjusted to remove out-of-scope low-carbon silicomanganese. *Original Determination CR* at Table IV-2.

[68] CR/PR at C-3.

[69] *First Review Determination CR* at Table I-4. Subject imports from Venezuela accounted for 0.3 percent of the share of total quantity of all U.S. imports in 2004. *Id*.

[70] *See* CR/PR at C-6 (for subject import data concerning the second period of review) and at Table I-4 (for subject import data concerning the current period of review).

[71] *Original Determination CR* at VII-6.

[72] *First Review Determination CR* at I-55.

which together were believed to account for *** Venezuelan silicomanganese production.[73] No producer from Venezuela participated in these reviews.[74]

According to data Eramet provided, in 2017 the subject industry in Venezuela produced *** short tons of silicomanganese, had capacity of *** short tons, and capacity utilization of *** percent.[75]

In 2012, the most recent year for which such data are available, Hevensa and FerroVen reported exporting *** percent of total shipments.[76] Venezuelan producers indicated that they primarily provided silicomanganese to their home market or exported it to the European Union during the second period of review.[77]

GTA data indicate that global exports from Venezuela of ferrosilicon manganese, a broader product category than silicomanganese, declined from 13,535 short tons in 2013 to 3,301 short tons in 2015, and were zero in 2016 and 2017.[78]

In light of the subject industry's substantial excess capacity, and the significant volume of imports prior to the imposition of the order, we do not find that subject imports from Venezuela would likely have no discernible adverse impact on the domestic industry if the antidumping duty order covering these imports were revoked.[79]

2. Likelihood of a Reasonable Overlap of Competition

The Commission generally has considered four factors intended to provide a framework for determining whether subject imports compete with each other and with the domestic like product.[80] Only a "reasonable overlap" of competition is required.[81] In five-year reviews, the

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[73] *Second Review Determination CR* at IV-24.

[74] CR at I-38, PR at I-27.

[75] CR/PR at Table I-11.

[76] *Second Review Determination CR* at Table IV-11.

[77] *Second Review Determination CR* at IV-25.

[78] CR/PR at Table I-12. In its response to the notice of institution, Eramet submitted Global Trade Information Services export statistics that purport to show that Venezuela exported very small quantities of silicomanganese ***. Eramet's Response to the Notice of Institution at 11 and Exh. 5.

[79] Chairman Johanson found during the adequacy phase of these reviews that the facts presented regarding the status of the Venezuelan industry merited a full review. These same facts now raise the question of whether subject imports from Venezuela would likely have no discernible adverse impact on the domestic industry if the antidumping duty order on subject imports from Venezuela were revoked. Based on publicly available information provided in the staff report, it appears that there were no exports from Venezuela under HS7202.30 in either 2016 or 2017. CR/PR at Table I-12. A full review of this order would have provided an opportunity for further exploration of these export data. Nevertheless, on the record of these reviews, I join the majority in not finding that subject imports from Venezuela would likely have no discernible adverse impact on the domestic industry if the antidumping duty order covering these imports were revoked.

[80] The four factors generally considered by the Commission in assessing whether imports compete with each other and with the domestic like product are as follows: (1) the degree of fungibility between subject imports from different countries and between subject imports and the domestic like (Continued…)

relevant inquiry is whether there likely would be competition even if none currently exists because the subject imports are absent from the U.S. market.[82]

Fungibility. In the original investigations, the Commission found that there was a significant degree of fungibility among subject imports from different subject countries and between imports from each subject country and the domestic like product. Purchasers viewed domestically produced silicomanganese and imports from each subject country as comparable for all purchasing factors, and the vast majority reported that domestic silicomanganese and imports from each subject source were used in the same applications.[83]

In the expedited first reviews, the Commission found there was no information in the record that indicated that the fungibility of silicomanganese from all sources had changed.[84] In the full second reviews, the record indicated that a majority of importers and U.S. purchasers found the domestic like product and imports from each subject country to be "frequently" or "always" interchangeable in all comparisons.[85] Additionally, a majority of responding purchasers reported that the domestic like product and imports from each subject country were comparable on most purchasing factors.[86] The Commission thus found silicomanganese from each subject country to be fungible with the domestic like product and each other.[87] There is nothing in the record of these reviews to indicate that the fungibility of silicomanganese from all domestic and subject sources has changed from that observed in the prior proceedings.

Channels of Distribution. In the original investigations, the Commission found that the majority of the domestic like product was sold directly to end users, namely steel mills in the

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(…Continued)
product, including consideration of specific customer requirements and other quality-related questions; (2) the presence of sales or offers to sell in the same geographical markets of imports from different countries and the domestic like product; (3) the existence of common or similar channels of distribution for subject imports from different countries and the domestic like product; and (4) whether subject imports are simultaneously present in the market with one another and the domestic like product. *See, e.g., Wieland Werke, AG v. United States*, 718 F. Supp. 50 (Ct. Int'l Trade 1989).

[81] *See Mukand Ltd. v. United States*, 937 F. Supp. 910, 916 (Ct. Int'l Trade 1996); *Wieland Werke,* 718 F. Supp. at 52 ("Completely overlapping markets are not required."); *United States Steel Group v. United States,* 873 F. Supp. 673, 685 (Ct. Int'l Trade 1994), *aff'd*, 96 F.3d 1352 (Fed. Cir. 1996). We note, however, that there have been investigations where the Commission has found an insufficient overlap in competition and has declined to cumulate subject imports. *See, e.g*., *Live Cattle from Canada and Mexico*, Inv. Nos. 701-TA-386 and 731-TA-812-13 (Preliminary), USITC Pub. 3155 at 15 (Feb. 1999), *aff'd sub nom, Ranchers-Cattlemen Action Legal Foundation v. United States*, 74 F. Supp. 2d 1353 (Ct. Int'l Trade 1999); *Static Random Access Memory Semiconductors from the Republic of Korea and Taiwan*, Inv. Nos. 731-TA-761-62 (Final), USITC Pub. 3098 at 13-15 (Apr. 1998).

[82] *See generally*, *Chefline Corp. v. United States*, 219 F. Supp. 2d 1313, 1314 (Ct. Int'l Trade 2002).

[83] *Original Determination*, USITC Pub. 3505 at 6-7.

[84] *First Review Determination*, USITC Pub. 3963 at 9.

[85] *Second Review Determination CR* at Table II-10.

[86] *Second Review Determination CR* at II-27.

[87] Second Review Determination, USITC Pub. 4424 at 13.

United States. Nearly all imports from *** were also sold directly to end users, while *** of silicomanganese from Kazakhstan was shipped to distributors. The Commission found there was a reasonable overlap in channels of distribution among the subject imports from each country and the domestic like product.[88]

In the prior reviews, the Commission found there was no information in the record that indicated that the distribution pattern would change if the orders were revoked.[89] In the full second reviews, the Commission found that a large majority of silicomanganese was still sold to end users.[90] There is similarly nothing in the record of these reviews to indicate that the distribution pattern observed in the original investigations would change if the orders were revoked.

Geographic Overlap. In the original investigations, the Commission found that domestically produced silicomanganese was sold throughout the United States and that subject imports from each subject country were sold in a number of states throughout the United States. It therefore found that imports from all three subject countries and the domestic like product were present to a significant degree in the same geographic markets during the period examined.[91]

In the prior reviews, the Commission found no information in the record that indicated that the geographic overlap of sales of the domestic like product and the subject imports would be significantly different from that observed in the original investigations.[92] In these reviews, 70.9 percent of subject imports from India entered the U.S. market through Baltimore, Maryland, while the remainder entered through Savannah, Georgia; Laredo, Texas; Mobile, Alabama; and New Orleans, Louisiana.[93] There is nothing in the record of these reviews that indicates that, were the orders to be revoked, there would be a change in the geographic overlap of sales of the domestic like product and the subject imports from that observed in the original investigations.

Simultaneous Presence in Market. In the original investigations, the Commission found that silicomanganese produced in the United States was present throughout the period examined. It also found that silicomanganese from each of the subject countries was imported

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[88] *Original Determination*, USITC Pub. 3505 at 8.

[89] *First Review Determination,* USITC Pub. 3963 at 10; *Second Review Determination*, USITC Pub. 4424 at 13.

[90] In 2012, *** percent of domestic producers' U.S. shipments were to end users and 89.2 percent of importers' U.S. shipments imported from nonsubject sources were sold to end users. *See* Confidential Second Review Determination, EDIS Doc. 661093 (Nov. 6, 2018), at 17.

[91] *Original Determination*, USITC Pub. 3505 at 7-8.

[92] *First Review Determination*, USITC Pub. 3963 at 9; *Second Review Determination*, USITC Pub. 4424 at 13. In the full second reviews, the Commission found that domestically produced silicomanganese and imports from nonsubject sources were both sold in all regions of the continental United States, with a particular focus on the Northeast, Midwest, Southeast, and Central Southwest. *Second Review Determination*, USITC Pub. 4424 at 13.

[93] CR at I-31, PR at I-22.

in approximately one-half of the 45 months for which data were collected and U.S. importers tended to hold substantial levels of inventory. Consequently, it found that subject imports from all countries and the domestic like product were simultaneously present in the U.S. market.[94]

In the expedited first reviews, the Commission found there was no information in the record that indicated that the simultaneous presence observed in the original investigations would not recur if the orders were revoked.[95] In the full second reviews, the domestic like product was sold in the U.S. market throughout the second period of review.[96] No subject imports entered the market during that time. The Commission found that if the orders were revoked, the domestic like product and subject imports would likely be present in the market simultaneously.[97] There is similarly nothing in the record of these reviews that indicates that, were the orders to be revoked, there would be a change in the simultaneous presence observed in the original investigations.

Conclusion. The record in these expedited reviews contains limited information concerning subject imports in the U.S. market during the period of review. The record, moreover, contains no information suggesting a change in the considerations that led the Commission in prior reviews to conclude that there would be a likely reasonable overlap of competition between and among imports from different subject sources and the domestic like product upon revocation. In light of this and the absence of any contrary argument, we find a likely reasonable overlap of competition between and among subject imports from India, Kazakhstan, and Venezuela, and the domestic like product.

D. Likely Conditions of Competition

In determining whether to exercise our discretion to cumulate the subject imports, we assess whether subject imports from the subject countries would compete under similar or different conditions in the U.S. market if the orders under review were revoked.

As previously discussed, in each of the prior reviews, the Commission exercised its discretion to cumulate the subject imports from all three subject countries.[98]

We similarly find that the record in these reviews does not indicate that there would likely be any significant difference in the conditions of competition among subject imports from different sources upon revocation of the orders. Accordingly, we exercise our discretion to cumulate subject imports from India, Kazakhstan, and Venezuela.

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[94] *Original Determination*, USITC Pub. 3505 at 8.

[95] *First Review Determination*, USITC Pub. 3963 at 10.

[96] *Second Review Determination CR* at Table V-2.

[97] *Second Review Determination*, USITC Pub. 4424 at 13.

[98] *First Review Determination*, USITC Pub. 3963 at 10; *Second Review Determination*, USITC Pub. 4424 at 15.

E. Conclusion

Based on the record, we find that subject imports from each of the subject countries would not be likely to have no discernible adverse impact on the domestic industry if the subject orders were revoked. We also find a likely reasonable overlap of competition among subject imports from different sources and between the subject imports from each subject country and the domestic like product and that imports from each of the subject countries are likely to compete in the U.S. market under similar conditions of competition should the orders be revoked. We therefore exercise our discretion to cumulate subject imports from India, Kazakhstan, and Venezuela.

IV. Revocation of the Antidumping Duty Orders Would Likely Lead to Continuation or Recurrence of Material Injury Within a Reasonably Foreseeable Time

A. Legal Standards

In a five-year review conducted under section 751(c) of the Tariff Act, Commerce will revoke an antidumping or countervailing duty order unless: (1) it makes a determination that dumping or subsidization is likely to continue or recur and (2) the Commission makes a determination that revocation of the antidumping or countervailing duty order "would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time."[99] The SAA states that "under the likelihood standard, the Commission will engage in a counterfactual analysis; it must decide the likely impact in the reasonably foreseeable future of an important change in the status quo – the revocation or termination of a proceeding and the elimination of its restraining effects on volumes and prices of imports."[100] Thus, the likelihood standard is prospective in nature.[101] The U.S. Court of International Trade has found that

[99] 19 U.S.C. § 1675a(a).

[100] SAA at 883-84. The SAA states that "{t}he likelihood of injury standard applies regardless of the nature of the Commission's original determination (material injury, threat of material injury, or material retardation of an industry). Likewise, the standard applies to suspended investigations that were never completed." *Id*. at 883.

[101] While the SAA states that "a separate determination regarding current material injury is not necessary," it indicates that "the Commission may consider relevant factors such as current and likely continued depressed shipment levels and current and likely continued {sic} prices for the domestic like product in the U.S. market in making its determination of the likelihood of continuation or recurrence of material injury if the order is revoked." SAA at 884.

"likely," as used in the five-year review provisions of the Act, means "probable," and the Commission applies that standard in five-year reviews.[102]

The statute states that "the Commission shall consider that the effects of revocation or termination may not be imminent, but may manifest themselves only over a longer period of time."[103] According to the SAA, a "'reasonably foreseeable time' will vary from case-to-case, but normally will exceed the 'imminent' timeframe applicable in a threat of injury analysis in original investigations."[104]

Although the standard in a five-year review is not the same as the standard applied in an original investigation, it contains some of the same fundamental elements. The statute provides that the Commission is to "consider the likely volume, price effect, and impact of imports of the subject merchandise on the industry if the orders are revoked or the suspended investigation is terminated."[105] It directs the Commission to take into account its prior injury determination, whether any improvement in the state of the industry is related to the order or the suspension agreement under review, whether the industry is vulnerable to material injury if an order is revoked or a suspension agreement is terminated, and any findings by Commerce regarding duty absorption pursuant to 19 U.S.C. § 1675(a)(4).[106] The statute further provides that the presence or absence of any factor that the Commission is required to consider shall not necessarily give decisive guidance with respect to the Commission's determination.[107]

In evaluating the likely volume of imports of subject merchandise if an order under review is revoked and/or a suspended investigation is terminated, the Commission is directed to consider whether the likely volume of imports would be significant either in absolute terms

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[102] *See NMB Singapore Ltd. v. United States*, 288 F. Supp. 2d 1306, 1352 (Ct. Int'l Trade 2003) ("'likely' means probable within the context of 19 U.S.C. § 1675(c) and 19 U.S.C. § 1675a(a)"), *aff'd mem.*, 140 Fed. Appx. 268 (Fed. Cir. 2005); *Nippon Steel Corp. v. United States*, 26 CIT 1416, 1419 (2002) (same); *Usinor Industeel, S.A. v. United States*, 26 CIT 1402, 1404 nn.3, 6 (2002) ("more likely than not" standard is "consistent with the court's opinion;" "the court has not interpreted 'likely' to imply any particular degree of 'certainty'"); *Indorama Chemicals (Thailand) Ltd. v. United States*, 26 CIT 1059, 1070 (2002) ("standard is based on a likelihood of continuation or recurrence of injury, not a certainty"); *Usinor v. United States*, 26 CIT 767, 794 (2002) ("'likely' is tantamount to 'probable,' not merely 'possible'").

[103] 19 U.S.C. § 1675a(a)(5).

[104] SAA at 887. Among the factors that the Commission should consider in this regard are "the fungibility or differentiation within the product in question, the level of substitutability between the imported and domestic products, the channels of distribution used, the methods of contracting (such as spot sales or long-term contracts), and lead times for delivery of goods, as well as other factors that may only manifest themselves in the longer term, such as planned investment and the shifting of production facilities." *Id*.

[105] 19 U.S.C. § 1675a(a)(1).

[106] 19 U.S.C. § 1675a(a)(1). Commerce has not issued any duty absorption findings with respect to silicomanganese from India, Kazakhstan, and Venezuela. CR at I- 9, PR at I-6.

[107] 19 U.S.C. § 1675a(a)(5). Although the Commission must consider all factors, no one factor is necessarily dispositive. SAA at 886.

or relative to production or consumption in the United States.[108] In doing so, the Commission must consider "all relevant economic factors," including four enumerated factors: (1) any likely increase in production capacity or existing unused production capacity in the exporting country; (2) existing inventories of the subject merchandise, or likely increases in inventories; (3) the existence of barriers to the importation of the subject merchandise into countries other than the United States; and (4) the potential for product shifting if production facilities in the foreign country, which can be used to produce the subject merchandise, are currently being used to produce other products.[109]

In evaluating the likely price effects of subject imports if an order under review is revoked and/or a suspended investigation is terminated, the Commission is directed to consider whether there is likely to be significant underselling by the subject imports as compared to the domestic like product and whether the subject imports are likely to enter the United States at prices that otherwise would have a significant depressing or suppressing effect on the price of the domestic like product.[110]

In evaluating the likely impact of imports of subject merchandise if an order under review is revoked and/or a suspended investigation is terminated, the Commission is directed to consider all relevant economic factors that are likely to have a bearing on the state of the industry in the United States, including but not limited to the following: (1) likely declines in output, sales, market share, profits, productivity, return on investments, and utilization of capacity; (2) likely negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital, and investment; and (3) likely negative effects on the existing development and production efforts of the industry, including efforts to develop a derivative or more advanced version of the domestic like product.[111] All relevant economic factors are to be considered within the context of the business cycle and the conditions of competition that are distinctive to the industry. As instructed by the statute, we have considered the extent to which any improvement in the state of the domestic industry is related to the orders under review and whether the industry is vulnerable to material injury upon revocation.[112]

No respondent interested party participated in these expedited reviews. The record, therefore, contains limited new information with respect to the silicomanganese industries in India, Kazakhstan, and Venezuela. There also is limited information on the domestic

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[108] 19 U.S.C. § 1675a(a)(2).

[109] 19 U.S.C. § 1675a(a)(2)(A-D).

[110] *See* 19 U.S.C. § 1675a(a)(3). The SAA states that "{c}onsistent with its practice in investigations, in considering the likely price effects of imports in the event of revocation and termination, the Commission may rely on circumstantial, as well as direct, evidence of the adverse effects of unfairly traded imports on domestic prices." SAA at 886.

[111] 19 U.S.C. § 1675a(a)(4).

[112] The SAA states that in assessing whether the domestic industry is vulnerable to injury if the order is revoked, the Commission "considers, in addition to imports, other factors that may be contributing to overall injury. While these factors, in some cases, may account for the injury to the domestic industry, they may also demonstrate that an industry is facing difficulties from a variety of sources and is vulnerable to dumped or subsidized imports." SAA at 885.

silicomanganese market during the period of review. Accordingly, for our determination, we rely as appropriate on the facts available from the prior proceedings and the limited new information on the record in these reviews.

B. Conditions of Competition and the Business Cycle

In evaluating the likely impact of the subject imports on the domestic industry if an order is revoked, the statute directs the Commission to consider all relevant economic factors "within the context of the business cycle and conditions of competition that are distinctive to the affected industry."[113] The following conditions of competition inform our determinations.

1. Demand Conditions

In the original investigations, the Commission found that the demand for silicomanganese is closely tied to the demand for steel. It also found that silicomanganese represents a relatively small share of the total cost of steelmaking, and the absolute price of silicomanganese had little effect on steel makers' demand for silicomanganese. The capital intensive nature of silicomanganese production required high levels of capacity utilization for profitable operations.[114] In both prior reviews, the Commission found that U.S. demand for silicomanganese remained cyclically tied to conditions in the U.S. and global steel industries.[115] Information in the limited record of these reviews likewise indicates that U.S. demand for silicomanganese remains tied to conditions in the U.S. and global steel industry.[116]

In the original investigations, apparent U.S. consumption rose irregularly over the full-year periods, but was substantially lower in the first three quarters of 2001 than during the comparable period of 2000.[117] In the expedited first reviews, apparent U.S. consumption was higher than during the original investigations.[118] In the full second reviews, most firms had reported that demand for silicomanganese had decreased or fluctuated due to the overall condition of the economy and a decline in steel production tied to the recession of 2009.[119] The Commission found that apparent U.S. consumption declined overall, but recovered somewhat after the recession along with an increase in demand for steel.[120] The data collected in these reviews indicate that apparent U.S. consumption was *** short tons in 2017.[121] Citing other

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[113] 19 U.S.C. § 1675a(a)(4).

[114] *Original Determination*, USITC Pub. 3505 at 9.

[115] *First Review Determination*, USITC Pub. 3963 at 14; *Second Review Determination*, USITC Pub. 4424 at 19.

[116] Eramet's Response to the Notice of Institution at 6-7 and Table 1.

[117] *Original Determination*, USITC Pub. 3505 at 9.

[118] *First Review Determination*, USITC Pub. 3963 at 13.

[119] *Second Review Determination*, USITC Pub. 4424 at 19-20**.**

[120] *Second Review Determination*, USITC Pub. 4424 at 20-21.

[121] CR/PR at Table I-6. As previously stated, apparent consumption data for 2017 are likely understated because they reflect solely Eramet's domestic shipments.

data for apparent U.S. consumption, Eramet contends that U.S. demand for silicomanganese fluctuated during the current period of review, reaching a high of *** short tons in 2014 and a low of *** short tons in 2016.[122]

2. Supply Conditions

Eramet purchased the silicon production operations of another domestic producer in July 1999. Data collected during the original investigations indicated that the domestic industry supplied between *** and *** percent of the annual quantity of apparent U.S. consumption, whereas cumulated subject imports supplied between *** and *** percent of apparent consumption.[123] The Commission observed that Eramet, even if it operated at full capacity, could only satisfy a portion of U.S. demand during the original period of investigation.[124]

During the first reviews there were two domestic producers, Eramet and Felman. The Commission found that the domestic industry continued to supply a relatively small portion of overall domestic demand.[125] Eramet and Felman continued to supply a relatively small share of U.S. demand during the second review period.[126]

In these reviews, Eramet supplied a small share of domestic demand,[127] cumulated subject imports supplied a smaller share of the market,[128] and nonsubject imports continued to

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[122] Eramet's Response to the Notice of Institution at 6-7 and Table 1 (citing data from the *** that may be overstated to the extent that they include certain out-of-scope low-carbon silicomanganese. *Id*., at 7 n.19). According to these data, apparent U.S. consumption was *** short tons in 2017. *Id*. Most of the companies that responded to the Commission's purchaser questionnaires did not address trends in apparent U.S. consumption, through *** noted that ***. CR/PR at D-3.

[123] CR/PR at C-3. South Africa was the leading source of nonsubject imports. *Original Determination*, USITC Pub. 3505 at 10.

[124] *Original Determination*, USITC Pub. 3505 at 9-10.

[125] During the first review period, the domestic industry's market share declined to *** percent in 2006, while that of nonsubject imports increased to *** percent. There were no entries of subject imports during this period. CR/PR at Table I-6; *see also First Review Determination*, USITC Pub. 3963 at 12-13. The largest sources of nonsubject imports were South Africa, Norway, Georgia, and Romania. *Id*., at 13. Eramet and Felman both reported production difficulties during the first period of review. *Id*.

[126] The domestic industry's market share increased to *** percent in 2012, while that of nonsubject imports declined to *** percent. CR/PR at Table I-6; *see also Second Review Determination*, USITC Pub. 4424 at 20. During the second period of review, Eramet's production declined, and Felman ceased production for an expected three months towards the end of the review period. *Second Review Determination*, USITC Pub. 4424 at 20.

[127] Eramet supplied *** percent of the annual quantity of apparent U.S. consumption in 2017. CR/PR at Table I-6. Felman shuttered operations at its New Haven, West Virginia facility twice during the current period of review. In June 2013, Felman closed the facility for a planned three months, citing continuous challenging silicomanganese market conditions. Felman only resumed limited silicomanganese production in July 2014. By August 6, 2014, Felman had restarted two of the facility's three electric arc furnaces. Felman closed the facility again from July 25 to August 20, 2017 following a transformer failure at one of the two operational furnaces. CR/PR at Table I-2.

supply the largest share of the market.[129] Imports of silicomanganese from China and Ukraine are currently subject to antidumping duty orders.[130]

3. Substitutability

In the original investigations and full second reviews, the Commission characterized silicomanganese as a commodity product, sold largely on the basis of price.[131] In the second reviews, the Commission found a moderate-to-high degree of substitutability among silicomanganese produced in the United States and that imported from subject and nonsubject sources.[132] In the current reviews, Eramet agrees with the characterization of moderate-to-high substitutability.[133]

(…Continued)

[128] Cumulated subject imports supplied *** percent of the quantity of apparent U.S. consumption in 2017; all such imports were from India. CR/PR at Table I-6. As previously stated, available apparent consumption data likely understate apparent consumption and overstate import market share. *Id*., at Note.

[129] Nonsubject imports supplied *** percent of the annual quantity of apparent U.S. consumption in 2017. CR/PR at Table I-6. Georgia, South Africa, and Australia were the largest nonsubject sources of silicomanganese in the current review period. CR/PR at Table I-4.

[130] Both orders were recently continued following affirmative five-year review determinations. *Silicomanganese from the People's Republic of China and Ukraine: Continuation of the Antidumping Duty Orders*, 83 Fed. Reg. 63830 (Dec. 12, 2018). The scope of both orders covers all silicomanganese. *See Silicomanganese from the People's Republic of China and Ukraine: Final Results of Expedited Fourth Sunset Reviews of the Antidumping Duty Orders*, 83 Fed. Reg. 5609, 5610 (Feb. 8, 2018). Silicomanganese from China is also currently subject to an initial 10 percent *ad valorem* duty levied pursuant to Section 301(b) of the Trade Act of 1974, which the U.S. Trade Representative may increase to 25 percent *ad valorem* upon further notice. *See Silicomanganese from China and Ukraine*, Inv. Nos. 731-TA-672-673 (Fourth Review), USITC Pub. 4845 (Nov. 2018) at I-10; and *Notice of Modification of Section 301 Action: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation*, 84 Fed. Reg. 7966 (March 5, 2019). In April 2016, the Commission reached a negative determination in a separate antidumping duty investigation concerning imports of silicomanganese from Australia. *Silicomanganese from Australia*, Inv. No. 731-TA-1269 (Final), USITC Pub. 4600 (Apr. 2016) at 1.

[131] *Original Determination*, USITC Pub. 3505 at 10; *Second Review Determination*, USITC Pub. 4424 at 21-22. As previously discussed, in the second reviews, a majority of importers and U.S. purchasers found the domestic like product and imports from each subject country to be "frequently" or "always" interchangeable in all comparisons. *Second Review Determination CR* at Table II-10. Additionally, a majority of responding purchasers reported the domestic like product and imports from each subject country to be comparable on most purchasing factors. *Second Review Determination CR* at II-27.

[132] *Second Review Determination*, USITC Pub. 4424 at 21; *see also Silicomanganese from China and Ukraine*, Inv. Nos. 731-TA-672-673 (Fourth Review) (Nov. 2018) at 19, 25 (similarly finding a moderate-to-high degree of substitutability between silicomanganese from all sources).

[133] Eramet's Response to the Notice of Institution at 8. Eramet also asserts that price remains an important factor in purchasing decisions. *Id*.

The limited record in these reviews contains nothing to indicate that the substitutability between U.S.-produced silicomanganese and imported silicomanganese regardless of source or the importance of price has changed since the prior or related reviews.[134] We thus find that the domestic like product and subject imports are moderately to highly substitutable and that price is an important factor in purchasing decisions.

4. Other Conditions

In the original investigations and full second reviews, the Commission found that pricing data on silicomanganese are widely and rapidly available through published sources such as *Ryan's Notes* and *Metals Week*. Given the widespread availability of pricing data and the commodity nature of the product, producers needed to react quickly to price changes in the market.[135] The record in these reviews contains nothing to indicate that the availability of silicomanganese prices in the U.S. market has changed since the prior reviews.[136] Accordingly, we again find that pricing data on silicomanganese are widely and rapidly available through published sources, such that producers must react quickly to price changes in the market.

In the current review period, the U.S. Environmental Protection Agency revised its National Emission Standards for Hazardous Air Pollutants, which regulate silicomanganese production.[137] Eramet states that it has taken measures to comply with these revised emission standards.[138]

C. Likely Volume of Subject Imports

1. The Prior Proceedings

In the original investigations, the Commission found that the volume of subject imports had increased overall during the period examined. Subject import volume and market share both declined at the beginning of the period, when apparent U.S. consumption declined, then increased sharply at the end of the period. The increase in subject imports was significantly

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[134] CR at I-10 – I-16, PR at I-7 – I-12.

[135] *Original Determination*, USITC Pub. 3505 at 10; *Second Review Determination*, USITC Pub. 4424 at 21-22.

[136] CR at I-10 – I-16, PR at I-7 – I-12. Eramet argues that the ready availability of current price information through industry publications continues to facilitate rapid communication of price changes. Eramet has also provided the Commission with a list of known sources of national and regional silicomanganese pricing information. Eramet's Response to the Notice of Institution at 8 and Exh. 9.

[137] CR/PR at Table I-2; *see also National Emissions Standards for Hazardous Air Pollutants: Ferroalloys Production*, 80 Fed. Reg. 37365 (June 30, 2015); and *National Emission Standards for Hazardous Air Pollutants: Ferroalloys Production*, 82 Fed. Reg. 5401 (Jan. 18, 2017).

[138] Eramet's Response to the Notice of Institution at 17-18, n.55. Eramet contends that the *** it made to comply with these regulations, and challenging market conditions in previous years, most recently in 2016, left Eramet with ***, such that it is vulnerable to increases in dumped imports, should the orders be revoked. *Id*.

larger than the increase in apparent U.S. consumption. Although the volume of subject imports began to decline when the petitions were filed, substantial quantities of subject import inventories remained in the U.S. market. The domestic industry could increase neither its U.S. shipments nor its market share when demand rose in 2000. The volume of nonsubject imports declined throughout the period. The Commission found that both the absolute and relative volume of cumulated subject imports, and the increases in subject import volume, were significant.[139]

In the expedited first reviews, the Commission found that, with the orders in place, the volume of cumulated subject imports was at very low levels, as subject imports from each subject country declined sharply following imposition of the orders. Although there was limited information on the record concerning the levels of production capacity in the subject countries, available data suggested the presence of significant capacity in the three subject countries and significant unused capacity in Venezuela. Total exports from the subject countries increased overall during the period of review. The Commission determined that because the subject producers continued to have substantial capacity and production, significant excess capacity, and export orientation, the likely volume of subject imports, both in absolute terms and relative to consumption and production in the United States, would be significant absent the restraining effect of the orders.[140]

In the full second reviews, the Commission found that no subject imports entered the U.S. market during the period examined. Based on available record information, the Commission found that there was substantial production and unused capacity in each subject country. Moreover, the Commission deemed all of the subject industries export oriented; cumulated subject country exports, which accounted for a substantial portion of subject producers' production throughout the second period of review, rose by 25.6 percentage points as a share of total production between 2007 and 2012. Absent the restraining effect of the orders, the Commission found that silicomanganese producers in the subject countries would likely shift export markets and resume shipping substantial volumes of subject merchandise to the United States. Accordingly, the Commission determined that the likely volume of cumulated subject imports, both in absolute terms and relative to consumption and production in the United States, would be significant if the orders were to be revoked.[141]

2. The Current Reviews

The record indicates that, on a cumulated basis, subject producers of silicomanganese have the means and the incentive to export subject merchandise to the U.S. market in significant volumes within a reasonably foreseeable time if the antidumping duty orders were revoked. The cumulated subject industries have significant production capacity and excess capacity, and the record indicates that the cumulated subject industries in these countries are

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[139] *Original Determination*, USITC Pub. 3505 at 11-12.

[140] *First Review Determination*, USITC Pub. 3963 at 15-16.

[141] *Second Review Determination*, USITC Pub. 4424 at 23-24**.**

export oriented. Moreover, the United States remains an attractive export market for silicomanganese, given its size and high prices.

Towards the end of the original period of investigation, cumulated subject imports had captured nearly *** of the domestic silicomanganese market.[142] The volume and market share of cumulated subject imports declined sharply following the original period of investigation; cumulated subject imports largely ceased entering the U.S. market after imposition of the orders on May 23, 2002.[143] During the current period of review, subject imports were present in small quantities; annual cumulated subject import volume ranged from a period low of 1,317 short tons in 2013 to a period high of 6,438 short tons in 2017.[144] In 2017, cumulated subject import penetration was *** percent of apparent U.S. consumption.[145] We find the limited presence of subject imports in the U.S. market during these reviews, which continues the trend from prior reviews, is a function of the discipline of the orders.

The record contains only limited data concerning the silicomanganese industries in the subject countries because no producer or exporter of subject merchandise participated in these reviews. Most of the contemporaneous data about the subject industries has been provided by Eramet, which provided published data on the subject industries and a list of producers in the subject countries believed to have exported silicomanganese in the current period of review.[146]

The available data indicate that silicomanganese production capacity in the subject countries is significant on a cumulated basis.[147] Moreover, cumulated excess capacity was *** short tons in 2017.[148] This is several times larger than total apparent U.S. consumption of silicomanganese that year.[149] Consequently, available excess capacity in the subject countries far exceeds current U.S. demand levels.

The available data also indicate that the cumulated subject industries exported substantial volumes of silicomanganese across the world during the current review period. Available GTA data indicate that cumulated exports from the subject countries in 2017 were

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[142] CR/PR at Table I-6.

[143] *First Review Determination CR* at Table I-12 (for subject import data concerning the first period of review); CR/PR at C-6 (for subject import data concerning the second period of review).

[144] CR/PR at Table I-4. All subject imports were from India. *Id*.

[145] CR/PR at Table I-6. As previously stated, import market shares are likely overstated.

[146] Eramet's Response to the Notice of Institution at Exhs. 2, 5, and 7; *see also* CR/PR at Tables I-7, I-9, I-11, and I-13.

[147] Cumulated capacity was *** short tons in 2017. CR/PR at Tables I-7, I-9, and I-11.

[148] CR/PR at Tables I-7, I-9, and I-11.

[149] Information in the record indicates that apparent U.S. consumption in 2017 ranged between *** short tons (based on data the Commission collected, which do not account for all domestic shipments), CR/PR at Table I-6, and *** short tons (based on data Eramet provided which may be overstated), Eramet's Response to the Notice of Institution at Table I.

932,815 short tons, a figure exceeding that year's apparent U.S. consumption.[150] Moreover, two subject countries (India and Kazakhstan) are leading global exporters of silicomanganese.[151]

Prices in the U.S. market are higher than prices in other markets, providing a further incentive for subject producers to increase production or to direct exports currently shipped to other markets to the U.S. market if the orders were revoked.[152] Additionally, Korea and Mexico have existing antidumping duty orders on exports of silicomanganese from India.[153] These orders provide additional incentive for subject Indian producers to direct export shipments to the U.S. market. Thus, the available information supports the conclusion that, absent the restraining effects of the orders, the silicomanganese industries in the subject countries would likely avail themselves of their unused capacity and/or would likely shift export markets for this highly substitutable product and resume exporting substantial volumes of silicomanganese to the lucrative U.S. market.

In light of the foregoing, we conclude that the likely volume of cumulated subject imports, both in absolute terms and relative to consumption in the United States, would likely be significant if the orders were revoked.[154]

D. Likely Price Effects

1. The Prior Proceedings

In the original investigations, the Commission found that silicomanganese is a commodity product sold largely on the basis of price. Pricing information was widely disseminated and exerted rapid influence on the market. Cumulated subject imports undersold the domestic like product more at the end of the period than in the beginning. Purchasers confirmed several lost sales and revenue allegations, indicating that direct competition between the domestic like product and subject imports occurred and that the domestic industry lost sales on the basis of price. Both the financial data and pricing data suggested that the domestic industry had not been fully able to recoup its costs through sales revenue, despite a rebound in apparent U.S. consumption during the period. Accordingly, the Commission found

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[150] CR/PR at Tables I-8, I-10, and I-12. As previously discussed, available GTA data include some out-of-scope products.

[151] The *** and the U.S. Geological Survey both list India as the second largest global producer of silicomanganese during the current reviews and identify Kazakhstan as a major silicomanganese producer in this period. CR/PR at Tables I-13 and I-14.

[152] *See* Eramet Response to Notice of Institution at 11-12; *see also Silicomanganese from China and Ukraine*, Inv. Nos. 731-TA-672-673 (Fourth Review), USITC Pub. 4845 (Nov. 2018) at 13.

[153] CR at I-39, PR at I-28.

[154] Because of the expedited nature of these reviews, the record does not contain information about inventories of the subject merchandise or the capacity of the subject producers for product shifting during the current period of review.

that the increasing volume of subject imports, sold at low and declining prices, played a significant role in preventing price increases.[155]

The record in the expedited first reviews contained limited pricing data for the U.S. market. Prices had generally increased since the orders had been in place, although large inventories initially kept prices low. The Commission found that, absent the orders, competitive conditions would return to those prevailing prior to the imposition of the orders. Given the fungibility between the domestic like product and cumulated subject imports, producers in the subject countries would have the incentive to lower their prices to recapture U.S. market share. Thus, increased sales of subject imports likely would be achieved by means of aggressive pricing. The Commission also found that the subject imports would likely enter the United States at prices that would significantly depress or suppress U.S. prices if the orders were revoked.[156]

The record in the full second reviews also contained limited pricing data for the U.S. market. The Commission found that because of the importance of price in purchasing decisions and the relatively price-inelastic demand for silicomanganese, cumulated subject imports would be likely to expand market share by entering the U.S. market at low prices if the orders were revoked. Given the rapid way in which price changes are communicated in the market, this would trigger price declines in the U.S. market and likely have significant depressing or suppressing effects on U.S. prices.[157]

2. The Current Reviews

As stated above, we find a moderate to high degree of substitutability between the domestic like product and subject imports, and price continues to be an important factor in purchasing decisions. The record does not contain new pricing data due to the expedited nature of these reviews. We have found, however, that the likely cumulated volume of subject imports from India, Kazakhstan, and Venezuela would be significant if the orders were revoked.

In light of the continued importance of price in purchasing decisions, we find that cumulated subject imports would be likely to expand market share by entering the U.S. market at low prices if the orders were revoked. Due to the speed at which price changes are communicated in this market, the likely significant cumulated volume of subject imports from India, Kazakhstan, and Venezuela entering at low prices would likely require domestic producers to cut prices, forego prices increases, or lose market share. Consequently, cumulated subject imports would likely have significant depressing or suppressing effects on the price of the domestic like product.

Accordingly, we conclude that subject imports would likely have significant price effects on domestic silicomanganese prices upon revocation of the orders.

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[155] *Original Determination*, USITC Pub. 3505 at 13-14.

[156] *First Review Determination*, USITC Pub. 3963 at 17.

[157] *Second Review Determination*, USITC Pub. 4424 at 25. The Commission collected pricing data but could not make pricing comparisons because of the absence of subject imports during the period of review. Pricing trends for the two domestically produced pricing products were mixed. *Id*.

E. Likely Impact

1. The Prior Proceedings

In the original investigations, the Commission found that the sharp increase in subject imports during the period caused domestic production to decline, despite increasing apparent U.S. consumption for silicomanganese. Notwithstanding the drop in production, inventories increased. The domestic industry generated an operating profit in 1998, then sustained operating losses in 1999 and 2000. The surge in subject imports caused the industry's shipments to decline and depressed prices. When subject import volume began to decline, coinciding with the filing of the petition, inventories remained at high levels. As a result, the domestic industry continued to suffer poor financial performance. The Commission found that cumulated subject imports had a significant impact on the domestic industry.[158]

In the expedited first reviews, given the likely significant increase in the volume of subject imports and the resultant likely intense price competition, the Commission found the domestic industry would likely experience significant declines in output, sales, and income, with consequent losses in employment, capital, and research and development expenditures similar to those experienced during the original investigations. The limited information on the record was insufficient to enable the Commission to determine whether the domestic industry was vulnerable. Nonetheless, the Commission concluded that revocation of the orders would likely have a significant impact on the domestic industry within a reasonably foreseeable time.[159]

In the full second reviews, the domestic industry reported increased capacity, production, employment, and productivity, in addition to improvements in net sales and capital expenditures. However, the industry also experienced negative operating income margins throughout much of the second period of review, prompting domestic producer Felman to shut down operations for a planned three months in June 2013. The Commission found the domestic industry to be in a vulnerable condition. The Commission considered that any increase in cumulated subject imports would likely prompt the domestic industry to cut prices, forego price increases, or lose sales as it did in the original investigations, leading to likely declines in production, shipments, market share, and employment. On this basis, the Commission concluded that revocation of the orders would likely have a significant impact on the domestic industry.[160] The Commission also considered the role of nonsubject imports, whose volume and market share declined during the second period of review. It concluded that the continued presence of nonsubject imports in the U.S. market would not preclude subject imports from taking market share from the domestic industry or forcing the domestic industry to lower prices in order to compete.[161]

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[158] *Original Determination*, USITC Pub. 3505 at 15-16.
[159] *First Review Determination*, USITC Pub. 3963 at 18-19.
[160] *Second Review Determination*, USITC Pub. 4424 at 26-28.
[161] *Second Review Determination*, USITC Pub. 4424 at 28-29.

2. The Current Reviews

In these expedited reviews, the information available on the domestic industry's condition is limited to that which Eramet provided. In 2017, Eramet's capacity was *** short tons, its production was *** short tons, and its capacity utilization rate was *** percent.[162] Eramet's domestic shipments were *** short tons, accounting for a *** percent share of apparent U.S. consumption by quantity.[163] Its net sales revenue was $***, and its operating income was $***, equivalent to *** percent of net sales.[164] The limited evidence in these expedited reviews is insufficient for us to make a finding on whether the domestic industry is vulnerable to the continuation or recurrence of material injury should the orders be revoked.

Based on the information available in these reviews, we find that revocation of the orders would likely lead to a significant volume of subject imports and that these imports would likely have significant depressing or suppressing effects on domestic like product prices. Consequently, to compete with the likely additional volumes of subject imports, the domestic industry would need to cut prices, forego needed price increases, and/or lose sales as it did in the original investigations. This would likely lead to reduced production, shipments, sales, and/or revenue. These reductions would, in turn, likely have a direct adverse impact on the domestic industry's profitability and employment levels, ability to raise capital and maintain capital investments, and research and development expenditures.

We have also considered the role of factors other than subject imports, including the presence of nonsubject imports, so as not to attribute likely injury from other factors to the subject imports. As previously discussed, nonsubject imports have supplied the largest share of the market since the original investigations.[165] The volume of nonsubject imports increased from 318,239 short tons in 2012 to 380,761 short tons in 2017.[166] There is no indication on the record of these reviews that the presence of nonsubject imports would prevent cumulated subject imports from significantly increasing their presence in the U.S. market in the event of revocation of the antidumping duty orders, given the substantial cumulated excess capacity of subject producers, the export orientation of the subject industries, and the attractiveness of the U.S. market. Additionally, given the moderate to high substitutability of silicomanganese regardless of source, any increase in cumulated subject import volume and market penetration is likely to come, at least in substantial part, at the expense of the domestic industry. In light of these considerations, we find that the effects we have attributed to the subject imports are distinguishable from any effects likely from nonsubject imports in the event of revocation.

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[162] CR/PR at Table I-3. Because of differences in industry coverage, the available domestic industry data for 2017 are not necessarily comparable to those reported in prior proceedings.

[163] CR/PR at Table I-6. As previously mentioned, domestic industry market share data for 2017 are understated.

[164] CR/PR at Table I-3.

[165] CR at I-27, PR at I-19; CR/PR at Table I-4.

[166] CR/PR at Table I-5.

Accordingly, we conclude that revocation of the antidumping duty orders on silicomanganese from India, Kazakhstan, and Venezuela would likely have a significant impact on domestic producers of silicomanganese within a reasonably foreseeable time.

V. Conclusion

For the reasons above, we determine that revocation of the antidumping duty orders on silicomanganese from India, Kazakhstan, and Venezuela would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

INFORMATION OBTAINED IN THESE REVIEWS

BACKGROUND

On September 4, 2018, the U.S. International Trade Commission ("Commission") gave notice, pursuant to section 751(c) of the Tariff Act of 1930, as amended ("the Act"),[1] that it had instituted a review to determine whether revocation of antidumping duty orders on silicomanganese from India, Kazakhstan, and Venezuela would likely lead to the continuation or recurrence of material injury to a domestic industry.[2] All interested parties were requested to respond to this notice by submitting certain information requested by the Commission.[3] [4] The following tabulation presents information relating to the background and schedule of this proceeding:

Date	Action
September 4, 2018	Notice of institution by the Commission (83 FR 44898)
September 11, 2018	Notice of initiation by Commerce (83 FR 45887)
December 17, 2018	Commerce's results of its expedited reviews (83 FR 64525)
December 10, 2018	Commission's vote on adequacy
March 27, 2019	Commission's vote on reviews
April 17, 2019	Commission's determinations transmitted to Commerce
June 6, 2019	Commission's statutory deadline to complete expedited reviews

[1] 19 U.S.C. 1675(c).

[2] *Silicomanganese From India, Kazakhstan, and Venezuela; Institution of a Five-Year Review*, 83 FR 44898, September 4, 2018. In accordance with section 751(c) of the Act, the U.S. Department of Commerce ("Commerce") published a notice of initiation of a five-year review of the subject antidumping duty orders concurrently with the Commission's notice of institution. *Initiation of Five-Year ("Sunset") Review*, 83 FR 45887, September 11, 2018. Pertinent *Federal Register* notices are referenced in app. A, and may be found at the Commission's website (www.usitc.gov).

[3] As part of their response to the notice of institution, interested parties were requested to provide company-specific information. That information is presented in app. B. Summary data compiled in prior proceedings is presented in app. C.

[4] Interested parties were also requested to provide a list of three to five leading purchasers in the U.S. market for the subject merchandise. Presented in app. D are the responses received from purchaser surveys transmitted to the purchasers identified in the adequacy phase of this proceeding.

RESPONSES TO THE COMMISSION'S NOTICE OF INSTITUTION

Individual responses

The Commission received one submission in response to its notice of institution in the subject reviews. It was filed on behalf of the following entity:

1. Eramet Marietta, Inc. ("Eramet"), domestic producer of silicomanganese.

A complete response to the Commission's notice of institution requires that the responding interested party submit to the Commission all the information listed in the notice. Responding firms are given an opportunity to remedy and explain any deficiencies in their responses. A summary of the number of responses and estimates of coverage for each is shown in table I-1.

Table I-1
Silicomanganese: Summary of responses to the Commission's notice of institution

Type of interested party	Completed responses	
	Number	Coverage
Domestic:		
U.S. producer	1	***%[1]

[1] In their response to the notice of institution, the domestic interested party estimated their share of total U.S. production of silicomanganese in 2017. The estimate was calculated as the quantity of their reported production (*** short tons) divided by the International Manganese Institute's estimate of total domestic production in 2017 (*** short tons). Eramet's response to the notice of institution, October 1, 2018, exh. 10.

Party comments on adequacy

The Commission received one submission from a party commenting on the adequacy of responses to the notice of institution and whether the Commission should conduct expedited or full reviews. This submission was filed on behalf of the domestic interested party, Eramet.

Eramet argued that it adequately represents the U.S. industry and that its own response is adequate with respect to the orders under review.[5] Eramet argued that the U.S. purchaser responses to the mini-purchaser questionnaire do not provide any information that would warrant the need to conduct full reviews.[6] Eramet also argued that the Commission should find the respondent interested party group response to be inadequate since there was no complete submission by any respondent interested party. Therefore, because of the inadequate response by the respondent interested parties and the fact that there have been no major changes in the conditions of competition in the market since the Commission's the last five-

[5] Domestic interested party's comments on adequacy, November 19, 2018, pp. 2-5.
[6] Ibid.

year review, they request that the Commission conduct an expedited review of the antidumping duty orders on silicomanganese.[7]

THE ORIGINAL INVESTIGATIONS AND SUBSEQUENT REVIEWS

The original investigations

The original investigations resulted from a petition filed on April 6, 2001, with Commerce and the Commission on behalf of Eramet Marietta Inc. ("Eramet"), Marietta, Ohio, and the Paper, Allied-Industrial, Chemical and Energy Workers International Union, Local 5-0639. On April 2, 2002, Commerce determined that imports of silicomanganese from India, Kazakhstan, and Venezuela were being sold at less than fair value ("LTFV").[8] The Commission published its determination on May 21, 2002, that the domestic industry was materially injured by reason of LTFV imports of silicomanganese from India, Kazakhstan, and Venezuela.[9] On May 23, 2002, Commerce issued its antidumping duty orders with the final weighted-average dumping margins ranging from 15.32 percent to 247.88 percent.[10]

The first five-year review

Effective September 14, 2007, the Commission determined that it would conduct expedited reviews of the antidumping duty orders on silicomanganese from India, Kazakhstan, and Venezuela.[11] On August 2, 2007, Commerce published its determinations that revocation of the antidumping duty orders on silicomanganese from India, Kazakhstan, and Venezuela would be likely to lead to continuation or recurrence of dumping.[12] On November 28, 2007, the Commission notified Commerce of its determinations that material injury would be likely to continue or recur within a reasonably foreseeable time.[13] Following affirmative determinations in the five-year reviews by Commerce and the Commission, effective, January 4, 2008,

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[7] Ibid.

[8] *Silicomanganese from India: Notice of Final Determination of Sales at Less Than Fair Value and Final Negative Critical Circumstances Determination*, 67 FR 15531, April 2, 2002; *Notice of Final Determination of Sales at Less Than Fair Value: Silicomanganese From Kazakhstan,* 67 FR 15535, April 2, 2002; *Notice of Final Determination of Sales at Less Than Fair Value; Silicomanganese from Venezuela,* 67 FR 15533, April 2, 2002.

[9] *Silicomanganese From India, Kazakhstan, and Venezuela,* 67 FR 35832, May 21, 2002.

[10] *Notice of Amended Final Determination of Sales at Less than Fair Value and Antidumping Duty Orders: Silicomanganese from India, Kazakhstan, and Venezuela,* 67 FR 36149, May 23, 2002.

[11] *Silicomanganese From India, Kazakhstan, and Venezuela,* 72 FR 52581, September 14, 2007.

[12] *Silicomanganese from India, Kazakhstan, and Venezuela: Final Results of Expedited Five-year ("Sunset") Reviews of the Antidumping Duty Orders,* 72 FR 42393, August 2, 2007.

[13] *Silicomanganese From India, Kazakhstan, and Venezuela,* 72 FR 67965, December 3, 2007.

Commerce issued a continuation of the antidumping duty orders on imports of silicomanganese from India, Kazakhstan, and Venezuela.[14]

The second five-year reviews

On January 22, 2013, the Commission determined that it would conduct full reviewsof the antidumping duty orders on silicomanganese from India, Kazakhstan, and Venezuela.[15] On February 7, 2013, Commerce published its determinations that revocation of the antidumping duty orders on silicomanganese from India, Kazakhstan, and Venezuela would be likely to lead to continuation or recurrence of dumping.[16] On September 18, 2013, the Commission notified Commerce of its determinations that material injury would be likely to continue or recur within a reasonably foreseeable time.[17] Following affirmative determinations in the five-year reviews by Commerce and the Commission, effective, October 2, 2013, Commerce issued a continuation of the antidumping duty orders on imports of silicomanganese from India, Kazakhstan, and Venezuela.[18]

PREVIOUS AND RELATED INVESTIGATIONS

The Commission has conducted one other grouped investigation and related five-year reviews on silicomanganese with respect to Brazil, China, Ukraine, and Venezuela. Following a petition filed on November 12, 1993, by Elkem Metals Co. ("Elkem") (predecessor firm to Eramet) and the Oil, Chemical and Atomic Workers ("OCAW") Local 3-639, the Commission conducted antidumping duty investigations on silicomanganese from Brazil, China, Ukraine, and Venezuela.[19] On October 31, 1994, Commerce made final affirmative LTFV determinations regarding silicomanganese from Brazil, China, and Venezuela. In addition, on October 31, 1994, an agreement was signed suspending the antidumping investigation on silicomanganese from Ukraine.[20] On December 14, 1994, the Commission completed its original investigations

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[14] *Continuation of Antidumping Duty Orders on Silicomanganese from India, Kazakhstan, and Venezuela,* 73 FR 841, January 4, 2008.

[15] *Silicomanganese From India, Kazakhstan, Venezuela: Notice of Commission Determination To Conduct Full Five-Year Reviews,* 78 FR 4437, January 22, 2013.

[16] *Silicomanganese From India, Kazakhstan, and Venezuela: Final Results of the Expedited Second Sunset Reviews of the Antidumping Duty Orders,* 78 FR 9034, February 7, 2013.

[17] *Silicomanganese From India, Kazakhstan, and Venezuela,* 78 FR 58556, September 24, 2013.

[18] *Silicomanganese From India, Kazakhstan, and Venezuela: Continuation of Antidumping Duty Orders,* 78 FR 60846, October 2, 2013.

[19] Silicomanganese from Brazil, the People's Republic of China, Ukraine, and Venezuela, Inv. Nos. 731-TA-671-674 (Final), USITC Publication 2836, December 1994, p. I-3.

[20] Commerce suspended its investigation based on an agreement by the Government of Ukraine to restrict to volume of direct or indirect silicomanganese exports to the United States and to sell such exports at or above a "reference price" in order to prevent the suppression or undercutting of price levels of domestic silicomanganese in the United States. 59 FR 60951, November 29, 1994. On December 2, 1994, Commerce notified the Commission that it had continued its investigation on

(*continued*...)

concerning silicomanganese from Brazil, China, Ukraine, and Venezuela. It determined that an industry in the United States was materially injured or threatened with material injury by reason of LTFV imports of silicomanganese from Brazil, China, and Ukraine. The Commission further determined that an industry in the United States was not materially injured or threatened with material injury, and the establishment of an industry in the United States was not materially retarded, by reason of LTFV imports from Venezuela.[21] After receipt of the Commission's final determinations, Commerce issued antidumping duty orders on imports of silicomanganese from Brazil and China.[22]

On November 2, 1999, the Commission instituted the first five-year reviews of the antidumping duty orders on imports of silicomanganese from Brazil and China and the suspended investigation on silicomanganese from Ukraine.[23] On February 5, 2001, the Commission completed its full first five-year reviews and determined that revocation of the antidumping duty orders on silicomanganese from Brazil and China and termination of the suspension agreement on silicomanganese from Ukraine would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[24] Subsequently, Commerce issued a continuation of the antidumping duty orders on silicomanganese from Brazil and China and suspended the antidumping duty investigation on silicomanganese from Ukraine. On July 19, 2001, the Government of Ukraine submitted a memorandum to Commerce officially requesting termination of the suspension agreement on silicomanganese from Ukraine and, effective September 17, 2001, Commerce issued an antidumping duty order.

On January 3, 2006, the Commission instituted the second five-year reviews of the antidumping duty orders on imports of silicomanganese from Brazil, China, and Ukraine. In August 2006, the Commission completed its expedited second five-year reviews and determined that revocation of the antidumping duty orders on silicomanganese from Brazil, China, and Ukraine would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. Subsequently, Commerce issued a continuation of the antidumping duty orders on silicomanganese from Brazil, China, and Ukraine.[25]

(…*continued*)
silicomanganese from Ukraine. Accordingly, pursuant to section 207.42 of the Commission's Rules of Practice and Procedure (19 CFR 207.42), the Commission continued its investigation on silicomanganese from Ukraine. *Silicomanganese from Brazil, the People's Republic of China, Ukraine, and Venezuela*, 59 FR 65788, December 21, 1994.

[21] *Silicomanganese from Brazil, the People's Republic of China, Ukraine, and Venezuela, Inv. Nos. 731-TA-671-674 (Final),* USITC Publication 2836, December 1994, p. I-3.

[22] *Notice of Antidumping Duty Order: Silicomanganese from Brazil,* 59 FR 66003, December 22, 1994

[23] *Silicomanganese From Brazil, China, and Ukraine,* 64 FR 59209, November 2, 1999.

[24] *Silicomanganese From Brazil, China, and Ukraine,* 66 FR 8981, February 5, 2001.

[25] *Silicomanganese from Brazil, China, and Ukraine, Inv. Nos. 731-TA-671-673 (Third Review),* USITC Publication 3879, August 2006, p. I-3.

On August 1, 2011, the Commission instituted the third five-year reviews of the antidumping duty orders on imports of silicomanganese from Brazil, China, and Ukraine. In October 2012, the Commission completed its full third five-year reviews. It determined that revocation of the antidumping duty orders on silicomanganese from Brazil would not be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time and that revocation of the antidumping duty orders on silicomanganese from China and Ukraine would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[26]

On October 2, 2017, the Commission instituted the fourth five-year reviews of the antidumping duty orders on imports of silicomanganese from China, and Ukraine.[27] On February 8, 2018, Commerce published its final affirmative determinations on of Expedited Fourth Sunset Reviews of these Antidumping Duty Orders.[28] The Commission is scheduled to make its determinations on November 30, 2018.[29]

ACTIONS AT COMMERCE

Commerce has not conducted any changed circumstances reviews, critical circumstances reviews, or issued anti-circumvention findings, since the completion of the last five-year reviews. In addition, Commerce has not issued any duty absorption findings or any company revocations or scope rulings since the imposition of the orders.

Current five-year reviews

Commerce is conducting expedited reviews with respect to silicomanganese from India, Kazakhstan, and Venezuela and intends to issue the final results of these reviews based on the facts available not later than January 9, 2019.[30]

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[26] *Silicomanganese from Brazil, China, and Ukraine, Inv. Nos. 731-TA-671-673 (Third Review)*, USITC Publication 4354, October 2012, p. 1.

[27] *Silicomanganese From China and Ukraine: Institution of Five-Year Reviews,* 82 FR 45892, October 2, 2017.

[28] *Silicomanganese From the People's Republic of China and Ukraine: Final Results of Expedited Fourth Sunset Reviews of the Antidumping Duty Orders,* 83 FR 5609, February 2, 2018.

[29] *Silicomanganese From China and Ukraine (Fourth Review)*, https://www.usitc.gov/investigations/701731/2017/silicomanganese_china_and_ukraine_fourth_review/full_review.htm, accessed November 19, 2018.

[30] *Letter from Abdelali Elouaradia, Director, AD/CVD Operations, Enforcement and Compliance, U.S. Department of Commerce to Michael G. Anderson*, October 22, 2018.

THE PRODUCT

Commerce's scope

In the current proceeding, Commerce has defined the scope as follows:

> *…all forms, sizes and compositions of silicomanganese, except low-carbon silicomanganese, including silicomanganese briquettes, fines and slag. Silicomanganese is a ferroalloy composed principally of manganese, silicon and iron, and normally contains much smaller proportions of minor elements, such as carbon, phosphorous and sulfur. Silicomanganese is sometimes referred to as ferrosilicon manganese. Silicomanganese is used primarily in steel production as a source of both silicon and manganese. Silicomanganese generally contains by weight not less than 4 percent iron, more than 30 percent manganese, more than 8 percent silicon and not more than 3 percent phosphorous. Silicomanganese is properly classifiable under subheading 7202.30.0000 of the Harmonized Tariff Schedule of the United States (HTSUS). Some silicomanganese may also be classified under HTSUS subheading 7202.99.5040.*
>
> *The low-carbon silicomanganese excluded from this scope is a ferroalloy with the following chemical specifications: Minimum 55 percent manganese, minimum 27 percent silicon, minimum 4 percent iron, maximum 0.10 percent phosphorus, maximum 0.10 percent carbon and maximum 0.05 percent sulfur. Low-carbon silicomanganese is used in the manufacture of stainless steel and special carbon steel grades, such as motor lamination grade steel, requiring a very low carbon content. It is sometimes referred to as ferromanganese-silicon. Low-carbon silicomanganese is classifiable under HTSUS subheading 7202.99.5040.*
>
> *This scope covers all silicomanganese, regardless of its tariff classification. Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope remains dispositive.* [31]

[31] Silicomanganese From India, Kazakhstan, and Venezuela: Continuation of Antidumping Duty Orders, 78 FR 60846, October 2, 2013.

U.S. tariff treatment

Silicomanganese is currently provided for in HTS subheading 7202.30.00 as "Ferrosilicon manganese,"[32] which includes all compositions, forms, and sizes of silicomanganese in Commerce's scope.[33] Silicomanganese imported from Venezuela[34] enters the U.S. market at a column 1-general duty rate of 3.9 percent, while silicomanganese imported from India and Kazakhstan enters the U.S. market at a column 1-special duty rate of "Free," as India and Kazakhstan are eligible beneficiary countries for the Generalized System of Preferences ("GSP") program. Decisions on the tariff classification and treatment of imported goods are within the authority of U.S. Customs and Border Protection.

Description and uses[35]

Silicomanganese, a silvery metallic ferroalloy,[36] is composed principally of manganese, silicon, and iron. It is produced in a number of different grades and sizes. However, most silicomanganese is manufactured and sold to ASTM International specification A483, in one of three grades, designated "A," "B," and "C" that differ by their silicon and carbon content.[37]

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[32] *Harmonized Tariff Schedule of the United States (2018) — Revision 14*, USITC Publication 4833, November 2018, p. 72-9.

[33] Some "off-specification" silicomanganese or silicomanganese slag may be imported under HTS subheading 7202.99.50, which covers "other" (i.e., nonenumerated) ferroalloys. In the original investigations, no silicomanganese was found to have been imported under this HTS subheading. *Silicomanganese from Brazil, the People's Republic of China, Ukraine, and Venezuela, Inv. Nos. 731-TA-671-674 (Final)*, USITC Publication 2836, December 1994, p. 1-17.

[34] Venezuela surpassed the GSP income threshold and lost its eligibility for GSP trade benefits, effective January 1, 2017. *USTR Announces Outcome of GSP Limited Product Review,* September 2015, https://ustr.gov/about-us/policy-offices/press-office/press-releases/2015/september/ustr-announces-outcome-gspm, retrieved November 5, 2018.

[35] Unless otherwise noted, this information is based on *Silicomanganese from China, and Ukraine, Inv. No. 731-TA-672-673 (Fourth Review)*, Public Version of the Prehearing Report, September 2018, pp. I-16 through I-17 and *Silicomanganese from Australia, Investigation No. 731-TA-1269 (Final)*, USITC Publication 4600, April 2016, pp. I-11– I-14.

[36] A ferroalloy is an alloy of iron containing one or more other elements. The iron acts as a carrier to dissolve these other elements into molten iron or steel.

[37] According to this ASTM standard specification, each of the three grades must contain 65 to 68 percent manganese, a maximum of 0.20 percent phosphorus, and a maximum of 0.04 percent sulfur, by weight. The silicon and carbon contents for each grade are:

Grade A contains 18.5-21.0 percent silicon and a maximum of 1.5 percent carbon.

Grade B contains 16.0-18.5 percent silicon and a maximum of 2.0 percent carbon.

Grade C contains 12.5-16.0 percent silicon and a maximum of 3.0 percent carbon.

Additionally, the content of minor elements arsenic, tin, lead, chromium, nickel, and molybdenum, is limited. See: ASTM Designation A483/A483M-10 (reapproved 2015), Standard Specification for Silicomanganese, tables 1 (Chemical Requirements) and table 2 (Supplemental Chemical Requirements).

(*continued*...)

Most silicomanganese produced and sold in the United States conforms to the specification for grade B. Silicomanganese is sold in small pieces of uniform sizes. A typical screening-size range for silicomanganese lumps is from ¼ inch to 3 inches in diameter.[38]

Silicomanganese is consumed in bulk form principally by the steel industry as a source of both silicon and manganese,[39] although some silicomanganese is used as an alloying agent in the production of iron castings. Manganese, intentionally present in nearly all steels, is used as a desulfurizer and deoxidizer. By removing sulfur, manganese prevents the steel from becoming brittle during the hot-rolling process and enhances the strength and hardness of the steel. Silicon is used as a deoxidizer to aid in producing steels of uniform chemistry and mechanical properties. As such, it is not retained within the steel, but forms silicon oxide, which separates out from the molten steel as a component of the slag. As an alloying agent, silicon increases the hardness and strength of hot-rolled steel mill products, and enhances the toughness, corrosion resistance, and magnetic and electrical properties of certain steel mill products.

Use of silicomanganese depends upon the steelmaking practices of a given producer. It may be either imparted directly into the steelmaking furnace or added as a chemistry addition or deoxidizer to molten steel at a separate ladle metallurgy station. As a furnace addition, silicomanganese is used in lump sizes and melted along with other steelmaking raw materials. As a ladle station addition, it is typically used in smaller sizes. Silicomanganese is principally consumed by electric-arc furnace steelmakers in the production of long-rolled products, including bars and structural shapes. Such use may be due to less restrictive specifications for silicon for long-rolled products than for flat-rolled, carbon steel mill products, such as sheet and strip.[40] Silicomanganese accounts for only a small share of the total production cost for steel

(…*continued*)

Designation: A 483-04 Standard Specification for Silicomanganese in: *Annual Book of ASTM Standards, Section 1 Iron and Steel Products, Volume 01.02 Ferrous Castings; Ferroalloys*, 2017, p. 270.

[38] These dimensions refer to the diameters of the openings in the standard screens or sieves that are used to size silicomanganese. The first number refers to the screen through which the material must pass and the second number refers to the screen on which the material is retained, with smaller particles passing through to be recycled or sold as a smaller size. Silicomanganese is crumbly, and is susceptible to appreciable reduction in size by repeated handling. This generates small lumps and fines (the diameter of small lumps may be one-half that of regular-sized pieces, but there is no specified minimum diameter for fines).

[39] Other elements in steel are carbon as the principal hardening element, and phosphorus and sulfur, as impurities that cause brittleness and cracking.

[40] Producers of flat-rolled steel mill products reportedly tend to use a combination of both ferromanganese and ferrosilicon, rather than silicomanganese, which allows them greater control of each individual element.

mill products.[41] Most steel contains from 0.2 percent to 2 percent manganese, depending on the grade of the steel.[42]

A grade of silicomanganese containing a somewhat higher level of manganese—72 percent in contrast to a range of 65 to 68 percent in standard silicomanganese—is produced at Georgian Manganese, in the Republic of Georgia, affiliated with Felman Production, LLC, ("Felman") and Felman Trading.[43] This so-called "high grade" silicomanganese also contains a higher amount of the element phosphorus (0.20–0.35 percent) than does standard silicomanganese. Finally, a low-carbon grade of silicomanganese containing about 60 percent manganese, about 30 percent silicon, and less than 0.10 percent carbon is also available principally for production of stainless steel. Low-carbon silicomanganese is produced by upgrading standard grade material by the addition of silicon wastes from the ferrosilicon industry.[44]

Manufacturing process[45]

Silicomanganese is produced by smelting together, in a submerged electric-arc furnace, sources of silicon, manganese, iron, and a carbonaceous reducing agent, usually coal and coke.[46] The principal sources of manganese are manganese ore and ferromanganese slag, which is a byproduct of ferromanganese production.[47] [48] The sources of silicon are natural

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[41] Typically, 6 to 7 kilograms of manganese are required for each ton of steel produced. *Eramet Investor Presentation–September 2017*, Eramet, p. 16, http://www.eramet.com/en/system/files/publications/pdf/investors_presentation_en.pdf. Retrieved August 16, 2018.

[42] *Eramet webpage,* http://www.eramet.com/en/our-activities/extracting-recuperating/manganese/our-products/simn-silicomanganese, retrieved August 16, 2018.

[43] *Georgian American Alloys webpage, http://www.gaalloys.com/index.php/products/simn.* Retrieved August 30, 2018.

[44] Olsen, S.E. and M. Tangstad, Silicomanganese Production-Process Understanding, in Proceedings: Tenth International Ferroalloys Congress, 2004. p. 232.

[45] Unless otherwise noted, this information is based on *Silicomanganese from China, and Ukraine, Inv. Nos. 731-TA-672-673 (Fourth Review)*, Public Version of the Prehearing Report, EDIS Document Id. No. 661462, September 2018, pp. I-17 through I-18 and *Silicomanganese from Australia, Investigation No. 731-TA-1269 (Final),* USITC Publication 4600, April 2016, pp. I-14 through I-16.

[46] For further discussion of inputs, see *Silicomanganese from Brazil, the People's Republic of China, Ukraine, and Venezuela, Inv. Nos. 731-TA-671-674 (Final)*, USITC Publication 2836, December 1994.

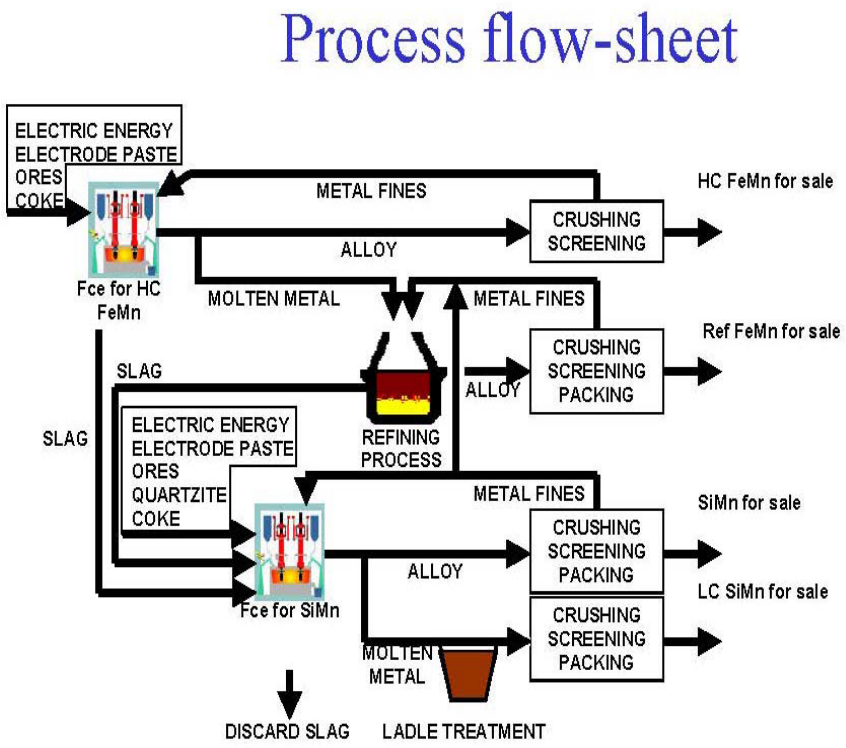
[47] Manganese ore is classified as high-grade (greater than 40 percent manganese content) and low-grade (30 to 40 percent manganese content). Manganese ore grades are a function of the deposit from which they are produced. Silicomanganese producers typically purchase different grades of ore and mix them to achieve the desired manganese content level for the furnace.

[48] All manganese ore used for domestic silicomanganese production is imported because there is no U.S. production of manganese ore. The primary sources of manganese ore from 2013–16 were: Gabon, 73 percent; South Africa, 11 percent; and Australia, 9 percent. Corathers, Lisa A., "Manganese ," 2018 Mineral Commodity Summaries.

quartz (river gravel) or dross, which is purchased from ferrosilicon producers.[49] The raw materials are combined in a "charge" " (which may also include wood chips, dolomite, and a fluxing agent) and introduced into a furnace where an electrical transformer system delivers high-current, low-voltage electricity to the charge through carbon electrodes. The charge is heated to a temperature of 1,300 to 1,400 degrees centigrade. Impurities from the ore or other manganese sources are released and form slag, which rises to the top of the furnace and floats on top of molten silicomanganese.

Following smelting, the molten silicomanganese and slag are removed ("tapped") from the furnace. The molten silicomanganese is poured into large molds (called "chills"), where it cools and hardens. Once the alloy has hardened, the chills are emptied and the alloy is crushed into small pieces and screened to fairly uniform sizes. Figure I-1 presents the basic process for the production of silicomanganese and ferromanganese at Eramet Marietta.

Figure I-1
Silicomanganese and ferromanganese: Production processes at Eramet.



Source: *Silicomanganese from Brazil, China, and Ukraine, Inv. Nos. 731-TA-671-673 (Third Review)*, USITC Publication 4354, October 2012, p. I-18.

[49] Silicon dross is a by-product of the silicon industry and contains trapped "metallic" silicon inside of a silica slag. Some silicon (and ferrosilicon) producers sell slag and dross generated at their plants to silicomanganese producers. Simcoa Operations PTY LTD website, http://simcoa.com.au/faq.html, retrieved August 17, 2018.

Silicomanganese is manufactured in the same or similar facilities as those used to produce high-carbon ferromanganese, although switching from one grade or type of manganese ferroalloy to another involves costs in terms of lost production, reduced productivity, or possible contamination of the higher grade product. Generally, little difference appears to exist between silicomanganese production processes in the domestic industry and those used abroad. This reflects the maturity of the industry, and may be attributed to the diffusion of process technology, techniques, and equipment on a world-wide basis; the similarity of steelmaking techniques; and the commonality of steel recipes.

THE INDUSTRY IN THE UNITED STATES

U.S. producers

During the final phase of the original investigations, the Commission received U.S. producer questionnaires from one firm, Eramet, which accounted for all known production of silicomanganese in the United States during 2000.[50]

During the first five-year reviews, the Commission received U.S. responses to the notice of institution from two firms, Erament and Felman, which accounted for all known silicomanganese in the United States during 2006.[51]

During the second five-year reviews, the Commission received U.S. producer questionnaires from two firms, Eramet and Felman, which accounted for all known silicomanganese in the United States during 2012.[52]

In response to the Commission's notice of institution in these current reviews, Eramet was the only domestic interested party to provide a response. Eramet provided a list of two known and currently operating U.S. producers of silicomanganese, including itself. The other U.S. producer of silicomanganese is Felman Production, LLC. [53]

In its response to the Commission's notice of institution, Eramet stated that ***, as was true during the previous periods examined by the Commission.[54]

Recent developments

Table I-2 presents events in the U.S. industry since the Commission's last five-year reviews.

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[50] *Silicomanganese From India, Kazakhstan, and Venezuela, Inv. No. 731-TA-929-931 (Final)*, USITC Publication 3505, May 2002, p. I-2.

[51] *Silicomanganese From India, Kazakhstan, and Venezuela, Inv. No. 731-TA-929-931 (Review),* USITC Publication 3963, November 2007, p. I-3.

[52] *Silicomanganese From India, Kazakhstan, and Venezuela, Inv. No. 731-TA-929-931 (Second Review),* USITC Publication 4424, September 2013, p. I-18.

[53] Eramet's domestic interested party's response to the notice of institution, October 1, 2018.

[54] Ibid, p. 8.

Table I-2
Silicomanganese: Important industry events, since January 1, 2012

Date		Company	Action
Year	Month		
2012	March	***	***.[1]
2013	April	Georgian American Alloys	Georgian American Alloys, Inc. (Miami, FL), the parent company of Felman, a manufacturer, supplier and trader of ferroalloys, announced that it has acquired 100-percent ownership interest in Georgia-based Georgian Manganese, LLC and Vartsikhe 2005 LLC (collectively "GM"), the country's top producer and exporter of standard and high-grade silicomanganese. GM consists of three separate divisions including Chiatura Manganese Mine, a manganese ore mining operation; Zestafoni Ferroalloy Plant, a silicomanganese processing plant; and Vartsikhe, the hydroelectric facility which powers the Zestafoni plant and Chiatura mine.[2]
2013	June	Felman	Felman announced that it would immediately cease operations at its New Haven, West Virginia facility for an expected period of three months due to continuous challenging silicomanganese market conditions.[3]
2014	July	Felman	Felman announced that it would immediately begin to resume plant operations following an agreement reached with the Appalachian Power Company regarding a market variable electricity rate. Felman claimed that the rate was a necessary component in enabling the ongoing economic viability of its New Haven manufacturing site. By August 6, 2014, Felman had resumed silicomanganese production in two of its three furnaces.[4] [5]
2014	July	Georgian American Alloys	Georgian American Alloys, Inc., the parent company of Felman, CC Metals and Alloys, LLC, Felman Trading, Inc. and Georgian Manganese, LLC, announced that Georgian Manganese will shift production at three of its furnaces from silicomanganese to ferromanganese beginning in August 2014. As a result of the shift, Georgian Manganese planned to produce approximately 3,500 tons of ferromanganese per month, resulting in a reduction of silicomanganese production by approximately 3,000 tons per month.[6]
2015	June	EPA	Effective June 30, 2015 the U.S. Environmental Protection Agency set new National Emission Standards for Hazardous Air Pollutants (NESHAP) regulating ferromanganese and silicomanganese production.[7] Eramet has taken measures ***, to be in compliance with the new NESHAP standards.[8]
2017	July	Felman shuts down production temporarily	On July 25, 2017, Felman temporarily shut down its New Haven, West Virginia facility after a transformer failure occurred at one of the company's two operational electric arc furnaces. Felman estimated it would remain shut for approximately three weeks as the necessary repairs are conducted. The furnace was restarted on August 20, 2017.[9] [10]

Table continued on next page.

Table I-2--Continued

Silicomanganese: Important industry events, since January 1, 2012

[1] ***.

[2] *"Georgian American Alloys, Inc. acquires Gerogian Manganese, LLC,"* Georgian American Alloys news release, April 22, 2013, http://www.gaalloys.com/index.php/news/press-releases/34-news/press-releases/97-gaa-acquires-gm, retrieved August 17, 2018.

[3] "*Felman Production, the largest US producer of silicomanganese, to cease plant operations for an expected period of three month, effective immediately,*" Georgian American Alloys news release, June 28, 2013, http://www.gaalloys.com/index.php/news/press-releases/34-news/press-releases/103-fp-ceases-plant-operations, retrieved August 17, 2018.

[4] *"Felman production to restart one furnace, effective immediately."* Georgian American Alloys news release, July 1, 2014, http://www.gaalloys.com/index.php/news/press-releases/34-news/press-releases/225-felman-production-to-restart-one-furnace-effective-immediately, retrieved August 17, 2018.

[5] *"Felman confirms second SiMn WV furnace started."* Georgian American Alloys news release, August 6, 2014, www.gaalloys.com/index.php/news/press-releases/58-news/archive/251-felman-confirms-second-simn-wv-furnace-started, retrieved August 17, 2018.

[6] *"Georgian American Alloys, Inc. announces shift in furnace production",* Georgian American Alloys news release, July 7, 2014, http://www.gaalloys.com/index.php/news/press-releases/34-news/press-releases/230-georgian-american-alloys-inc-announces-shift-in-furnace-production, retrieved August 17, 2018.

[7] National Emissions Standards for Hazardous Air Pollutants: Ferroalloys Production, 80 FR 37366, June 30, 2015.

[8] Eramet's domestic interested party's response to the notice of institution, pp. 17-18.

[9] *Felman Production reports on temporary shut down of its New Haven, W. VA. Facility," Georgian American Alloys news release,* July 25, 2017*,* http://www.gaalloys.com/index.php/news/press-releases/34-news/press-releases/339-felman-production-reports-on-temporary-shut-down-of-its-new-haven-w-va-facility, retrieved August 17, 2018.

[10] "*Felman's West Virginia silicomanganese plant resumes operations," Georgian American Alloys news release, August 25, 2017,* www.gaalloys.com/index.php/news/press-releases/33-news/354-felman-s-west-virginia-silicomanganese-plant-resumes-operations, retrieved October 15, 2018.

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U.S. producers' trade and financial data

The Commission asked domestic interested parties to provide trade and financial data in their response to the notice of institution of these current five-year reviews.[55] Table I-3 presents a compilation of the data submitted from the responding U.S. producers as well as trade and financial data submitted by U.S. producers in the original investigation and prior five-year reviews.

In its response to the notice of institution, Eramet estimated the total annual U.S. production of silicomananese was *** short tons in 2017.[56] Based on information from Felman's website, Felman's plant has a silicomanganese production capacity of approximately 115,743 short tons annually if "multiple furnaces are operating in "around-the-clock operations."[57]

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[55] Individual company trade and financial data are presented in app. B.

[56] International Manganese Institute's estimate of total domestic production in 2017. Eramet's response to the notice of institution, October 1, 2018, exh. 10.

[57] Ibid, pp. 16-17 *citing* Felman's website, http://www.fpiwv.com/.

Table I-3
Silicomanganese: Trade and financial data submitted by U.S. producers, 2000, 2006, 2012, and 2017.

Item	2000	2006	2012	2017
Capacity (short tons)	***	([1])	***	***
Production (short tons)	***	***	***	***
Capacity utilization (percent)	***	([1])	***	***
U.S. commercial shipments:				
Quantity (short tons)	***	***	***	***
Value ($1,000)	***	***	***	***
Unit value (per short ton)	$***	$***	$***	$***
Internal consumption/company transfers:				
Quantity (1,000 short tons)	0	([1])	***	***
Value ($1,000)	0	([1])	***	***
Unit value (per short ton)	0	([1])	***	***
Total U.S. shipments:				
Quantity (short tons)	***	***	***	***
Value ($1,000)	***	***	***	***
Unit value (per short ton)	$***	$***	$***	$***
Net sales ($1,000)	***	([1])	***	***
COGS ($1,000)	***	([1])	***	***
COGS/net sales	***	([1])	***	***
Gross profit or (loss) ($1,000)	***	([1])	***	***
SG&A expenses (loss) ($1,000)	***	([1])	***	***
Operating income/(loss) ($1,000)	***	([1])	***	***
Operating income (loss)/net sales (percent)	***	([1])	***	***

Note.-- Data for 2017 may be understated due to industry coverage. In 2006, and 2012, data was based on responses from two domestic producers. Data for 2017 is based only on the response of one domestic producer, reportedly accounting for an estimated *** percent of domestic production. Domestic interested party's response to the notice of institution, October 1, 2018.

[1] Not Available

Source: For the years 2000 and 2012, data are compiled using data submitted to Commission's producer questionnaires. *Silicomanganese from India, Kazakhstan, and Venezuela, Inv. Nos. 731-TA-929-931 (Final),* INV-Z-047, April 16, 2002; *Silicomanganese from India, Kazakhstan, and Venezuela, Inv. Nos. 731-TA-929-931 (Second Review),* INV-LL-058, August 8, 2013. For the years 2006 and 2017, data are compiled using data submitted by domestic interested parties. *Silicomanganese from India, Kazakhstan, and Venezuela, Inv. Nos. 731-TA-929-931 (Review),* INV-EE-158, October 29, 2007; domestic interested party's response to notice of institution, October 1, 2018.

DEFINITIONS OF THE DOMESTIC LIKE PRODUCT AND DOMESTIC INDUSTRY

The domestic like product is defined as the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the subject merchandise. The domestic industry is defined as the U.S. producers as a whole of the domestic like product, or those producers whose collective output of the domestic like product constitutes a major proportion of the total domestic production of the product. Under the related parties provision, the Commission may exclude a related party for purposes of its injury determination if "appropriate circumstances" exist.[58]

In the preliminary phase of the original investigations, the Commission found one like product consisting of silicomanganese.[59] The only like product issue concerned the treatment of low-carbon silicomanganese, a product not produced domestically. Commerce subsequently excluded low-carbon silicomanganese from the scope.[60]

In its original determinations, the Commission defined the domestic like product as a single like product consisting of all forms, sizes, and compositions of silicomanganese, except low-carbon silicomanganese.[61] In its first five-year reviews, the Commission defined the domestic like product to be all silicomanganese, except low-carbon silicomanganese, coextensive with Commerce's scope.[62] In the second five-year reviews, the record contained no information suggesting that the characteristics and uses of domestically produced silicomanganese had changed since the prior proceedings or that the like product definition should be revisited. In addition, no party argued that the Commission should reexamine its definition. The Commission defined a single domestic like product that included all silicomanganese, except low-carbon silicomanganese, coextensive with Commerce's scope.[63]

In its original determinations and its prior five-year review determinations, the Commission defined the domestic industry as all U.S. producers of the domestic like product.[64]

In its notice of institution for these reviews, the Commission solicited comments from

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[58] Section 771(4)(B) of the Tariff Act of 1930, 19 U.S.C. § 1677(4)(B).

[59] *Silicomanganese from India, Kazakhstan, and Venezuela, Inv. Nos. 73 1-TA-929-931 (Preliminary),* USITC Pub. 3427, May, 2001, pp. 4-5.

[60] *Silicomanganese from India: Notice of Final Determination of Sales at Less Than Fair Value and Final Negative Critical Circumstances Determination*, 67 FR 15531, November 9, 2001.

[61] *Silicomanganese from India, Kazakhstan, and Venezuela*, Inv. Nos. 731-TA-929-931 (Final), USITC Publication 3505, May 2002, p. 5.

[62] *Silicomanganese from India, Kazakhstan, and Venezuela, Inv. Nos. 731-TA-929-931 (Review)*, USITC Publication 3963, November 2007, p. 5.

[63] *Silicomanganese from India, Kazakhstan, and Venezuela, Inv. Nos. 731-TA-929-931 (Second Review)*, USITC Publication 4424, September 2013, p. 6.

[64] *Silicomanganese from India, Kazakhstan, and Venezuela*, Inv. Nos. 731-TA-929-931 (Final), USITC Publication 3505, May 2002, p. 5; *Silicomanganese from India, Kazakhstan, and Venezuela, Inv. Nos. 731-TA-929-931 (Review)*, USITC Publication 3963, November 2007, p. 5; *Silicomanganese from India, Kazakhstan, and Venezuela, Inv. Nos. 731-TA-929-931 (Second Review)*, USITC Publication 4424, September 2013, p. 6.

interested parties regarding the appropriate definition of the domestic like product and the domestic industry and inquired as to whether any related parties issues existed. The domestic interested party agrees with the Commission's prior definition of the domestic industry, but reserved the right to comment on the appropriate definitions during the course of these reviews.[65] The domestic interested parties did not cite any potential related party issues.

U.S. IMPORTS AND APPARENT U.S. CONSUMPTION

U.S. importers

During the final phase of the original investigation, the Commission received U.S. importer questionnaires from 12 firms, which accounted for approximately 50.1 percent of total subject U.S. imports of silicomanganese from India, Kazakhstan, and Venezuela during 1998.[66] Because questionnaire data were significantly understated for certain time periods, the Commission relied on official import statistics, adjusted to exclude the U.S. importers' reported imports of low-carbon silicomanganese.

During the first five-year reviews, the Commission received no adequate responses to the notice of institution from any respondent interested party.[67]

During the second five-year reviews, the Commission received U.S. importer questionnaires from 12 firms, which accounted for approximately 90.5 percent of total U.S. imports of silicomanganese from all sources during 2007-2012.[68] In light of the data coverage by the Commission's questionnaires, import data in the report were based on questionnaire responses. Although the Commission did not receive responses from any respondent interested parties in these current reviews, in its response to the Commission's notice of institution, the domestic interested party provided a list of 24 potential U.S. importers of silicomanganese.[69]

U.S. imports

Table I-4 presents the quantity, value, and unit value for imports from India, Kazakhstan, and Venezuela, as well as the other top sources of U.S. imports (shown in descending order of 2017 imports by quantity). During 2013 to 2017, imports of silicomanganese from subject countries were reported from India only. No subject imports were reported from Kazakhstan or Venezuela from 2013 to 2017. By quantity, imports of silicomanganese from India from 2013 to 2017 were greatest in 2017 at 6,438 short tons, which comprised 1.7 percent of all imports of

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[65] *Domestic Interested Party's Response to the Notice of Institution,* October 1, 2018, p. 18.

[66] I*nv. Nos. 731-TA-929-931 (Final): Silicomanganese from India, Kazakhstan, and Venezuela—Staff Report,* INV-Z-047, p. IV-2, April 16, 2002.

[67] *Inv. Nos. 731-TA-929-931 (Review): Silicomanganese from India, Kazakhstan, and Venezuela—Staff Report,* INV-EE-158, October 29, 2007.

[68] I*nv. Nos. 731-TA-929-931 (Second Review): Silicomanganese from India, Kazakhstan, and Venezuela—Staff Report,* INV-LL-058, p. IV-1, August 8, 2013.

[69] Domestic interested parties' response to the notice of institution*,* October 1, 2018, Exh. 7.

silicomanganese. As a share of imports by quantity, subject imports ranged from approximately 0.5 percent to 1.7 percent from 2013 to 2017.

Table I-4
Silicomanganese: U.S. imports, 2013-17

Country	2013	2014	2015	2016	2017
	Quantity (short tons)				
India (subject)	5,752	4,653	3,207	1,317	6,438
Kazakhstan (subject)	--	--	--	--	--
Venezuela (subject)	--	--	--	--	--
Subtotal, subject	5,752	4,653	3,207	1,317	6,438
Georgia	116,504	162,587	93,691	79,926	99,459
South Africa	62,673	139,359	93,292	78,874	86,079
Australia	83,045	78,014	68,189	57,588	72,766
Mexico	30,157	40,679	27,444	30,544	29,588
Norway	46,467	41,721	20,070	29,428	20,031
Spain	5,600	2,464	15,295	5,392	16,316
Russia	--	604	39	15	19,949
Malaysia	--	--	--	--	14,989
All other imports	12,316	23,557	10,235	8,105	21,584
Nonsubject import sources	356,761	488,985	328,254	289,871	380,761
All import sources	362,514	493,638	331,461	291,188	387,199
	Landed, duty-paid value (in 1,000 dollars)				
India (subject)	7,790	6,791	4,797	1,425	9,245
Kazakhstan (subject)	--	--	--	--	--
Venezuela (subject)	--	--	--	--	--
Subtotal, subject	7,790	6,791	4,797	1,425	9,245
Georgia	109,582	169,453	88,703	56,844	93,481
South Africa	61,814	139,350	90,188	51,478	85,709
Australia	75,203	78,611	59,306	41,261	87,482
Mexico	56,486	56,444	26,420	24,531	29,682
Norway	29,745	39,350	25,135	18,595	29,303
Spain	5,879	2,894	14,953	4,503	20,760
Russia	--	668	56	22	23,924
Malaysia	--	--	--	--	16,865
All other imports	12,669	24,772	9,256	5,271	24,661
Nonsubject import sources	351,379	511,542	314,017	202,504	411,867
All import sources	359,169	518,333	318,814	203,929	421,111

Table continued on next page.

Table I-4--Continued
Silicomanganese: U.S. imports, 2013-17

Country	2013	2014	2015	2016	2017
	Unit value (dollars per short ton)				
India (subject)	1,354	1,459	1,496	1,082	1,436
Kazakhstan	--	--	--	--	--
Venezuela	--	--	--	--	--
Subtotal, subject	1,354	1,459	1,496	1,082	1,436
Georgia	941	1,042	947	711	940
South Africa	986	1,000	967	653	996
Australia	906	1,008	870	716	1,202
Mexico	1,873	1,388	963	803	1,003
Norway	640	943	1,252	632	1,463
Spain	1,050	1,174	978	835	1,272
Malaysia	--	--	--	--	1,125
Russia	--	1,107	1,437	1,443	1,199
All other imports	1,029	1,052	904	650	1,143
Nonsubject import sources	985	1,046	957	699	1,082
All import sources	991	1,050	962	700	1,088

Note.--Because of rounding, figure may not add to total shown.

Source: Official statistics of Commerce for HTS statistical reporting number 7202.30.0000, accessed September 25, 2018.

Apparent U.S. consumption and market shares

Table I-5 presents data on U.S. producers' U.S. shipments, U.S. imports, and apparent U.S. consumption, while table I-6 presents data on U.S. market shares of U.S. apparent consumption. In the second five-year reviews, the Commission found that "domestic producers supply only a relatively small portion of overall domestic demand."[70] Additionally, the Commission found that "nonsubject imports have held the largest share of the U.S. market since the original investigations."[71] In the years examined, 2000, 2006, 2012, and 2017, the share of apparent domestic consumption held by subject imports decreased from *** percent in 2000, to *** percent in 2006 and 2012, before regaining *** percent of market share in 2017. Over the same period, the U.S. producer's share varied from *** percent in 2000, to *** percent in 2006, to *** percent in 2012, before declining to *** percent in 2017.

[70] *Second Review Determinations*, USITC Pub. 4424 at 20.
[71] *Ibid* at 20-21.

Table I-5
Silicomanganese: U.S. producers' U.S. shipments, U.S. imports, and apparent U.S. consumption, 2000, 2006, 2012 and 2017

Item	2000	2006	2012	2017
	Quantity (short tons)			
U.S. producers' U.S. shipments	***	***	***	***
U.S. imports from—				
India	***	--	--	6,438
Kazakhstan	54,826	--	--	--
Venezuela	26,565	--	--	--
Subject total	***	--	--	6,438
All other import sources	***	440,972	318,239	380,761
Total imports	***	440,972	318,239	387,199
Apparent U.S. consumption	***	***	***	***
	Value (1,000 dollars)			
U.S. producers' U.S. shipments	***	***	***	***
U.S. imports from—				
India	***	--	--	9,245
Kazakhstan	***	--	--	--
Venezuela	***	--	--	--
Subject total	***	--	--	9,245
All other import sources	***	310,157	388,576	411,867
Total imports	***	310,157	388,576	421,111
Apparent U.S. consumption	***	***	***	***

Note.-- Data for U.S. producers in 2017 may be understated due to domestic industry data coverage. In 2006, and 2012, data was based on responses from two domestic producers. Data for 2017 is based only on the response of one domestic producer, reportedly accounting for an estimated *** percent of domestic production. Domestic interested party's response to the notice of institution, October 1, 2018.

Source: For the year 2000, data are compiled from confidential staff report *Silicomanganese from India, Kazakhstan, and Venezuela, Inv. Nos. 731-TA-929-931 (Final)—Staff Report,* INV-Z-047, April 16, 2002, table C-1; data for 2006 are compiled from confidential staff report *Silicomanganese from India, Kazakhstan, and Venezuela, Inv. Nos. 731-TA-929-931 (Review)—Staff Report,* INV-EE-158, October 29, 2007, tables I-3, I-4, and I-8; data for 2012 are compiled from confidential staff report *Silicomanganese from India, Kazakhstan, and Venezuela, Inv. Nos. 731-TA-929-931 (Second Review)—Staff Report,* INV-LL-058, August 8, 2013; and data for 2017 are compiled from official Commerce statistics under HTS statistical reporting number 7202.30.0000, accessed September 25, 2018, and domestic interested party's response to notice of institution, October 1, 2018. See app. C.

Table I-6
Silicomanganese: Apparent U.S. consumption and U.S. market shares, 2000, 2006, 2012, 2017

Item	2000	2006	2012	2017
	Quantity (short tons)			
Apparent U.S. consumption	***	***	***	***
	Value (short tons)			
Apparent U.S. consumption	***	***	***	***
	Share of consumption based on quantity (*percent*)			
U.S. producer's share	***	***	***	***
U.S. imports from--				
India	***	--	--	***
Kazakhstan	***	--	--	--
Venezuela	***	--	--	--
Subject total	***	--	--	***
All other import sources	***	***	***	***
Total imports	***	***	***	***
	Share of consumption based on value (*percent*)			
U.S. producer's share	***	***	***	***
U.S. imports from--				
India	***	--	--	***
Kazakhstan	***	--	--	--
Venezuela	***	--	--	--
Subject total	***	--	--	***
All other import sources	***	***	***	***
Total imports	***	***	***	***

Note.-- Data for 2017 may be misrepresented due to domestic industry coverage. In 2006, and 2012, data was based on responses from two domestic producers. Data for 2017 is based only on the response of one domestic producer, reportedly accounting for an estimated *** percent of domestic production. Domestic interested party's response to the notice of institution, October 1, 2018.

Source: For the year 2000, data are compiled from confidential staff report *Silicomanganese from India, Kazakhstan, and Venezuela, Inv. Nos. 731-TA-929-931 (Final)—Staff Report,* INV-Z-047, April 16, 2002, table C-1; data for 2006 are compiled from confidential staff report *Silicomanganese from India, Kazakhstan, and Venezuela, Inv. Nos. 731-TA-929-931 (Review)—Staff Report,* INV-EE-158, October 29, 2007, tables I-3, I-4, and I-8; data for 2012 are compiled from confidential staff report *Silicomanganese from India, Kazakhstan, and Venezuela, Inv. Nos. 731-TA-929-931 (Second Review)—Staff Report,* INV-LL-058, August 8, 2013; and data for 2017 are compiled from official Commerce statistics under HTS statistical reporting number 7202.30.0000, accessed September 25, 2018, and domestic interested party's response to notice of institution, October 1, 2018. See app. C.

CUMULATION CONSIDERATIONS

In assessing whether imports should be cumulated, the Commission determines whether U.S. imports from the subject countries compete with each other and with the domestic like product and has generally considered four factors: (1) fungibility, (2) presence of sales or offers to sell in the same geographical markets, (3) common or similar channels of distribution, and (4) simultaneous presence in the market. Additional information concerning geographical markets and simultaneous presence in the market is presented below.[72]

Based on official import statistics, imports of silicomanganese from subject countries were present in the U.S. market in 45 of 60 months during 2013 to 2017 and were only imported from India. The majority (70.9 percent) of silicomanganese imports from India entered through Baltimore, Maryland, while the remainder entered through Savannah, Georgia; Laredo, Texas; Mobile, Alabama; and New Orleans, Louisiana.

THE INDUSTRY IN INDIA

During the final phase of the original investigations, the Commission received foreign producer questionnaires from four firms in India, Ispat Alloys Ltd. ("Ispat"), Nava Bharat Ferro Alloys Ltd. ("Nava Bharat"), Universal Ferro & Allied Chemical Ltd. ("Universal"), and Indsil Electrosmelts Ltd. ("Indsil").[73] The first five-year reviews were expedited and one Indian producer, Nava Bharat, responded to the Commission's notice of institution and provided data on its silicomanganese production in India.[74] In the second (full) five-year reviews, the Commission received questionnaire responses from two foreign producers in India, Nava Bharat and Sarda.[75] The Commission did not receive any response to its most recent notice of institution from any firms in India.

According to the Indian Bureau of Mines, silicomanganese has emerged as a more important alloy than ferromanganese in India and India has become a leading global producer of silicomanganese. Silicomanganese was produced by some large and a number of small-scale ferroalloy producers. Silicomanganese production increased from 2012–2017. In 2017, total manganese-alloys production capacity was 3.48 million short tons per year. The majority of the ferroalloys produced in India were exported after domestic consumption was satisfied. Exports of silicomanganese exceeded total of imports and production in 2016-17.[76]

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[72] In addition, available information concerning subject country producers and the global market is presented in the next section of this report.

[73] *Silicomanganese from India, Kazakhstan, and Venezuela, Inv. Nos. 731-TA-929-931 (Final)—Staff Report,* INV-Z-047, April 16, 2002, p. VII-1.

[74] *Silicomanganese from India, Kazakhstan, and Venezuela, Inv. Nos. 731-TA-929-931 (Second Review)—Staff Report*, INV-LL-058, August 8, 2013, p. IV-13.

[75] Ibid.

[76] Indian Minerals Yearbook 2017 Vol. II- Reviews on Metals and Alloys (Advance Release)–Ferro-alloys, pp. 6-2–6-28.

(*continued*...)

Eramet also presented in their response to the notice of institution data regarding capacity, production, exports, etc. of producers of silicomanganese from India. The domestic interested party noted that "the industry in India *** silicomanganese production capacity to ***" and that capacity utilization in India was ***.[77] Table I-7 presents the India production, capacity, and exports to the United States of silicomanganese during 2017, as reported by the domestic interested party, as well as data compiled in the original investigations and subsequent five-year reviews for 2000, 2006, and 2012.

Table I-7
Silicomanganese: Industry in India, 2000, 2006, and 2012, and 2017

Item	2000[1]	2006[2]	2012[3]	2017[4]
Capacity (short tons)	***	([5])	2,110,000	***
Production (short tons)	***	***	1,646,000	***
Capacity utilization (percent)	***	([5])	78	***
Exports to the United States:				
Quantity (short tons)	***	0	0	6,438

[1] Data (except exports) based on four responding firms.

[2] Data (except exports) based on U.S. Geological Survey 2005 Mineral Yearbook. The one responding firm estimated the total 2006 production of silicomanganese in India to be *** short tons,

[3] Data (except exports) based on ***.

[4] Data (except exports) based on The International Manganese Institute, Annual Market Research Report (2018).

[5] Data not available

Source: For the year 2000, data are compiled from confidential staff report *Silicomanganese from India, Kazakhstan, and Venezuela, Inv. Nos. 731-TA-929-931 (Final),* Memorandum INV-Z-047, April 16, 2002, table C-1; data for 2006 are compiled from confidential staff report *Silicomanganese from India, Kazakhstan, and Venezuela, Inv. Nos. 731-TA-929-931 (Review),* Memorandum INV-EE-158, October 29, 2007, tables I-3, I-4; and I-8; data for 2012 are compiled from confidential staff report *Silicomanganese from India, Kazakhstan, and Venezuela, Inv. Nos. 731-TA-929-931 (Second Review),* Memorandum INV-LL-058, August 8, 2013; and data for 2017 are compiled from official Commerce statistics under HTS statistical reporting number 7202.30.0000 and domestic interested party's response to notice of institution, October 1, 2018.

(…*continued*)
http://ibm.nic.in/writereaddata/files/03232018160212Ferro%20alloys_AR_2017.pdf, retrieved November 8, 2018.

[77] Domestic interested party's response to notice of institution, October 1, 2018, pp. 9-10.

Table I-8 presents export data for ferrosilicon manganese (which includes silicomanganese) from India in descending order of quantity for 2017.

Table I-8
Ferrosilicon manganese: Exports of ferrosilicon manganese from India, by destination, 2013-17

Item	Calendar year				
	2013	2014	2015	2016	2017
	Quantity (short tons)				
Japan	188,756	175,628	133,268	117,847	122,940
Taiwan	101,453	105,777	75,022	71,621	77,756
Italy	149,626	139,110	116,988	81,719	70,923
United Arab Emirates	17,522	15,178	20,944	23,184	70,813
Thailand	51,282	48,656	39,512	43,255	59,508
Pakistan	16,929	19,749	25,202	32,620	47,100
Indonesia	10,731	16,170	11,841	17,733	36,303
Bangladesh	8,845	4,571	16,065	26,599	34,969
Turkey	76,985	53,139	54,301	10,675	31,080
All other	431,411	414,767	359,919	257,354	338,103
Total	1,053,542	992,745	853,063	682,605	889,494

Note.--Because of rounding, figures may not add to totals shown.

Source: Global Trade Information Services, Inc., Global Trade Atlas, HTS subheading 7202.30, accessed September 25, 2018.

THE INDUSTRY IN KAZAKHSTAN

During the final phase of the original investigations, the Commission received a foreign producer questionnaire from one firm in Kazakhstan, Kazchrome, which accounted for 100 percent of production and exports of silicomanganese to the United States.[78] The first five-year reviews were expedited and no producer/exporter in Kazakhstan responded to the Commission's notice of institution.[79] In the second (full) five-year reviews, the Commission received a questionnaire response from one foreign producer in Kazakhstan, Joint-Sotck

[78] *Silicomanganese from India, Kazakhstan, and Venezuela, Inv. Nos. 731-TA-929-931 (Second Review)—Staff Report,* INV-LL-058, August 8, 2013, p. IV-18.
[79] Ibid.

Company Transnational Company Kazchrome ("Kazchrome").[80] The Commission did not receive any response to its most recent notice of institution from any firms in Kazakhstan.

Eramet presented, in its response to the notice of institution, data regarding capacity, production, exports, etc. of producers of silicomanganese from Kazakhstan. The domestic interested party noted that Kazakhstan ***.[81] Table I-9 presents the Kazakhstan production, capacity, and exports to the United States of silicomanganese during 2017, as reported by the domestic interested party, as well as data compiled in the original investigation and subsequent five-year reviews for 2000, 2006, and 2012.

Table I-9
Silicomanganese: Industry in Kazakhstan, 2000, 2006, and 2012, and 2017

Item	2000[1]	2006[2]	2012[3]	2017[4]
Capacity (short tons)	***	([5])	***	***
Production (short tons)	***	187,627[6]	***	***
Capacity utilization (percent)	***	([5])	***	***
Exports to the United States: Quantity (short tons)	***	0	0	0

[1] Data (except exports) based on four responding firms.

[2] Data (except exports) based on U.S. Geological Survey 2005 Mineral Yearbook. The one responding firm estimated the total 2006 production of silicomanganese in India to be *** short tons,

[3] Data (except exports) based on ***.

[4] Data (except exports) based on The International Manganese Institute, Annual Market Research Report (2018).

[5] Data not available.

[1] Data not available.

[6] Production data presented are from 2005, the most recent period for which published data were available at the time of the Commission's reviews.

Source: For the year 2000, data are compiled from confidential staff report *Silicomanganese from India, Kazakhstan, and Venezuela, Inv. Nos. 731-TA-929-931 (Final)*, INV-Z-047, April 16, 2002, table C-1; data for 2006 are compiled from confidential staff report *Silicomanganese from India, Kazakhstan, and Venezuela, Inv. Nos. 731-TA-929-931 (Review),*INV-EE-158, October 29, 2007, tables I-3, I-4, and I-8; data for 2012 are compiled from confidential staff report *Silicomanganese from India, Kazakhstan, and Venezuela, Inv. Nos. 731-TA-929-931 (Second Review),* INV-LL-058, August 8, 2013; and data for 2017 are compiled from official Commerce statistics under HTS statistical reporting number 7202.30.0000 and domestic interested party's response to notice of institution, October 1, 2018.

[80] Ibid.

[81] Domestic interested party's response to notice of institution, October 1, 2018, p. 11.

Table I-10 presents export data for ferrosilicon manganese (which includes silicomanganese) from Kazakhstan in descending order of quantity for 2017.

Table I-10
Ferrosilicon manganese: Exports of ferrosilicon manganese from Kazakhstan, by destination, 2013-17

Item	Calendar year				
	2013	2014	2015	2016	2017
	Quantity (short tons)				
Japan	45,413	58,727	27,240	33,980	35,405
Uzbekistan	345	282	282	4,396	6,056
Germany	8,555	1,673	2,917	595	1,846
Slovakia	--	--	--	--	13
China	11,579	--	--	9,786	--
Czech Republic	10,660	3,202	--	--	--
Italy	536	--	--	--	--
Poland	--	--	1,102	--	--
Turkey	14,635	--	--	--	--
Ukraine	519	--	--	--	--
All other	--	--	--	--	--
Total	92,241	63,884	31,542	48,757	43,321

Note.--Because of rounding, figures may not add to totals shown.

Source: Global Trade Information Services, Inc., Global Trade Atlas, HTS subheading 7202.30, accessed September 25, 2018.

THE INDUSTRY IN VENEZUELA

During the final phase of the original investigations, the Commission received a foreign producer questionnaire from one firm in Venezuela, Homos Electricos de Venezuela SA ("Hevensa"), the only producer in Venezuela.[82] The first five-year reviews were expedited and no firms in Venezuela responded to the Commission's notice of institution.[83] In the second full five-year reviews, the Commission received questionnaire responses from two foreign producers in Venezuela, Hevensa and Ferroatlantica de Venezuela S.A, which were believed to

[82] Silicomanganese from India, Kazakhstan, and Venezuela, Inv. Nos. 731-TA-929-931 (Second Review), Memorandum INV-LL-058, August 8, 2013, p. IV-24

[83] Ibid.

account for *** production of silicomanganese in Venezuela in 2012.[84] The Commission did not receive any response to its most recent notice of institution from any firms in Venezuela.

Table I-11 presents the Venezuela production, capacity, and exports to the United States of silicomanganese during 2017, as reported by the domestic interested party, as well as data compiled in the original investigation and subsequent five-year reviews for 2000, 2006, and 2012.

Table I-11
Silicomanganese: the industry in Venezuela, 2000, 2006, and 2012, and 2017

Item	2000	2006	2012[1]	2017
Capacity (short tons)	***	71,650	***	***
Production (short tons)	***	38,581[2]	***	***
Capacity utilization (percent)	***	54	***	***
Exports to the United States: Quantity (short tons)	***	--	--	--

[1] Data for 2012 was contested as underreported by the domestic interested party, ***, and did not accord with data published by *** which estimated 2012 Venezuela capacity at *** short tons and production at *** short tons. Silicomanganese from India, Kazakhstan, and Venezuela, Inv. Nos. 731-TA-929-931 (Second Review), Memorandum INV-LL-058, August 8, 2013, fn. 34.

[2] Production data presented are for 2005, the most recent period for which published data were available at the time of the Commission's reviews.

Source: For the year 2000, data are compiled from confidential staff report *Silicomanganese from India, Kazakhstan, and Venezuela, Inv. Nos. 731-TA-929-931 (Final),* INV-Z-047, April 16, 2002, table C-1; data for 2006 are compiled from confidential staff report *Silicomanganese from India, Kazakhstan, and Venezuela, Inv. Nos. 731-TA-929-931 (Review)*,INV-EE-158, October 29, 2007, tables I-3, I-4, and I-8; data for 2012 are compiled from confidential staff report *Silicomanganese from India, Kazakhstan, and Venezuela, Inv. Nos. 731-TA-929-931* (Second Review), INV-LL-058, August 8, 2013; and data for 2017 are compiled from official Commerce statistics under HTS statistical reporting number 7202.30.0000 and domestic interested party's response to notice of institution, October 1, 2018.

[84] Ibid.

Table I-12 presents export data for ferrosilicon manganese (which includes silicomanganese) from India in descending order of quantity for 2017.

Table I-12
Ferrosilicon manganese: Exports of ferrosilicon manganese from Venezuela, by destination, 2013-17

Item	Calendar year				
	2013	2014	2015	2016	2017
	Quantity (short tons)				
Netherlands	8,267	--	2,2--5	--	--
Mexico	1,653	1,433	551	--	--
Colombia	3,615	--	276	--	--
Trinidad & Tobago	--	2,756	--	--	--
All other	--	--	--	--	--
Total	13,535	4,189	3,--31	--	--

Note.--Because of rounding, figures may not add to totals shown.

Source: Global Trade Information Services, Inc., Global Trade Atlas, HTS subheading 7202.30.

ANTIDUMPING OR COUNTERVAILING DUTY ORDERS IN THIRD-COUNTRY MARKETS[85]

In October 2016, Mexico imposed antidumping duties of 40.25 percent on imports of silicomanganese from India. On July 2, 2016, the Eurasian Economics Commission[86] imposed antidumping duties of 26.35 percent on imports of silicomanganese from Ukraine. In November 2017, Korea imposed definitive antidumping duties on imports of silicomanganese from India (6.08 to 32.21 percent), Vietnam (7.48 percent), and Ukraine (22.83 percent).

THE GLOBAL MARKET[87]

Production

According to the International Manganese Institute (table I-13), global production of silicomanganese increased for the second consecutive year in 2017, reaching a record high of *** short tons, although global crude steel production remained stable during that time period. In 2017, global silicomanganese smelters increased output by 1.4 million short tons (or 10.5 percent), with almost one-half of this extra production from China (656,000 tons). Smelters in

[85] Unless otherwise noted, this information is based on *Silicomanganese from China, and Ukraine, Inv. No. 731-TA-672-673 (Fourth Review)*, Public Version of the Prehearing Report, p. IV-32.

[86] The Eurasian Economic Commission is the Executive Body of the Eurasian Economic Union which includes the following member countries: Armenia, Belarus, Kazakhstan, Kyrgyzstan, and Russia.

India and Malaysia increased silicomanganese production by 232,000 tons and 281,000 tons, respectively, from 2016 levels. The top 10 global producers of silicomanganese in 2017, by quantity, were: China (62 percent), India (14 percent), Ukraine (6 percent), Russia (2 percent), Norway (2 percent), Malaysia (2 percent), Georgia (2 percent), South Korea (1 percent), South Africa (1 percent), Brazil (1 percent), and the rest of the world (7 percent). [88] According to the most recent production data available from the U.S. Geological Survey (Table I-14), China, India, Ukraine, and Norway were the leading silicomanganese producers in 2015.

Table I-13
Silicomanganese: Global production by country, 2013-17

* * * * * * *

Table I-14
Silicomanganese: Global production by countries, 2011-15

Country	2011	2012	2013	2014	2015
	Quantity (short tons)				
China	7,383,000	8,155,000	8,485,000	8,706,000	6,171,000
India	1,580,000	1,866,000	2,113,000	1,968,000	1,864,000
Ukraine	930,000	907,000	799,000	927,000	770,000
Norway	293,000	299,000	332,000	246,000	342,000
Georgia	268,000	288,000	279,000	283,000	232,000
South Africa	346,000	164,000	147,000	251,000	232,000
South Korea	216,000	204,000	238,000	225,000	220,000
Russia	165,000	181,000	186,000	197,000	190,000
Kazakhstan	256,000	277,000	225,000	221,000	181,000
Brazil	236,000	235,000	240,000	226,000	154,000
Mexico	153,000	178,000	168,000	182,000	154,000
Spain	156,000	163,000	150,000	142,000	148,000
Australia	104,000	56,000	121,000	132,000	144,000
France	69,000	76,000	72,000	72,000	72,000
Venezuela	26,000	64,000	69,000	43,000	39,000
Slovakia	28,000	55,000	30,000	33,000	30,000
Japan	55,000	58,000	27,000	29,000	25,000
World	12,453,000	13,334,000	13,775,000	14,106,000	11,020,000

Note.-- Because of rounding, figures may not add to total shown.

Source: U.S. Geological Survey, "Ferroalloys (Advance Release)," 2015 Minerals Yearbook, May 2018, pp. 25.10–25.14.

(…*continued*)

[87] Unless otherwise noted, this information is based on *Silicomanganese from China, and Ukraine, Inv. No. 731-TA-672-673 (Fourth Review)*, Public Version of the Prehearing Report, EDIS Document Id. No. 661462, pp. IV-32 through IV-43.

[88] *IMnl Statistics 2018*, International Manganese Institute, http://cn.manganese.org/images/uploads/market-research-docs/IMNI_statistics_Booklet_2018.pdf, retrieved August 14, 2018.

Global exports

Table I-15 presents the largest sources of global exports of silicomanganese during 2013-17. India's global exports of silicomanganese fluctuated from 1.05 million short tons in 2013 to 889,494 short tons in 2017. India and Ukraine were the largest exporters in 2017, and accounted for 26.5 percent and 21.5 percent of total global exports by quantity, respectively. Exports from Malaysia increased substantially during 2013–17, corresponding to an increase in production capacity.

Table I-15
Ferrosilicon manganese: Global exports by country, 2013-17

	Calendar year				
Item	2013	2014	2015	2016	2017
	Quantity (short tons)				
India	1,053,542	992,745	853,063	682,605	889,494
Ukraine	514,312	754,537	605,257	679,541	719,926
Georgia	245,273	291,913	226,527	251,195	514,018
Norway	308,544	332,939	330,382	343,016	301,202
Netherlands	234,621	230,675	204,434	211,222	270,511
Malaysia	1,422	4,463	744	7,418	217,694
South Africa	35,331	202,336	179,966	162,771	137,694
Spain	67,062	49,820	58,960	54,771	80,050
Brazil	73,813	32,903	12,996	52,989	60,732
Russia	2,474	5,864	4,627	19,223	59,773
Italy	16,944	22,666	19,373	27,427	55,247
France	87,644	115,696	143,317	114,702	48,404
All other	468,783	473,857	355,343	413,378	284,741
Total	3,109,765	3,510,414	2,994,990	3,020,257	3,639,486

Note.--Because of rounding, figures may not add to total shown.

Source: Global Trade Information Services, Inc., Global Trade Atlas, HTS subheading 7202.30, accessed November 7, 2018.

Consumption

According to the most recent reports available from the U.S. Geological Survey, the International Manganese Institute estimated that world apparent consumption of manganese ferroalloys (gross weight) decreased slightly to about 22.0 million short tons in 2014 compared with 22.2 million short tons in 2013. Of the amount in 2014, 14.4 million short tons was

silicomanganese, 5.5 million short tons was high-carbon ferromanganese, and 2.1 million short tons was refined (medium- and low-carbon) ferromanganese.[89]

Top nonsubject sources

Australia[90]

The Tasmanian Electro Metallurgical Company ("TEMCO") is the only firm believed to produce and/or export silicomanganese from Australia. This firm accounted for all U.S. imports of silicomanganese from Australia during 2013-17. According to the International Manganese Institute (IMnI), total silicomanganese production capacity in Australia was *** short tons in 2017.[91]

China

China is the leading silicomanganese producer in the world. China experienced several operational and organizational changes since January 1, 2012. The decline in silicomanganese production in 2015 corresponded to government actions in China that were aimed at reducing ferroalloys capacity and consolidating production. According to industry sources, in 2014 China began to phase out about 2.58 million short tons of obsolete ferroalloys production capacity. The Chinese central government tightened environmental regulations on ferroalloy producers. The intention was to control capacity and force smelters with smaller, obsolete furnaces to either upgrade or close. According to the ***, at year-end 2015, there were 71 silicomanganese smelters operating in China compared to 382 smelters at the beginning of 2015. It was not certain if all of the plant closings were permanent or if some of the smelters intended to reopen after inspections were completed.[92] [93]

***.[94]

Gabon

Production at the Moanda Metallurgical Complex, with 71,650 short tons capacity commenced on June 5, 2015.[95] [96]

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[89] Corathers, Lisa A., "Manganese (Advance Release)," *2014 Minerals Yearbook*, March 2017, pp. 47.1–3.

[90] Unless otherwise noted, this information is based on *Silicomanganese from Australia, Investigation No. 731-TA-1269 (Final)*, USITC Publication 4600, April 2016, pp. VII-2–VII-3.

[91] Domestic industry's response to the notice of institution, Ex. 2, p. 36.

[92] ***.

[93] *"Overview of the Global Manganese Industry with a special focus on China", Metal Bulletin Conference, March 24, 2016,* https://www.metalbulletin.com/events/download.ashx/document/speaker/8479/a0ID000000ZP1jZMAT/Presentation, retrieved October 15, 2018.

[94] ***.

Georgia[97]

The industry producing silicomanganese in Georgia comprises at least three producers: one large and two smaller, more recently established ones. The main producer is the Zestafoni Ferroalloy Plant, owned by Georgian Manganese, an affiliated company to domestic producer Felman (both are owned by GAA). Georgian Manganese is an integrated producer of silicomanganese, having its own manganese ore mines and a hydroelectric power plant that supplies power to its mines and the ferroalloy plant. The Zestafoni Ferroalloy Plant has 11 electric-arc furnaces and produced over 206,000 short tons of silicomanganese in 2012.[98] In July 2014, GAA announced that Georgian Manganese would switch production at three of its furnaces from silicomanganese to ferromanganese, reducing its silicomanganese production by approximately 3,300 short tons per month.[99] Georgian Manganese has the capability to produce standard grade silicomanganese (65-68 percent manganese, 0.20 (max) percent phosphorous) and high grade silicomanganese (72 percent manganese and 0.20-0.35 percent phosphorous).[100]

The other two Georgian producers are relatively small when compared to the GAA owned operations. Chiaturmanganum Georgia has three electric furnaces with total ferroalloy production capacity of about 33,000 short tons per year.[101] In February 2013, it announced plans to rebuild a second plant with two furnaces. More recently, in December 2015, a newly established trading firm, Helvetia Resources AG, announced that it has an off-take agreement with Chiaturmanganum to distribute ferroalloy products to the United States and other markets. Rusmetali LTD has a factory where it claims the ability to produce several ferroalloys including silicomanganese.[102] According to the ***, total silicomanganese production capacity in Georgia was *** short tons in 2017.[103]

(…*continued*)

[95] Corathers, Lisa A., "Manganese (Advance Release)," *2014 Minerals Yearbook*, March 2017, p. 47.17.

[96] *Eramet Group: Inauguration of Moanda Metallurgical Complex in Gabon,* http://www.eramet.com/en/presse-release/eramet-inauguration-moanda-metallurgical-complex-gabon-ali-bongo-ondimba-president, accessed October 4, 2018.

[97] Unless otherwise noted, this information is based on *Silicomanganese from Australia, Investigation No. 731-TA-1269 (Final)*, USITC Publication 4600, April 2016, p. VII-8.

[98] Georgian American Alloys, http://gaalloys.com/index.php/about-gaa/gm/zestafoni, accessed October 4, 2018.

[99] *Georgian American Alloys Inc. announces shift in furnace production,* press release July 7, 2014.

[100] Georgian American Alloys, http://gaalloys.com/index.php/products/simn, accessed October 4, 2018.

[101] Chiaturmanganum Georgia webpage, http://chmg.ge/, accessed September 28, 2018.

[102] Rusmetali LTD, *Company profile*. https://www.gmdu.net/corp-577960.html, accessed October 4, 2018.

[103] Domestic industry's response to the notice of institution, Ex. 2, p. 36.

India

Production at the Shri Girija Vizag Ferro-Alloys plant, with 79,366 short tons per year of silicomanganese production capacity, commenced in 2013. [104] [105]

Malaysia

Malaysia is poised to increase silicomanganese production during the next several years owing to the construction of several new ferroalloys plants. Commercial production at the Petama Ferroalloy Plant, with 132,277 short tons of production capacity, commenced in November 2016.[106] [107] ***.[108]

Norway[109]

The industry producing silicomanganese in Norway comprises two firms: Eramet Norway and Glencore. The production of manganese ferroalloys in Norway benefits from the availability of low-cost hydroelectricity and proximity to major markets in Europe and the former Soviet Union. Manganese ore for the Norway operations is imported.

Eramet Norway, a related company to U.S. producer Eramet, produces silicomanganese at two plants. The Kvinesdal smelting plant was established in 1974. It has three modern 30 mega-watt (MW) furnaces and an annual output of 198,000 short tons of silicomanganese. Much of the output is of out-of-scope low-carbon silicomanganese, however, and the main customers are European and North American producers of stainless steel. This low-carbon silicomanganese has a lower manganese content, higher silicon content, and significantly lower carbon content, (around 0.1 percent carbon or lower compared to the 2 percent carbon level) than "standard-grade" silicomanganese. The low-carbon silicomanganese from Norway that Eramet Marietta imports and sells in the U.S. market is predominantly used for stainless and specialty steel applications.

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[104] Corathers, Lisa A., "Manganese (Advance Release)," *2013 Minerals Yearbook*, February 2016, p. 47.18.

[105] Srinivasa Ferro Alloy Limited webpages, http://www.srinivasaferro.com/profile.htm, accessed October 4, 2018.

[106] Corathers, Lisa A., "Manganese (Advance Release)," *2014 Minerals Yearbook*, March 2017, p. 47.17.

[107] *Pertama Ferroalloys Sdn. Bhd. webpage*, http://pertama-fa.com/key-milestones, October 4, 2018.

[108] ***.

[109] Unless otherwise noted, this information is based on *Silicomanganese from Australia, Investigation No. 731-TA-1269 (Final)*, USITC Publication 4600, April 2016, pp. VII-20–VII-21.

South Africa[110]

The industry producing silicomanganese in South Africa comprises two firms: Transalloys and Mogale Alloys. Transalloys is owned by Renova Mining Industries, a Russian company. It has five furnaces producing silicomanganese: two 48 mega-volt-ampere ("MVA") furnaces and three smaller, 18 MVA furnaces. The annual capacity is approximately 187,000 short tons of silicomanganese. Mogale Alloys is owned by Afarak Group Oyj, a Finnish company. The Mogale plant produces both silicomanganese and ferrochromium alloys. It has two submerged-arc furnaces and two direct-current (DC) furnaces with a total capacity of 121,000 short tons.

A third firm, Samancor Manganese is owned by the same South32/Anglo joint venture that owns TEMCO, the Australian producer of silicomanganese. Samancor Manganese ceased production of silicomanganese in February 2012, and has demolished the furnaces and plant where it was produced. Samancor Manganese continues as a major producer of ferromanganese, but states that its remaining furnaces are large and not technically suited to the production of silicomanganese.

[110] Unless otherwise noted, this information is based on *Silicomanganese from Australia, Investigation No. 731-TA-1269 (Final)*, USITC Publication 4600, April 2016, pp. VII-16–VII-18.

APPENDIX A

FEDERAL REGISTER NOTICES

The Commission makes available notices relevant to its investigations and reviews on its website, www.usitc.gov. In addition, the following tabulation presents, in chronological order, *Federal Register* notices issued by the Commission and Commerce during the current proceeding.

Citation	Title	Link
83 FR 44898 September 11, 2018	*Silicomanganese From India, Kazakhstan, and Venezuela; Institution of Five-Year Reviews*	https://www.gpo.gov/fdsys/pkg/FR-2018-09-04/pdf/2018-18848.pdf
83 FR 45887 September 11, 2018	*Initiation of Five-Year (Sunset) Reviews*	https://www.gpo.gov/fdsys/pkg/FR-2018-09-11/pdf/2018-19766.pdf
83 FR 64525 December 17, 2018	*Silicomanganese From India, Kazakhstan, and Venezuela: Final Results of Expedited Third Sunset Reviews of the Antidumping Duty Orders*	https://www.govinfo.gov/content/pkg/FR-2018-12-17/pdf/2018-27242.pdf

APPENDIX B

COMPANY-SPECIFIC DATA

RESPONSE CHECKLIST FOR U.S. PRODUCERS

Item	Eramet Marietta, Inc.	Total
	Quantity=short tons; value=1,000 dollars; Unit values, unit labor costs, and unit financial data are per short ton	
Nature of operation	✓	✓
Statement of intent to participate	✓	✓
Statement of likely effects of revoking the order	✓	✓
U.S. producer list	✓	✓
U.S. importer/foreign producer list	✓	✓
List of 3-5 leading purchasers	✓	✓
List of sources for national/regional prices	✓	✓
Production:		
Quantity	***	***
Percent of total reported	100	100
Capacity	***	***
Commercial shipments:		
Quantity	***	***
Value	$***	$***
Internal consumption:		
Quantity	***	***
Value	***	***
Net sales	$***	$***
COGS	$***	$***
Gross profit or (loss)	$***	$***
SG&A expenses (loss)	$***	$***
Operating income/(loss)	$***	$***
Changes in supply/demand	✓	✓

Note.—The production, capacity, and shipment data presented are for calendar year 2017. The financial data are for fiscal year ended December 31, 2017.

✓ = response provided; **×** = response not provided; **NA** = not applicable; ? = indicated that the information was not known.

APPENDIX C

SUMMARY DATA COMPILED IN PRIOR INVESTIGATIONS

Table C-1
Silicomanganese: Summary data concerning the U.S. market, 1998-2000, January-September 2000, and January-September 2001

* * * * * * *

Table C-1--Contlnued
SIIIcomanganese: Summary data concerning the U.S. market, 1998-2000, January-September 2000, and January-September 2001

* * * * * * *

Table I-3
Silicomanganese: U.S. producers' trade, employment, and financial data, 1998-2000, January-September 2000, January-September 2001, and 2006

* * * * * * *

Table C-1
Silicomanganese: Summary data concerning the U.S. market, 2010-12, January to March 2012, and January to March 2013
(Quantity=short tons; Value=1,000 dollars; Unit values, unit labor costs, and unit expenses=dollars per short ton; Period changes=percent--exceptions noted)

	Report data								Period changes						
	Calendar year						January to March		Calendar year						Jan-Mar
	2007	2008	2009	2010	2011	2012	2012	2013	2007-12	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13
U.S. consumption quantity:															
Amount	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Producers' share (1)	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Importers' share (1):															
India	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Kazakhstan	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Venezuela	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Subtotal, subject	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
All others sources, nonsubject	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Total imports	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
U.S. consumption value:															
Amount	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Producers' share (1)	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Importers' share (1):															
India	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Kazakhstan	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Venezuela	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Subtotal, subject	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
All others sources, nonsubject	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Total imports	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
U.S. importers' U.S. shipments of Imports from:															
India:															
Quantity	0	0	0	0	0	0	0	0	(2)	(2)	(2)	(2)	(2)	(2)	(2)
Value	0	0	0	0	0	0	0	0	(2)	(2)	(2)	(2)	(2)	(2)	(2)
Unit value	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	(2)	(2)	(2)	(2)	(2)	(2)	(2)
Ending inventory quantity	0	0	0	0	0	0	0	0	(2)	(2)	(2)	(2)	(2)	(2)	(2)
Kazakhstan:															
Quantity	0	0	0	0	0	0	0	0	(2)	(2)	(2)	(2)	(2)	(2)	(2)
Value	0	0	0	0	0	0	0	0	(2)	(2)	(2)	(2)	(2)	(2)	(2)
Unit value	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	(2)	(2)	(2)	(2)	(2)	(2)	(2)
Ending inventory quantity	0	0	0	0	0	0	0	0	(2)	(2)	(2)	(2)	(2)	(2)	(2)
Venezuela:															
Quantity	0	0	0	0	0	0	0	0	(2)	(2)	(2)	(2)	(2)	(2)	(2)
Value	0	0	0	0	0	0	0	0	(2)	(2)	(2)	(2)	(2)	(2)	(2)
Unit value	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	(2)	(2)	(2)	(2)	(2)	(2)	(2)
Ending inventory quantity	0	0	0	0	0	0	0	0	(2)	(2)	(2)	(2)	(2)	(2)	(2)
Subtotal, subject sources:															
Quantity	0	0	0	0	0	0	0	0	(2)	(2)	(2)	(2)	(2)	(2)	(2)
Value	0	0	0	0	0	0	0	0	(2)	(2)	(2)	(2)	(2)	(2)	(2)
Unit value	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	(2)	(2)	(2)	(2)	(2)	(2)	(2)
Ending inventory quantity	0	0	0	0	0	0	0	0	(2)	(2)	(2)	(2)	(2)	(2)	(2)
All other sources:															
Quantity	445,439	365,423	172,392	274,070	309,964	318,239	93,210	82,999	(28.6)	(18.0)	(52.8)	59.0	13.1	2.7	(11.0)
Value	572,547	726,203	176,641	335,694	358,457	388,576	108,443	88,118	(32.1)	26.8	(75.7)	90.0	6.8	8.4	(18.7)
Unit value	$1,285.35	$1,987.29	$1,024.65	$1,224.85	$1,156.45	$1,221.02	$1,163.43	$1,061.68	(5.0)	54.6	(48.4)	19.5	(5.6)	5.6	(8.7)
Ending inventory quantity	102,116	124,093	62,453	82,838	103,256	91,392	86,106	92,366	(10.5)	21.5	(49.7)	32.6	24.6	(11.5)	7.3
Total imports:															
Quantity	445,439	365,423	172,392	274,070	309,964	318,239	93,210	82,999	(28.6)	(18.0)	(52.8)	59.0	13.1	2.7	(11.0)
Value	572,547	726,203	176,641	335,694	358,457	388,576	108,443	88,118	(32.1)	26.8	(75.7)	90.0	6.8	8.4	(18.7)
Unit value	$1,285.35	$1,987.29	$1,024.65	$1,224.85	$1,156.45	$1,221.02	$1,163.43	$1,061.68	(5.0)	54.6	(48.4)	19.5	(5.6)	5.6	(8.7)
Ending inventory quantity	102,116	124,093	62,453	82,838	103,256	91,392	86,106	92,366	(10.5)	21.5	(49.7)	32.6	24.6	(11.5)	7.3
U.S. producers':															
Average capacity quantity	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Production quantity	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Capacity utilization (1)	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
U.S. shipments:															
Quantity	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Value	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Unit value	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Export shipments:															
Quantity	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Value	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Unit value	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Ending inventory quantity	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Inventories/total shipments (1)	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Production workers	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Hours worked (1,000s)	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Wages paid ($1,000)	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Productivity (short tons per hour)	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Unit labor costs	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Net Sales:															
Quantity	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Value	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Unit value	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Cost of goods sold (COGS)	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Gross profit of (loss)	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
SG&A expenses	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Operating income or (loss)	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Capital expenditures	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Unit COGS	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Unit SG&A expenses	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Unit operating income or (loss)	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
COGS/sales (1)	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Operating income or (loss)/sales (1)	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***

(1) Report data are in percent and period changes are in percentage points.
(2) Undefined.
Source: Compiled from data submitted in response to Commission questionnaires.

APPENDIX D

PURCHASER QUESTIONNAIRE RESPONSES

As part of their response to the notice of institution, interested parties were asked to provide a list of three to five leading purchasers in the U.S. market for the domestic like product. A response was received from domestic interested parties and it named the following five firms as the top purchasers of silicomanganese: ***. Purchaser questionnaires were sent to these five firms and four firms (***) provided responses which are presented below.

1. Have there been any significant changes in the supply and demand conditions for silicomanganese that have occurred in the United States or in the market for silicomanganese in India, Kazakhstan, and Venezuela since January 1, 2013?

Purchaser	Changes that have occurred
***	***
***	***
***	***
***	***

2. Do you anticipate any significant changes in the supply and demand conditions for silicomanganese in the United States or in the market for silicomanganese in India, Kazakhstan, and Venezuela within a reasonably foreseeable time?

Purchaser	Anticipated changes
***	***
***	***
***	***
***	***