Silicomanganese from China and Ukraine

Investigation Nos. 731-TA-672-673 (Fifth Review)

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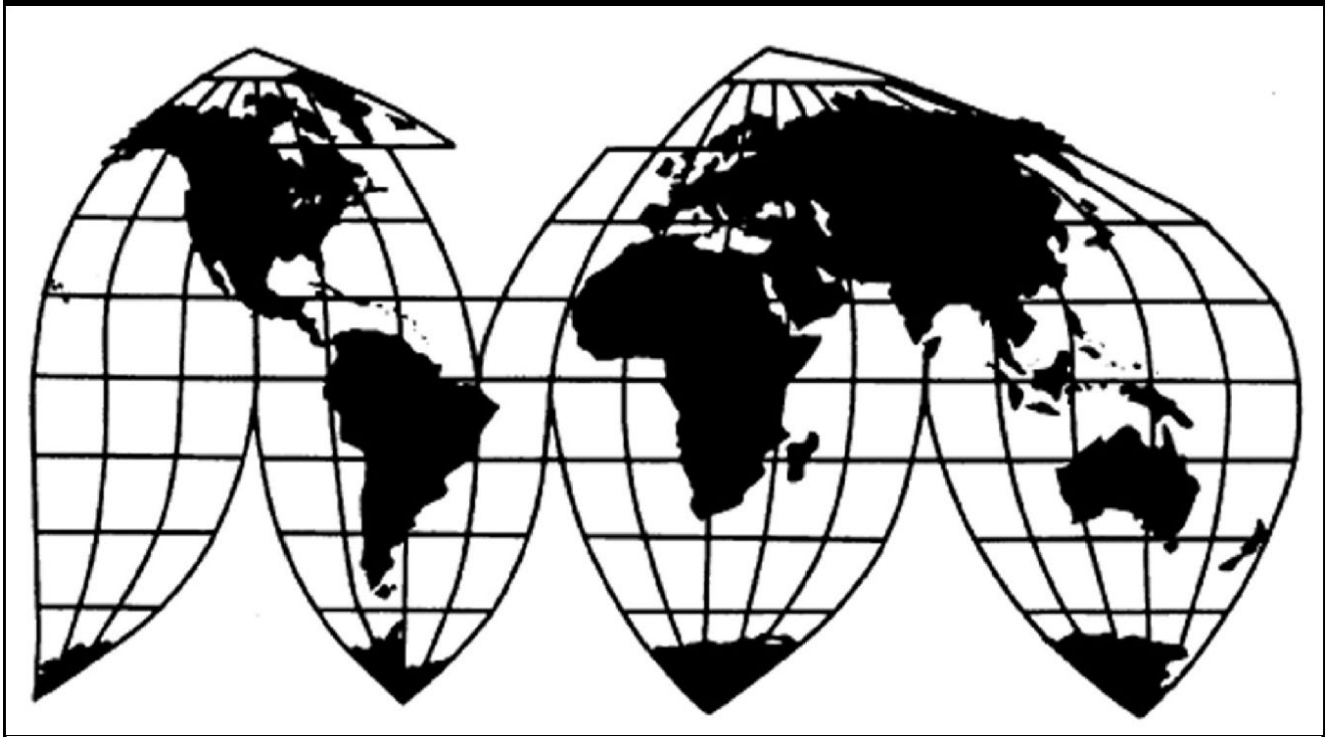
U.S. International Trade Commission



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U.S. International Trade Commission

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CONTENTS

Page

CONTENTS

Page

CONTENTS

Page

CONTENTS

Page

CONTENTS

Page

Appendixes

Note.—Information that would reveal confidential operations of individual concerns may not be published. Such information is identified by brackets in confidential reports and is deleted and replaced with asterisks (***) in public reports.

UNITED STATES INTERNATIONAL TRADE COMMISSION

Investigation Nos. 731-TA-672-673 (Fifth Review)

Silicomanganese from China and Ukraine

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 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.[2]

BACKGROUND

The Commission instituted these reviews on November 1, 2023 (88 FR 75029) and determined on February 5, 2024, that it would conduct full reviews (89 FR 13375, February 22, 2024). Notice of the scheduling of the Commission's reviews and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the *Federal Register* on May 1, 2024 (89 FR 35240). The Commission conducted its hearing on September 5, 2024. All persons who requested the opportunity were permitted to participate.

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

[2] Commissioner David S. Johanson dissenting with respect to the order on silicomanganese from Ukraine.

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 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.[1]

I. Background

Original Investigations. The original investigations of silicomanganese from Brazil, China, Ukraine, and Venezuela were instituted based on a petition filed by Elkem Metals Co. ("Elkem") and the Oil, Chemical and Atomic Workers Local 3-639 on November 12, 1993. Effective October 31, 1994, Commerce suspended the antidumping investigation of silicomanganese from Ukraine based on an agreement with the Government of Ukraine.[2] On December 14, 1994, the Commission determined that an industry in the United States was materially injured or threatened with material injury by reason of imports of silicomanganese from Brazil, China, and Ukraine that were being sold at less than fair value ("LTFV").[3] On

[1] Commissioner David S. Johanson determines that revocation of the antidumping duty order on silicomanganese from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time but that revocation of the antidumping duty order on silicomanganese from Ukraine 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. Except where noted, Commissioner Johanson joins sections I–II, III.A–III.C, III.D.1 through the discussion on imports from China, and IV.A–IV.B of these views. *See* Separate and Dissenting Views of Commissioner David S. Johanson.

[2] The Government of Ukraine agreed to restrict the volume of direct and indirect silicomanganese exports to the United States and to sell such exports at or above a "reference price" to prevent the suppression or undercutting of price levels of silicomanganese produced in the United States. *Antidumping: Silicomanganese from Ukraine; Suspension of Investigation*, 59 Fed. Reg. 60,951 (Nov. 29, 1994). The parties then requested continuation of the investigation regarding silicomanganese from Ukraine. *Id.* at 60,952.

[3] *Silicomanganese from Brazil, the People's Republic of China, Ukraine, and Venezuela*, 59 Fed. Reg. 65,788 (Dec. 21, 1994); *accord Silicomanganese from Brazil, the People's Republic of China, Ukraine, and Venezuela*, Inv. Nos. 731-TA-671–674 (Final), USITC Pub. 2836 (Dec. 1994) ("*Original Investigations*"). The Commission reached a negative determination with respect to silicomanganese from Venezuela.

December 22, 1994, the U.S. Department of Commerce ("Commerce") issued antidumping duty orders on silicomanganese from Brazil and China.[4]

First Reviews. The Commission instituted its first five-year reviews of the orders on silicomanganese from Brazil and China and the suspended investigation on silicomanganese from Ukraine on November 2, 1999.[5] The Commission conducted full reviews,[6] and on January 5, 2001, determined that revocation of the antidumping duty orders on silicomanganese from Brazil and China and termination of the suspended investigation 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.[7] On February 16, 2001, Commerce published a notice of continuation of the antidumping duty orders on silicomanganese from Brazil and China and the suspended investigation on silicomanganese from Ukraine.[8]

Second Reviews. The Commission instituted its second reviews of the antidumping duty orders on silicomanganese from Brazil, China, and Ukraine[9] on January 3, 2006.[10] On April 10, 2006, the Commission determined to conduct expedited reviews[11] and reached affirmative determinations on August 28, 2006.[12] On September 14, 2006, Commerce published a notice

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[4] *Notice of Antidumping Duty Order: Silicomanganese from Brazil*, 59 Fed. Reg. 66,003 (Dec. 22, 1994); *Notice of Antidumping Duty Order: Silicomanganese from the People's Republic of China (PRC)*, 59 Fed. Reg. 66,003 (Dec. 22, 1994).

[5] *Silicon Metal from Argentina, Brazil, and China and Silicomanganese from Brazil, China, and Ukraine*, 64 Fed. Reg. 59,209 (Nov. 2, 1999).

[6] *Silicon Metal from Argentina, Brazil, and China and Silicomanganese from Brazil, China, and Ukraine*, 65 Fed. Reg. 7,891 (Feb. 16, 2000).

[7] *Silicomanganese from Brazil, China, and Ukraine*, 66 Fed. Reg. 8,981 (Feb. 5, 2001); *accord Silicomanganese from Brazil, China, and Ukraine*, Inv. Nos. 731-TA-671–673 (Review), USITC Pub. 3386 (Jan. 2001) ("*First Reviews*").

[8] *Continuation of Antidumping Duty Orders on Silicon Metal from Brazil and China and on Silicomanganese from Brazil and China, and Continuation of Suspended Antidumping Duty Investigation on Silicomanganese from Ukraine*, 66 Fed. Reg. 10,669 (Feb. 16, 2001).

[9] On July 19, 2001, the Government of Ukraine requested that Commerce terminate the suspension agreement on silicomanganese from Ukraine. On September 17, 2001, Commerce terminated the suspension agreement and issued an antidumping duty order covering imports of silicomanganese from Ukraine. *See Suspension Agreement on Silicomanganese from Ukraine; Termination of Suspension Agreement and Notice of Antidumping Duty Order*, 66 Fed. Reg. 43,838 (Aug. 21, 2001).

[10] *Silicomanganese from Brazil, China, and Ukraine*, 71 Fed. Reg. 135 (Jan. 3, 2006).

[11] *Silicomanganese from Brazil, China, and Ukraine*, 71 Fed. Reg. 27,515 (May 11, 2006).

[12] *Silicomanganese from Brazil, China, and Ukraine*, 71 Fed. Reg. 52,145 (Sept. 1, 2006); *accord Silicomanganese from Brazil, China, and Ukraine*, Inv. Nos. 731-TA-671–673 (Second Review), USITC Pub. 3879 (Aug. 2006) ("*Second Reviews*").

of continuation of the antidumping duty orders on silicomanganese from Brazil, China, and Ukraine.[13]

Third Reviews. The Commission instituted its third reviews of the antidumping duty orders on silicomanganese from Brazil, China, and Ukraine on August 1, 2011.[14] The Commission conducted full reviews. On October 24, 2012, it determined 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.[15] It also determined that revocation of the antidumping duty order 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.[16] On November 7, 2012, Commerce published a notice of revocation of the antidumping duty order on silicomanganese from Brazil.[17] On November 8, 2012, Commerce published a notice of continuation of the antidumping duty orders on silicomanganese from China and Ukraine.[18]

Fourth Reviews. On October 2, 2017, the Commission instituted its fourth reviews of the antidumping duty orders on silicomanganese from China and Ukraine.[19] It determined to conduct full reviews.[20] On November 30, 2018, the Commission determined 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

[13] *Silicomanganese from Brazil, Ukraine, and the People's Republic of China: Continuation of Antidumping Duty Orders*, 71 Fed. Reg. 54,272 (Sept. 14, 2006).

[14] *Silicomanganese from Brazil, China, and Ukraine Institution of a Five-Year Review Concerning the Antidumping Duty Orders on Silicomanganese from Brazil, China, and Ukraine*, 76 Fed. Reg. 45,856 (Aug. 1, 2011).

[15] *Silicomanganese from Brazil, China, and Ukraine*, 77 Fed. Reg. 65,907 (Oct. 31, 2012); *accord Silicomanganese from Brazil, China, and Ukraine*, Inv. Nos. 731-TA-671–673 (Third Review), USITC Pub. 4354 (Oct. 2012) ("*Third Reviews*").

[16] *Third Reviews*, USITC Pub. 4354 at 35.

[17] *Silicomanganese from Brazil: Revocation of Antidumping Duty Order*, 77 Fed. Reg. 66798 (Nov. 7, 2012).

[18] *Silicomanganese from the People's Republic of China and Ukraine: Continuation of Antidumping Duty Orders*, 77 Fed. Reg. 66956 (Nov. 8, 2012).

[19] *Silicomanganese from China and Ukraine: Institution of Five-Year Reviews*, 82 Fed. Reg. 45,892 (Oct. 2, 2017).

[20] *Silicomanganese from China and Ukraine; Notice of Commission Determinations to Conduct Full Five-Year Reviews*, 83 Fed. Reg. 3,025 (Jan. 22, 2018).

reasonably foreseeable time.[21] On December 12, 2018, Commerce published a notice of continuation of the antidumping duty orders on silicomanganese from China and Ukraine.[22]

The Current Reviews. The Commission instituted these reviews on November 1, 2023.[23] The Commission received a response to its notice of institution from domestic interested party Eramet Marietta, Inc. ("Eramet"), a domestic producer of silicomanganese.[24] With respect to the antidumping duty order on silicomanganese from Ukraine, the Commission received a response to its notice from the Ukrainian Association of Ferroalloys ("UkrFA"), a foreign trade association whose members produce silicomanganese in Ukraine.[25] The Commission also received a response from the Department of Foreign Economic Activity and Trade Defense of the Ministry of Economy of Ukraine (the "Government of Ukraine") (collectively with UkrFA, the "Ukrainian Respondents").[26] The Commission did not receive a response from U.S. producer Felman Production, LLC ("Felman Production") or from any importers or foreign producers or exporters of silicomanganese from China. On February 5, 2024, the Commission determined to conduct full reviews of the orders on silicomanganese from China and Ukraine.[27]

The Commission received prehearing and posthearing submissions from domestic producer Eramet.[28] Representatives of Eramet, as well as from the United Steel, Paper and

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[21] *Silicomanganese from China and Ukraine; Determinations*, 83 Fed. Reg. 62,900 (Dec. 6, 2018); *accord Silicomanganese from China and Ukraine*, Inv. Nos. 731-TA-672–673 (Fourth Review), USITC Pub. 4845 (Nov. 2018) ("*Fourth Reviews*").

[22] *Silicomanganese from the People's Republic of China and Ukraine: Continuation of the Antidumping Duty Orders*, 83 Fed. Reg. 63,830 (Dec. 12, 2018).

[23] *Silicomanganese from China and Ukraine; Institution of Five-Year Reviews*, 88 Fed. Reg. 75,029 (Nov. 1, 2023).

[24] Eramet's Response to the Notice of Institution, EDIS Doc. 809639 (Dec. 1, 2023).

[25] UkrFA's Response to the Notice of Institution, EDIS Doc. 809628 (Dec. 1, 2023). UkrFA's members consist of Public Joint Stock Company Nikopol Ferroalloy Plant ("NFP") and Public Joint Stock Company Zaporizhye Ferroalloy Plant ("ZFP"), the only two producers of silicomanganese in Ukraine. *Id.* at 8.

[26] Government of Ukraine's Response to the Notice of Institution, EDIS Doc. 809513 (Nov. 30, 2023).

[27] The Commission found that the domestic interested party group response with respect to China and Ukraine was adequate and that the respondent interested party group response with respect to Ukraine was adequate. The Commission therefore determined to conduct a full review of the order on Ukraine. Although the Commission found that the respondent interested party group response with respect to China was inadequate, the Commission nevertheless determined to conduct a full review of the order on silicomanganese from China to promote administrative efficiency in light of its decision to conduct a full review with respect to the order on silicomanganese from Ukraine. *Silicomanganese from China and Ukraine; Notice of Commission Determination to Conduct Full Five-Year Reviews*, 89 Fed. Reg. 13,375 (Feb. 22, 2024).

[28] Eramet's Prehearing Brief, EDIS Doc. 830672 (Aug. 27, 2024) ("Eramet's Prehear. Br."); Eramet's Posthearing Brief, EDIS Doc. 832230 (Sept. 13, 2024) ("Eramet's Posthear. Br.").

Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union ("USW"), appeared at the Commission's hearing accompanied by counsel.[29] Eramet also filed final comments.[30]

The Commission received prehearing and posthearing submissions from respondent interested party UkrFA.[31] The Commission also received prehearing and posthearing submissions from the Government of Ukraine.[32] Representatives of UkrFA, as well as from the Government of Ukraine, appeared at the Commission's hearing accompanied by counsel.[33] UkrFA also filed final comments.[34]

U.S. industry data are based on the questionnaire responses of two U.S. producers of silicomanganese – Eramet and Felman Production – that are believed to have accounted for all domestic production of silicomanganese in 2023.[35] U.S. import data and related information are based on Commerce's official import statistics and the questionnaire responses of 14 U.S. importers of silicomanganese that accounted for virtually all U.S. imports of silicomanganese during 2023.[36] Foreign industry data and related information are based on the questionnaire responses of two producers and exporters of silicomanganese in Ukraine, which accounted for all known production of silicomanganese in Ukraine during 2023.[37] No producers or exporters of silicomanganese in China provided responses to the Commission's questionnaires.[38] Accordingly, data and related information on the silicomanganese industry in China are based on the original investigations and prior reviews, Eramet's submissions in the current reviews, and industry research and publicly available information collected by the Commission.

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[29] *See generally* Transcript of Hearing, EDIS Doc. 831592 (Sept. 5, 2024) ("Hearing Tr.").

[30] Eramet's Final Comments, EDIS Doc. 834088 (Oct. 4, 2024) ("Eramet's Final Comments").

[31] UkrFA's Prehearing Brief, EDIS Doc. 830688 (Aug. 27, 2024) ("UkrFA's Prehear. Br."); UkrFA's Posthearing Brief, EDIS Doc. 832256 (Sept. 13, 2024) ("UkrFA's Posthear. Br.").

[32] Government of Ukraine's Prehearing Brief, EDIS Doc. 830633 (Aug. 27, 2024) ("Ukraine's Prehear. Br."); Government of Ukraine's Posthearing Brief, EDIS Doc. 832184 (Sept. 13, 2024) ("Ukraine's Posthear. Br."). The Commission did not receive any submissions on behalf of any producer or exporter of silicomanganese from China or any importer of subject merchandise.

[33] *See generally* Hearing Tr.

[34] UkrFA's Final Comments, EDIS Doc. 834118 (Oct. 4, 2024) ("UkrFA's Final Comments").

[35] Confidential Report, Memorandum INV-WW-120, Sept. 27, 2024 ("CR") at I-14; Public Report, *Silicomanganese from China and Ukraine*, Inv. Nos. 731-TA-672–673 (Fifth Review), USITC Pub. 5554 at I-14 (Oct. 2024) ("PR").

[36] CR/PR at I-14 & IV-1. There were no U.S. imports of silicomanganese from China or Ukraine during the period of review. *Id.* at IV-1.

[37] CR/PR at I-14 & IV-19.

[38] CR/PR at I-14 & IV-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."[39] The Tariff Act defines "domestic like product" as "a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this subtitle."[40] 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.[41]

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

> The product covered by the *Orders* is silicomanganese. Silicomanganese, which is sometimes called ferrosilicon manganese, is a ferroalloy composed principally of manganese, silicon, and iron, and normally contains much smaller proportions of minor elements, such as carbon, phosphorus, and sulfur. 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 {phosphorus}. All compositions, forms, and sizes of silicomanganese are included within the scope of these orders, including silicomanganese slag, fines, and briquettes. Silicomanganese is used primarily in steel production as a source of both silicon and manganese.
>
> The merchandise subject to the *Orders* is currently classifiable under subheading 7202.30.0000 of the Harmonized Tariff Schedule of the United States (HTSUS). Some merchandise may also be imported under

[39] 19 U.S.C. § 1677(4)(A).

[40] 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).

[41] *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).

> subheading 7202.99.5040. Although HTSUS subheadings are provided for convenience and U.S. Customs purposes, they do not define the scope of the *Orders*; rather, the written description of the subject merchandise is dispositive.[42]

The scope definition set out above is substantively unchanged since the original investigations. Commerce has not issued any scope rulings concerning these orders since the original investigations.[43]

Manufacturers produce silicomanganese by smelting sources of silicon, manganese, iron, and a carbonaceous reducing agent (usually coal and coke) together in a submerged arc furnace.[44] Although manufactured to ASTM International specification A483 in three grades (A, B, and C) that differ by their silicon and carbon content, most silicomanganese produced and sold in the United States conforms to the specification for grade B.[45] Producers generally sell silicomanganese in small pieces of relatively uniform sizes.[46] Steel producers, the primary users of silicomanganese, consume the product in bulk form as a source of both silicon and manganese, while producers of iron castings sometimes use silicomanganese as an alloying agent.[47]

In its original investigations, the Commission considered whether there should be multiple domestic like products and found that all silicomanganese is used as a source of manganese and silicon in iron and steelmaking. The Commission ultimately adopted a single domestic like product definition that included all silicomanganese, coextensive with Commerce's scope.[48]

In the prior reviews, the Commission again defined the domestic like product as all silicomanganese, coextensive with Commerce's scope. In so doing, the Commission indicated that none of the parties disagreed with the Commission's original domestic like product

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[42] *Issues and Decision Memorandum for the Final Results of the Expedited Fifth Sunset Reviews of the Antidumping Duty Orders on Silicomanganese from the People's Republic of China and Ukraine*, EDIS Doc. 827711 (Feb. 29, 2024) at 2.

[43] CR/PR at I-15.

[44] CR/PR at I-22.

[45] CR/PR at I-19.

[46] CR/PR at I-19.

[47] CR/PR at I-21.

[48] *Original Investigations*, USITC Pub. 2836 at I-6 to I-7 (Commissioners David B. Rohr and Don E. Newquist), I-21 to I-22 (Chairman Peter S. Watson, Vice Chairman Janet A. Nuzum, and Commissioners Carol T. Crawford and Lynn M. Bragg). The Ukrainian respondents had argued in the final phase of the investigations that off-specification silicomanganese (*i.e.*, silicomanganese not meeting ASTM standards) should be treated as a separate like product.

definition and that the record contained no new information that would suggest that the Commission should change that definition.[49]

In these reviews, Eramet argues that the Commission should again define a single domestic like product coextensive with Commerce's scope, as it did in the original investigations and prior reviews.[50] No party argues for a different definition.[51] The record in these reviews does not indicate that the characteristics and uses of domestically produced silicomanganese have changed since the original investigations and prior reviews so as to warrant revisiting the definition of the domestic like product as defined in the prior proceedings.[52] In light of these considerations, and absent any argument to the contrary, we define a single domestic like product, consisting of silicomanganese that is coextensive with Commerce's scope.

B. Domestic Industry and Related Parties

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."[53] 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.

We must determine whether any producer of the domestic like product should be excluded from the domestic industry pursuant to section 771(4)(B) of the Tariff Act. This provision allows the Commission, if appropriate circumstances exist, to exclude from the domestic industry producers that are related to an exporter or importer of subject merchandise

[49] *First Reviews*, USITC Pub. 3386 at 5; *Second Reviews*, USITC Pub. 3879 at 5; *Third Reviews*, USITC Pub. 4354 at 6; *Fourth Reviews*, USITC Pub. 4845 at 7.

[50] Eramet's Prehear. Br. at 7–8.

[51] Moreover, no party submitted comments on the Commission's draft questionnaires requesting that the Commission collect data concerning other possible domestic like products. CR/PR at I-24.

[52] *See* CR/PR at I-19 to I-23.

[53] 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.

or which are themselves importers.[54] Exclusion of such a producer is within the Commission's discretion based upon the facts presented in each investigation.[55]

In the original investigations, the Commission defined the domestic industry as the sole domestic producer, Elkem, which was not a related party.[56] In the first reviews, the Commission defined the domestic industry as consisting of Eramet (the successor to Elkem), the sole domestic producer of silicomanganese at that time.[57] In the second reviews, the Commission again defined the domestic industry to consist of Eramet. Although Eramet was a related party, the Commission found that appropriate circumstances did not exist to exclude it from the domestic industry.[58]

In the third reviews, the Commission found that while both domestic producers, Eramet and Felman Production, were related parties, appropriate circumstances did not exist to exclude either firm from the domestic industry. It consequently defined the domestic industry to include all domestic producers of silicomanganese.[59] In the fourth reviews, the Commission again defined the domestic industry as all U.S. producers of silicomanganese. Although the Commission assumed *arguendo* that Felman Production was a related party due to its alleged

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[54] *See Torrington Co v. United States*, 790 F. Supp. 1161, 1168 (Ct. Int'l Trade 1992), *aff'd without opinion*, 991 F.2d 809 (Fed. Cir. 1993); *Sandvik AB v. United States*, 721 F. Supp. 1322, 1331–32 (Ct. Int'l Trade 1989), *aff'd mem.*, 904 F.2d 46 (Fed. Cir. 1990); *Empire Plow Co. v. United States*, 675 F. Supp. 1348, 1352 (Ct. Int'l Trade 1987).

[55] The primary factors the Commission has examined in deciding whether appropriate circumstances exist to exclude a related party include the following:

> (1) the percentage of domestic production attributable to the importing producer;
>
> (2) the reason the U.S. producer has decided to import the product subject to investigation (whether the firm benefits from the LTFV sales or subsidies or whether the firm must import in order to enable it to continue production and compete in the U.S. market);
>
> (3) whether inclusion or exclusion of the related party will skew the data for the rest of the industry;
>
> (4) the ratio of import shipments to U.S. production for the imported product; and
>
> (5) whether the primary interest of the importing producer lies in domestic production or importation.

Changzhou Trina Solar Energy Co. v. USITC, 100 F. Supp. 3d 1314, 1326–31 (Ct. Int'l Trade 2015), *aff'd*, 879 F.3d 1377 (Fed. Cir. 2018); *see also Torrington Co.*, 790 F. Supp. at 1168.

[56] *Original Investigations*, USITC Pub. 2836 at I-7 to I-9 and I-22 to I-25.

[57] There were no related party issues in the first reviews. *See First Reviews*, USITC Pub. 3386 at 6.

[58] *Second Reviews*, USITC Pub. 3879 at 5 n.19.

[59] *Third Reviews*, USITC Pub. 4354 at 7–9.

affiliation with an importer of subject merchandise and with Ukrainian producers of silicomanganese, the Commission found that appropriate circumstances did not exist to exclude it from the domestic industry.[60]

In these reviews, domestic producer Felman Production may qualify as a related party if it shares common ownership with Ukrainian producers NFP and ZFP.[61] There is no evidence on the record, however, that either of these potentially affiliated foreign producers exported subject merchandise to the United States during the period of review, as would be necessary for Felman Production to qualify for possible exclusion by virtue of its affiliation with them.[62] Felman Production did not import or purchase subject merchandise, and no responding U.S. importer reported importing subject merchandise from Ukraine during the period of review, including silicomanganese produced by NFP and ZFP.[63] [64]

Accordingly, we define the domestic industry as all U.S. producers of silicomanganese.

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[60] *Fourth Reviews*, USITC Pub. 4845 at 8–9.

[61] CR/PR at I-26. Felman Production reported in its questionnaire response that it is ***. Felman Production's U.S. producer questionnaire at I-4, I-6; CR/PR at Table I-9. Felman Production ***. CR/PR at Table I-8. Eramet contends that "Felman Production is ultimately owned and controlled by Ihor Kolomoisky—the infamous Ukrainian oligarch and leader of the so-called 'Privat Group' who also owns and controls NFP, ZFP, Ukrainian mining interests, and numerous other operations." Eramet's Prehear. Br. at 10. UkrFA counters that "Mr. Kolomoisky is not involved in any of NFP's or ZFP's decision making related to production or sales operations for silicomanganese" and that neither producer has "any commercial, legal, or any other relationship" with Felman Production or any other entity that Kolomoisky allegedly controls. UkrFA's Posthear. Br. at Q-30. Notably, Eramet does not seek Felman Production's exclusion from the domestic industry. Eramet's Prehear. Br. at 12.

[62] *See* 19 U.S.C. § 1677(4)(B).

[63] CR/PR at I-27. Felman Production is ***. *Id.* at Table I-10.

[64] Based on his reading of the statute, Commissioner Kearns believes the Commission has the authority to find a domestic producer to be a related party in an administrative review if the producer was deemed a related party in the original investigation or if there is evidence that, absent the order, there would be imports or purchases of subject merchandise by this producer or exports by affiliated foreign producers. In any event, in this review, Commissioner Kearns does not find appropriate circumstances exist to exclude Felman Production from the domestic industry. Felman Production accounted for *** percent of domestic production in 2023, and there is no evidence on the record that Felman Production's potential affiliation with the Ukrainian producers shielded it from subject import competition or otherwise benefited its operations, and no party has argued for its exclusion. Nevertheless, Commissioner Kearns recognizes that Felman Production's potential affiliation may impact the information Felman Production provided in this review and indeed may explain ***.

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 determines that such imports are likely to have no discernible adverse impact on the domestic industry.[65]

Cumulation therefore is discretionary in five-year reviews, unlike original investigations, which are governed by section 771(7)(G)(i) of the Tariff Act.[66] 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.

The statutory threshold for cumulation is satisfied in these reviews because both reviews were initiated on the same day: November 1, 2023.[67]

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[65] 19 U.S.C. § 1675a(a)(7).

[66] 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).

[67] *Silicomanganese from China and Ukraine; Institution of Five-Year Reviews*, 88 Fed. Reg. 75,029 (Nov. 1, 2023).

B. The Original Investigations and Prior Reviews

In the original investigations,[68] three of the six Commissioners found a reasonable overlap of competition and cumulated imports from all the subject countries for purposes of their analysis of material injury.[69] Three Commissioners cumulated subject imports from Brazil and China, but did not cumulate imports from Ukraine, finding no reasonable overlap in competition between imports from Ukraine and the domestic like product.[70] Among the three Commissioners who made threat of material injury determinations, one cumulated imports from Brazil and China and the other two Commissioners did not cumulate imports from any of the four subject countries for purposes of their threat analysis.[71]

In the first and second reviews, the Commission cumulated subject imports from Brazil, China, and Ukraine.[72] The Commission did not find that revocation of the antidumping duty orders on silicomanganese from Brazil, China, and Ukraine would likely have no discernible adverse impact on the domestic industry.[73] The Commission found that the subject imports and the domestic like product remained highly fungible and substitutable, that the subject industries in all three countries had the economic incentive and ability to increase sales to the United States, and that excess capacity existed in all three countries.[74]

Regarding the likely reasonable overlap of competition, the Commission found that imports from each subject country were likely to be fungible with each other and with the

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[68] In the original investigations, the Commission made affirmative determinations for imports from Brazil and Ukraine by a 3-3 vote (the basis for the affirmative determination was two determinations of material injury and one determination of threat of material injury); an affirmative determination for imports from China by a 5-1 vote (three determinations of threat of material injury and two determinations of material injury); and a negative determination for imports from Venezuela by a 4-2 vote. *See generally Original Investigations*, USITC Pub. 2836.

[69] Commissioners Rohr and Newquist (who made affirmative present injury determinations) and Vice Chairman Nuzum (who made negative present injury determinations).

[70] Chairman Watson and Commissioners Crawford and Bragg. These Commissioners also did not cumulate subject imports from Venezuela.

[71] *Original Investigations*, USITC Pub. 2836 at I-12 to I-15, I-30 to I-35, I-53, I-61, I-69, I-73 to I-75, I-80 to I-81. For the threat of material injury determinations, Chairman Watson cumulated subject imports from Brazil and China, and made affirmative threat determinations; Vice Chairman Nuzum did not cumulate subject imports from China and Ukraine, but made affirmative threat of material injury determinations for imports from each of these countries; and Commissioner Bragg only made an affirmative threat of material injury determination regarding subject imports from China.

[72] *First Reviews*, USITC Pub. 3386 at 10; *Second Reviews*, USITC Pub. 3879 at 12.

[73] *First Reviews*, USITC Pub. 3386 at 8; *Second Reviews*, USITC Pub. 3879 at 8–10.

[74] *First Reviews*, USITC Pub. 3386 at 8; *Second Reviews*, USITC Pub. 3879 at 8–10.

domestic like product.[75] The Commission also found that subject imports were likely to be used in the same channels of distribution (mostly sold directly to end users), likely to serve overlapping geographical markets, and likely be simultaneously present in the U.S. market.[76] In the first reviews, the Commission found that other likely conditions of competition, including the commodity nature of silicomanganese, the high degree of substitutability between the subject imports and the domestic like product, and excess capacity in each of the subject countries, supported cumulation.[77] In the second reviews, it similarly found no likely differences in conditions of competition with respect to imports from the subject countries.[78]

In the third reviews, the Commission cumulated subject imports from China and Ukraine.[79] The Commission did not find that revocation of the antidumping duty orders on silicomanganese from China or Ukraine would likely have no discernible adverse impact on the domestic industry because subject producers in each country had significant capacity and excess capacity, and were export-oriented.[80] The Commission further found that the subject imports and the domestic like product remained highly fungible and substitutable (although the Commission recognized the interchangeability could be limited by the chemical composition of the material from Ukraine), were sold primarily to end users in every geographic market in the United States, and would likely be simultaneously present in the U.S. market, as they were prior to the imposition of the orders.[81]

With respect to the likely conditions of competition, the Commission found that the industries in China and Ukraine played a substantial and increasing role in the global supply of silicomanganese. It observed that the production capacity in each country was large and increased substantially over the period of review, while production had not kept pace with the increases in capacity, leading to increasing excess capacity.[82] It also found that export volumes for producers in Ukraine remained large. Finally, the Commission found that producers in China

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[75] *First Reviews*, USITC Pub. 3386 at 9–10; *Second Reviews*, USITC Pub. 3879 at 11–12. In the first reviews, the Commission found that silicomanganese from Ukraine generally was fungible with the domestic like product and other subject imports notwithstanding that it possessed a higher phosphorus content. *First Reviews*, USITC Pub. 3386 at 9–10.

[76] *First Reviews*, USITC Pub. 3386 at 9–10; *Second Reviews*, USITC Pub. 3879 at 11–12.

[77] *First Reviews*, USITC Pub. 3386 at 8–10.

[78] *Second Reviews*, USITC Pub. 3879 at 12.

[79] *Third Reviews*, USITC Pub. 4354 at 18. The Commission exercised its discretion not to cumulate subject imports from Brazil with subject imports from China and Ukraine for its analysis. It found that subject imports from Brazil would not be likely to compete under similar conditions of competition with subject imports from China and Ukraine. *Id.* at 16–18.

[80] *Third Reviews*, USITC Pub. 4354 at 13, 14.

[81] *Third Reviews*, USITC Pub. 4354 at 15–16.

[82] *Third Reviews*, USITC Pub. 4354 at 16–17.

and Ukraine had exported silicomanganese to a wide range of markets around the globe and each was subject to antidumping duty orders in two countries.[83] Therefore, the Commission exercised its discretion to cumulate subject imports from China and Ukraine.[84]

In the fourth reviews, the Commission cumulated subject imports from China and Ukraine.[85] The Commission found that revocation of the antidumping duty orders on silicomanganese from China or Ukraine was not likely to have no discernible adverse impact on the domestic industry because subject producers in each country had substantial and increasing capacity and were export oriented.[86] The Commission further found that the subject imports and the domestic like product remained highly fungible (although the Commission again recognized that there may be some limit to interchangeability with respect to silicomanganese from Ukraine due to its chemical composition) and would likely be sold through the same channels to the same end users in multiple U.S. regions, with a simultaneous presence in the U.S. market, as they were prior to the imposition of the orders.[87]

With respect to the likely conditions of competition, the Commission found that the industries in China and Ukraine were the largest and third-largest global producers of silicomanganese, respectively, and that both had substantial and excess capacity.[88] It also observed that both subject industries had increasing exports of silicomanganese during the later portion of the period of review.[89] Accordingly, the Commission exercised its discretion to cumulate subject imports from China and Ukraine.[90]

C. Arguments of the Parties

Eramet's Arguments. Eramet argues that the Commission should cumulate imports from China and Ukraine in these reviews, as it did in the prior proceedings.[91]

Eramet argues that subject imports from China are not likely to have no discernible adverse impact on the domestic industry upon revocation, emphasizing that the Chinese

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[83] *Third Reviews*, USITC Pub. 4354 at 17.

[84] *Third Reviews*, USITC Pub. 4354 at 18.

[85] *Fourth Reviews*, USITC Pub. 4845 at 19.

[86] *Fourth Reviews*, USITC Pub. 4845 at 14, 15.

[87] *Fourth Reviews*, USITC Pub. 4845 at 16–18.

[88] *Fourth Reviews*, USITC Pub. 4845 at 18–19.

[89] *Fourth Reviews*, USITC Pub. 4845 at 19. The Commission did acknowledge some differences between the Chinese and Ukrainian industries, such as China's significantly lower level of exports of all markets as compared to Ukraine and the fact that Chinese imports were not subject to trade measures in other countries like Ukrainian silicomanganese. *Id.*

[90] *Fourth Reviews*, USITC Pub. 4845 at 19.

[91] Eramet's Prehear. Br. at 13.

industry was the largest producer of silicomanganese globally from 2018 to 2022, added capacity during the period of review, and had significant excess capacity.[92] Eramet further contends that weakening demand in China and higher prices in the United States would make the U.S. market attractive to subject producers if the order on Chinese imports were revoked.[93]

Eramet also argues that subject imports from Ukraine are not likely to have no discernible adverse impact on the domestic industry upon revocation. It contends that Ukrainian producers' have had significant capacity and production levels and maintained substantial inventories of silicomanganese during the period of review, despite the Russian invasion of Ukraine in February 2022.[94] Eramet also argues that Ukrainian producers can shift production from out-of-scope products such as ferromanganese or ferrosilicon to in-scope silicomanganese, further increasing their available capacity.[95] Eramet contends that the Ukrainian silicomanganese industry's rapid increase in exports to the United States during the original investigation period,[96] its periodic exports to the U.S. market after imposition of the order, its orientation towards exporting,[97] its opposition to continuation of the order,[98] third-country trade barriers to exportation,[99] and high prices for silicomanganese in the U.S. market[100] indicate that Ukraine would likely increase exports to the United States in the event of revocation.[101]

Eramet further argues that there is likely to be a reasonable overlap of competition among imports from both subject countries and the domestic like product. Eramet observes

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[92] Eramet's Prehear. Br. at 14–15. According to data submitted by Eramet, the Chinese silicomanganese industry's capacity increased from *** short tons in 2017 to *** short tons in 2022, and its production increased from *** short tons in 2017 to *** short tons in 2022. *Id.* at 13. Eramet claims that the Chinese industry's unused capacity increased from *** short tons in 2017 to *** short tons in 2023, which was *** larger than the apparent U.S. consumption that year. *Id.*

[93] Eramet's Prehear. Br. at 16–18.

[94] Eramet's Prehear. Br. at 19–21.

[95] Eramet's Prehear. Br. at 20.

[96] Specifically, Eramet points to the Ukrainian industry increasing its exports to the United States from zero short tons in 1991 and 1992 to 29,468 short tons in 1993. Eramet's Prehear. Br. at 22 (quoting *Fourth Reviews*, USITC Pub. 4845 at 14 (citations omitted)).

[97] Eramet claims that the Ukrainian industry exported a minimum of *** percent of its total shipments each year during the period of review and that it exported "nearly *** the volume of silicomanganese of Chinese producers in 2023." Eramet's Prehear. Br. at 23.

[98] Eramet's Prehear. Br. at 23.

[99] Eramet states that Mexico and Russia, on behalf of the Eurasian Economic Union, have levied antidumping duties on silicomanganese from Ukraine since 2003 and 2016, respectively. Eramet's Prehear. Br. at 25.

[100] Eramet claims that the average unit value ("AUV") of Ukraine's exports in 2023 was roughly *** that of the domestic industry's U.S. shipments that same year. Eramet's Prehear. Br. at 25.

[101] Eramet's Prehear. Br. at 22–26.

that the Commission found subject imports were fungible with each other and the domestic like product in all prior proceedings, and it argues that the circumstances underlying those findings have not changed.[102] Eramet claims that, as in prior proceedings, U.S. producers and all U.S. importers and purchasers that responded to the Commission's questionnaires in the current reviews characterized silicomanganese from China, Ukraine, and the United States as always or frequently interchangeable.[103] It also notes that purchasers found the domestic like product comparable with subject imports from China and Ukraine with respect to most of the 17 non-price characteristics listed in the questionnaires.[104]

Eramet urges the Commission to adhere to its prior findings that high-phosphorus silicomanganese is substitutable with standard-grade silicomanganese in certain applications and that consumers can lower the phosphorus content if needed by blending the product with silicomanganese that has a lower-phosphorus content.[105] Eramet argues that the Ukrainian industry can produce ASTM B grade silicomanganese, as evidenced by ***, and that U.S. importers ***.[106]

Eramet contends that subject imports are likely to use the same channels of distribution as each other and the domestic like product, as the *** of U.S. shipments of both the domestic like product and imports of silicomanganese from nonsubject sources were sold directly to end users, primarily steel producers, throughout the period of review.[107] It also argues that the Commission should find that subject imports would likely be available in multiple geographic regions and have a simultaneous presence in the U.S. market, as was the case prior to imposition of the orders.[108]

Eramet also claims that there are no significant differences in how subject imports from China and Ukraine would compete in the U.S. market, given the moderate-to-high degree of substitutability and the importance of price in purchasing decisions.[109] According to Eramet, the silicomanganese industries in China and Ukraine are large global producers with substantial and excess capacity, and imports from both sources had a significant presence in the U.S. market before imposition of the orders.[110] It contends that exports from China and Ukraine

[102] Eramet's Prehear. Br. at 26–27.
[103] Eramet's Prehear. Br. at 27.
[104] Eramet's Prehear. Br. at 27–28.
[105] Eramet's Prehear. Br. at 28–29.
[106] Eramet's Prehear. Br. at 29.
[107] Eramet's Prehear. Br. at 30.
[108] Eramet's Prehear. Br. at 30–31.
[109] Eramet's Prehear. Br. at 31–33.
[110] Eramet's Prehear. Br. at 32.

followed the same trend during the period of review, *** from 2022 to 2023.[111] Eramet also notes that the Commission cumulated subject imports from China and Ukraine in the prior review despite Ukraine suffering from hostile action (*i.e.*, the Russian annexation of the Crimean Peninsula in 2014, which occurred during the fourth period of review).[112]

The Ukrainian Respondents' Arguments. The Ukrainian Respondents argue that the Commission should not cumulate subject imports from Ukraine with subject imports from China for purposes of its analysis.[113] They argue that the imports of silicomanganese from Ukraine would have no discernible adverse impact on the domestic industry, that there is not a reasonable overlap in competition, and that imports from Ukraine compete under different conditions of competition than subject imports from China.[114]

With respect to no discernible adverse impact, the Ukrainian Respondents argue that Russia's invasion of Ukraine "fundamentally changed" the facts underlying the Commission's findings in prior reviews that subject imports from Ukraine were not likely to have no discernible impact.[115] They contend that the Ukrainian industry has lost significant capacity and production and is unlikely to regain the excess capacity the Commission observed in prior proceedings due to the "war-torn conditions" in Ukraine.[116] They assert that the war has effectively reduced the industry's transport options to rail or road,[117] as a practical matter limiting exports to nearby countries with land connections,[118] eliminating the possibility that it will export appreciable volumes of product to the United States. The Ukrainian Respondents observe that the Commission determined not to cumulate imports from Brazil during the third

[111] Eramet's Prehear. Br. at 32. Eramet notes that this trend is based on official export statistics for China and questionnaire data for Ukraine. *Id.* n.140. It further observes that using official export statistics for Ukraine instead of questionnaire data shows that Ukraine's exports of silicomanganese *** from 2022 to 2023, despite Russia's invasion of Ukraine in February 2022. *Id.*

[112] Eramet's Prehear. Br. at 33.

[113] UkrFA's Prehear. Br. at 11; Ukraine's Posthear. Br. at 13.

[114] UkrFA's Prehear Br. at 11–18; UkrFA's Posthear. Br. at 1–2.

[115] UkrFA's Prehear. Br. at 12; *accord* Ukraine's Prehear. Br. at 5–7; Ukraine's Posthear. Br. at 5–9.

[116] UkrFA's Prehear. Br. at 12.

[117] UkrFA's Prehear. Br. at 12–13. According to the Ukrainian Respondents, Russia has blocked Ukraine's access to the Black Sea, preventing ocean transportation. *Id.* at 6–8, 13; Ukraine's Prehear. Br. at 6–7.

[118] UkrFA's Prehear. Br. at 13; Ukraine's Prehear. Br. at 9 (citing Greece, Italy, Moldova, Poland, and Turkey as viable export destinations).

reviews in part because the subject producers exported only to nearby countries or affiliates in Europe.[119] [120]

With respect to overlap of competition, the Ukrainian Respondents argue that Ukrainian high-phosphorus silicomanganese largely does not compete with standard grade silicomanganese made by U.S. producers.[121] They argue that the Commission's findings in past proceedings that subject imports from Ukraine are fungible with domestic silicomanganese and subject imports from China rest on the possibility of blending the Ukrainian product with other low-phosphorus silicomanganese.[122] They claim that the Commission neglected to consider the impracticality of such blending,[123] arguing that blending poses a risk of adulteration that outweighs any potential cost savings.[124] The Ukrainian Respondents argue that there is no evidence that a U.S. purchaser has ever attempted this blending process.[125] They contend that there were "very little to no" imports high-phosphorus silicomanganese into the United States during the period of review, which they view as support for their argument.[126]

The Ukrainian Respondents also argue that subject imports from Ukraine would likely compete under different conditions of competition than subject imports from China, relying on many of the same points regarding production and export constraints due to the ongoing war as they raised in arguing that subject imports from Ukraine are likely to have no discernible adverse impact.[127] They maintain that the Commission's determinations in the prior proceedings that subject imports from the Ukraine are likely to compete under the same conditions of competition as subject imports from China and the domestic like product "have little probative value given how drastically the war has changed conditions for the Ukrainian

[119] UkrFA's Prehear. Br. at 13.

[120] The Commission based its decision not to cumulate subject imports from Brazil in part on the Brazilian industry's focus on its home and regional markets following imposition of the orders. *Third Reviews*, USITC Pub. 4354 at 17–18. The Commission, however, used this change in focus to support its finding that subject imports from Brazil would likely compete in the U.S. market under different conditions of competition than subject imports from China and Ukraine. *Id.* at 18. The Brazilian industry's regional focus did not affect the Commission's decision on whether subject imports from Brazil were not likely to have no discernible adverse impact upon revocation; indeed, as UkrFA recognizes, the Commission found that subject imports from Brazil were not likely to have no discernible adverse impact on the domestic industry. *Id.* at 12; *see* UkrFA's Prehear. Br. at 16.

[121] UkrFA's Prehear. Br. at 13–15; UkrFA's Posthear. Br. at 10–12.

[122] UkrFA's Prehear. Br. at 14; *accord id.* at 8–11.

[123] UkrFA's Prehear. Br. at 14.

[124] UkrFA's Prehear. Br. at 14; *accord id.* at 9–10.

[125] UkrFA's Prehear. Br. at 14.

[126] UkrFA's Prehear. Br. at 15.

[127] UkrFA's Prehear. Br. at 15–18; *see also* UkrFA's Posthear Br. at 3–6, Q-1 to Q-8.

silicomanganese industry."[128] They point to the destruction of production facilities, utilities, and infrastructure, and the loss of skilled personnel, which they argue will likely restrict the Ukrainian industry's production and capacity for the reasonably foreseeable future.[129] The Ukrainian Respondents also contend that Russia's blockade of the Black Sea ports has prevented the Ukrainian producers from importing low-phosphorus manganese ore to make silicomanganese with a lower-phosphorus content, which is in higher demand than high-phosphorus silicomanganese, and from exporting silicomanganese to global markets.[130]

D. Analysis

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.[131] 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.[132] 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. We consider the data pertinent to each subject country below.

***China*.** During the original investigations, U.S. shipments of subject imports from China decreased from *** short tons in 1991 to *** short tons in 1992, and then increased to *** short tons in 1993; they were higher in January through June 1994 ("interim 1994") at *** short tons than in January through June 1993 ("interim 1993") at *** short tons.[133] The share of apparent U.S. consumption accounted for by shipments of subject imports from China

[128] UkrFA's Prehear. Br. at 15–16; *accord id.* at 1–8; Ukraine's Prehear. Br. at 7.
[129] UkrFA's Prehear. Br. at 17–18; *accord id.* at 1–8.
[130] UkrFA's Prehear. Br. at 18; *accord id.* at 6–8, 11.
[131] 19 U.S.C. § 1675a(a)(7).
[132] SAA, H.R. Rep. No. 103-316, vol. I at 887 (1994).
[133] Confidential Report, *Silicomanganese from Brazil, China, Ukraine, and Venezuela*, Inv. Nos. 731-TA-671–674 (Final), Memorandum INV-R-187, EDIS Doc. 811241 (Nov. 29, 1994) ("*Original Investigations Confidential Report*") at Table 2.

decreased from *** percent in 1991 to *** percent in 1992, and then increased to *** percent in 1993; it was higher in interim 1994 at *** percent than in interim 1993 at *** percent.[134]

Subject imports from China declined following the imposition of the antidumping duty order. There were no subject imports from China during the period examined in the first reviews,[135] and there were only "limited quantities" of subject imports from China observed in the second, third, and fourth reviews.[136] There were no subject imports from China during the period examined in the current reviews.[137]

No subject producers from China responded to the Commission's questionnaires in these reviews.[138] The available information indicates that China's silicomanganese capacity increased from *** short tons in 2017 to *** short tons in 2022.[139] Chinese production also increased from *** short tons in 2017 to *** short tons in 2022.[140] Because production increased less than capacity increased, the industry's capacity utilization level declined from *** percent in 2017 to *** percent in 2022.[141] Chinese exports of silicomanganese to all markets increased by 6.1 percent from 2021 to 2022, but then declined by 58.3 percent in 2023, for an overall decrease of 55.7 percent.[142]

Subject imports from China undersold the domestic like product in 10 of 13 price comparisons during the original period of investigation.[143] There were no price comparison data for subject imports from China in the prior or current reviews.[144]

Based on the foregoing, including the large and increasing size of the silicomanganese industry in China and its demonstrated ability to quickly increase its volume of export shipments to the U.S. market, we find that revocation of the antidumping duty order on silicomanganese from China is not likely to have no discernible adverse impact on the domestic industry in the event of revocation.

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[134] *Original Investigations Confidential Report* at Table 22.

[135] *First Reviews*, USITC Pub. 3386 at 15.

[136] *Second Reviews*, USITC Pub. 3879 at 9; *Third Reviews*, USITC Pub. 4354 at 13; *Fourth Reviews*, USITC Pub. 4845 at 13.

[137] CR/PR at I-27.

[138] CR/PR at IV-15.

[139] CR/PR at Table IV-9. Data for 2022 were the most recently available data for the Chinese silicomanganese industry.

[140] CR/PR at Table IV-9.

[141] CR/PR at Table IV-9.

[142] CR/PR at Table IV-11. China's leading export markets in 2023 were Indonesia, Chile, Philippines, and Algeria. *Id.*

[143] *Original Investigations Confidential Report* at I-97.

[144] CR/PR at V-12.

***Ukraine*.** During the original investigations, subject imports from Ukraine remained at *** short tons from 1991 to 1992, and then increased to *** short tons in 1993; they were higher in interim 1994 at *** short tons than in interim 1993 at *** short tons.[145] The share of apparent U.S. consumption accounted for by shipments of subject imports from Ukraine remained at *** percent from 1991 to 1992, and then increased to *** percent in 1993; it was higher in interim 1994 at *** percent than in interim 1993 at *** percent.[146]

After the suspension agreement became effective in 1994, subject imports from Ukraine declined to lower levels, and during the first review period were *** short tons in 1997, *** short tons in 1998, and *** short tons in 1999.[147] With the termination of the suspension agreement and the imposition of the antidumping duty order in 2001, the quantity of subject imports from Ukraine declined to zero in 2005, the terminal year of the second reviews, and during the 2006-2011 third review period, except for 22 short tons imported in 2010.[148] Similarly, during the fourth review period, there were no subject imports from Ukraine except for 22 short tons imported in 2015.[149]

The Commission received questionnaire responses in these reviews from the only two producers of silicomanganese in Ukraine, NFP and ZFP, which accounted for all Ukrainian silicomanganese production in 2023.[150] Neither producer exported silicomanganese to the United States during the period of review.[151]

Ukrainian silicomanganese practical production capacity decreased from *** short tons in 2021 to *** short tons in 2022 and *** short tons in 2023; it was lower at *** short tons in January to March 2024 ("interim 2024") than in January to March 2023 ("interim 2023") at *** short tons.[152] Ukrainian silicomanganese production also decreased from *** short tons in 2021 to *** short tons in 2022 and *** short tons in 2023; it was lower at *** short tons in interim 2024 than in interim 2023 at *** short tons.[153] The Ukrainian industry exported the

[145] *Original Investigations Confidential Report* at Table 2.
[146] *Original Investigations Confidential Report* at Table 22.
[147] CR/PR at C-10.
[148] CR/PR at C-10 to C-11.
[149] CR/PR at C-7.
[150] CR/PR at IV-19.
[151] CR/PR at Table IV-18.
[152] CR/PR at Table IV-17. Although NFP listed an interim 2024 capacity of *** short tons in its revised questionnaire, it appears that this figure represents NFP's expected capacity for the entire year. We have adjusted its practical capacity for interim 2024 accordingly. *See* Supplement to the Staff Report, Memorandum INV-WW-126 (Oct. 8, 2024).
[153] CR/PR at Table IV-17. UkrFA explained that both Ukrainian producers temporarily suspended all production operations in November 2023 primarily due to the lack of reliable electricity and water (Continued…)

*** majority of its shipments, with exports accounting for *** percent in 2021, *** percent in 2022, and *** percent in 2023; their share was *** percent in interim 2023 and *** percent in interim 2024.[154]

Subject imports from Ukraine undersold the domestic like product in two of six price comparisons during the original period of investigation.[155] In the only comparison in the first reviews, the Ukrainian product undersold the U.S. product.[156] There were no price comparison data for subject imports from Ukraine in the second, third, fourth, or current reviews.[157]

As explained above, the Ukrainian Respondents argue that the Commission should find that revocation of the order on Ukraine is not likely to have a discernible adverse impact on the domestic industry because the war with Russia dramatically reduced the Ukrainian industry's capacity and production and prevents the Ukrainian industry from exporting silicomanganese to the United States for the foreseeable future.[158]

The record establishes that the Russian invasion has negatively impacted Ukrainian production and exports of silicomanganese. Their production facilities have suffered direct damage from the armed conflict, and their workforce has been reduced as workers have left for safer areas, joined Ukraine's military defense, or been killed or wounded by Russian attacks.[159] The producers have endured an unreliable electric grid and water supply, which has both hampered production and presented additional safety risks to their remaining workers.[160]

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supply and the need to undertake repairs of plant infrastructure that had been damaged by Russian artillery fire. ZFP partially reopened in May 2024, and NFP resumed production at the end of June 2024. UkrFA's Prehear. Br. at 2.

[154] CR/PR at Table IV-17.

[155] *Original Investigations Confidential Report* at I-97.

[156] *First Reviews*, USITC Pub. 3386 at V-4 to V-5.

[157] CR/PR at V-12.

[158] UkrFA's Prehear. Br. at 7–8; UkrFA's Posthear. Br. at 13–15.

[159] CR/PR at IV-20; UkrFA's Prehear. Br. at 5–6. The Ukrainian industry has previously been affected by armed conflict. In 2014, Ukraine lost a third silicomanganese plant when pro-Russia separatists took control of the Luhansk region where the plant was located. *See Fourth Reviews*, USITC Pub. 4845 at 14 n.89; *accord* UkrFA's Prehear. Br. at 19; Ukraine's Prehear. Br. at 5–6.

[160] CR/PR at IV-20; UkrFA's Prehear. Br. at 2–4. In November 2023, both Ukrainian silicomanganese plants ceased production due to the unreliable electricity supply, before resuming in the second quarter of 2024. CR/PR at IV-23; UkrFA's Prehear. Br. at 3. UkrFA contends that Ukraine recently passed a resolution that requires Ukrainian producers to buy at least 80 percent of their electricity from the EU electric grid at European prices in order to avoid forced electricity supply restrictions. UkrFA argues that these increased production costs due to increased electricity prices will likely adversely affect Ukrainian producers' ability to compete with other global silicomanganese suppliers. UkrFA's Prehear. Br. at 4. Eramet provided evidence that "Ukrainian authorities have, through cooperation with the European Network of Transmission System Operators for Electricity, (Continued…)

Russian blockades of Black Sea ports have limited the Ukrainian silicomanganese producers' ability to use sea transport, increasing reliance on exports to nearby countries reachable by land transportation, such as Poland or Turkey.[161]

Despite the hardships caused by the Russian conflict, the Ukrainian industry remains a leading global producer and exporter. Ukraine was the world's third-largest producer of silicomanganese in 2022 and the second-largest global exporter in 2023, the first full calendar year after the Russian invasion.[162] The country's practical capacity has declined since 2021 but was still equivalent to *** of apparent U.S. consumption in 2023.[163] Ukrainian producers also maintained significant inventories during the period of review.[164] Although the Ukrainian industry reported high capacity utilization rates for its silicomanganese production capacity, it produced out-of-scope products on the same equipment it uses to produce silicomanganese, and it could shift that capacity to in-scope merchandise upon revocation.[165] Moreover, the Ukrainian producers are projecting excess production capacity for silicomanganese of at least *** short tons in 2024 and *** short tons in 2025.[166] These totals *** the peak volume of subject imports from Ukraine during the original investigations of *** short tons in 1993.[167] Ukraine also showed a continued export orientation, exporting more than *** percent of its shipments in 2023.[168]

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increased their imports of electricity from Europe in January to August 2024 to '2.1 million MWh, which triple the results of the whole 2023.'" Eramet's Posthear. Br. at II-17 (quoting World Steel News, *In Brief: Ukraine negotiates increase in electricity imports* (Sept. 6, 2024)).

[161] CR/PR at IV-33; UkrFA's Prehear. Br. at 13; CR/PR at IV-23 & IV-33.

[162] CR/PR at Tables IV-21 & IV-22. The most recent year available for global production data is 2022.

[163] In 2023, Ukraine's reported practical capacity of *** short tons declined from *** short tons in 2021, yet its practical capacity in 2023 was still equivalent to *** percent of apparent U.S. consumption of *** short tons in that year. CR/PR at Tables IV-15 & C-1.

[164] The Ukrainian industry's end-of-period inventories were *** short tons in 2021, *** short tons in 2022, and *** short tons in 2023. CR/PR at Table IV-17.

[165] The industry's out-of-scope production on the same equipment as in-scope production of silicomanganese amounted to *** short tons in 2021, *** short tons in 2022, and *** short tons in 2023. CR/PR at Table IV-19.

[166] *See* UkrFA's Posthear. Br. at 4–6. Taking into account the impacts of the Russian conflict, foreign producer ZFP anticipates having *** short tons of production capacity in 2024 and 2025 but did not provide projected production volumes for those years. *Id.* at 4. Meanwhile, NFP anticipates having *** short tons of production capacity in 2024 and 2025, with projected production of *** short tons in 2024 and *** short tons in 2025. *Id.* at 6. Thus, even assuming ZFP operates at full capacity in each year, the Ukrainian industry would still have excess production capacity with which it could increase production and shipments to the United States.

[167] *Original Investigations Confidential Report* at Table 2.

[168] CR/PR at Table IV-17.

With respect to transportation, although a sizable portion of Ukraine's silicomanganese exports have been to nearby countries such as Poland and Turkey, the record also shows substantial shipments to countries further away, such as the United Kingdom, Algeria, Spain, and Peru.[169] The Ukrainian Respondents also concede that some sea corridors have reopened and that they have used them for exports.[170] The data appear to confirm that exports from Ukraine are not limited to land routes as Ukraine exported silicomanganese to Peru during the period of review, including 6,354 short tons in 2023, evidencing an ability to ship product to the Americas.[171] The industry may also be able to use its rail connections to obtain ocean transport via seaports outside Ukraine.[172] Thus, the information on the record indicates that Ukraine would have the ability to export silicomanganese to the United States were the order revoked. Additionally, the record shows that the U.S. market has relatively high prices, which makes it an attractive export destination and creates an incentive to maximize shipments to this market.[173]

In light of the Ukrainian industry's production capacity, export orientation, ability to shift production from nonsubject to subject merchandise, demonstrated ability to produce and export silicomanganese despite the ongoing hostilities, and attractiveness of the U.S. market, we find that revocation of the antidumping duty order on silicomanganese from Ukraine is not likely to have no discernible adverse impact on the domestic industry in the event of revocation.

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[169] CR/PR at Table IV-20.

[170] Although the Ukrainian Respondents assert that sea routes are being prioritized for Ukrainian grain and pig iron over other exports, they provided no supporting documentation for such a policy. *See* UkrFA's Posthear. Br. at 8–9. Moreover, to the extent such prioritization may exist, it would not necessarily prohibit shipments of alternative products, including silicomanganese. UkrFA notes that it has become possible again in 2024 to ship material from several Ukrainian ports (*e.g.*, the port of Odesa, the Chornomorsk port, and the Pivdennyi port). NFP and ZFP have been able to use this reopened shipping corridor to make a limited number of shipments of silicomanganese to customers primarily in Turkey and Europe. However, the Ukrainian Respondents contend that, in addition to allegedly being a lower priority for the government, shipping silicomanganese on the large vessels necessary to export to the United States is not commercially viable because of insufficient market demand and low volumes. *Id.* at Q-7 to Q-9. Nevertheless, they concede shipping silicomanganese on large vessels is "theoretically possible." *Id.* at Q-7, Q-11 to Q-12.

[171] CR/PR at Table IV-20. In addition, as acknowledged by the Ukrainian Respondents, Ukraine exported approximately 595,000 tons of pig iron to the United States in the first half of 2024. *See* UkrFA's Posthear. Br. at Q-6 to Q-8. Indeed, evidence suggests that Ukraine's ability to export is improving, with Ukrainian seaports reportedly handling over 6,000 vessels and 60 million tons of cargo in the first half of 2024, an increase of 2.2 times over the prior year. Eramet's Posthear. Br. at II-11.

[172] *See* UkrFA's Posthear. Br. at Q-10 to Q-11.

[173] CR/PR at IV-43 to IV-44.

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.[174] Only a "reasonable overlap" of competition is required.[175] In five-year reviews, the 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.[176]

Fungibility. In comparisons of interchangeability among imports of silicomanganese from China and Ukraine and the domestic like product, *** U.S. producers, all U.S. importers, and all purchasers reported that silicomanganese from each subject country are at least frequently interchangeable with silicomanganese from other subject sources and the domestically produced product.[177] Additionally, the one purchaser that compared domestic and Chinese silicomanganese generally reported that the two products are comparable with respect to most of 16 non-price purchase factors.[178] The comparisons of domestic and

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[174] 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 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).

[175] *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-812-813 (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).

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

[177] CR/PR at II-24, Tables II-18 & II-19.

[178] CR/PR at Table II-17. The purchaser characterized the domestic and Chinese products as comparable with respect to the following 11 non-price purchaser factors: (1) product consistency, (2) quality meets industry standards, (3) reliability of supply, (4) delivery time, (5) delivery terms, (6) discounts offered, (7) minimum quantity requirements, (8) technical support/service, (9) quality exceeds industry standards, (10) product range, and (11) packaging. *Id.* The purchaser rated domestic silicomanganese as superior to Chinese silicomanganese with respect to the following factors: (1) ability (Continued…)

Ukrainian silicomanganese were mixed, with the two responding purchasers generally reporting that the products are comparable or the domestic product is superior to Ukrainian silicomanganese with respect to most non-price purchase factors.[179]

Interchangeability may be limited by the chemical composition of the material, particularly its phosphorus content.[180] In the original investigations and subsequent reviews, the Commission found that while the use of Ukrainian silicomanganese could be limited for certain applications due to a higher level of phosphorus, it was considered substitutable in some applications such as static structural steel products.[181] In these reviews, evidence similarly indicates that the high phosphorus content of some silicomanganese can make it

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to meet custom specifications, (2) availability, and (3) availability of specific silicomanganese grades/types. *Id.* The purchaser did not provide ratings for the "U.S. transportation costs" or "payment terms" factors. *Id.*

[179] CR/PR at Table II-17. Both purchasers characterized the domestic and Ukrainian products as comparable with respect to the following non-price purchase factors: (1) product consistency, (2) delivery terms, (3) discounts offered, (4) minimum quantity requirements, and (5) packaging. *Id.* One purchaser characterized the product as comparable with respect to the "payment terms" and "technical support/service" factors, while the other purchaser did not provide ratings for these factors. *Id.* Both purchasers rated domestic silicomanganese as superior to Ukrainian silicomanganese with respect to the "ability to meet custom specifications" and "availability" factors. *Id.* One purchaser rated domestic silicomanganese as superior to Ukrainian silicomanganese, while the other purchaser found the products comparable with respect to the following factors: (1) quality meets industry standards, (2) reliability of supply, (3) delivery time, (4) U.S transportation costs, (5) quality exceeds industry standards, and (6) product range. *Id.* One purchaser rated domestic silicomanganese as superior to Ukrainian silicomanganese with respect to the "availability of specific silicomanganese grades/types" factor, while the other purchaser rated the domestic product as inferior to the Ukrainian product on this factor. *Id.*

[180] CR/PR at II-17 to II-18. U.S. producers produced and shipped *** percent ASTM B grade silicomanganese in 2023, while U.S. importers shipped *** percent ASTM B silicomanganese, *** percent ASTM C silicomanganese, *** percent high-phosphorus silicomanganese not meeting ASTM standards, and *** percent silicomanganese categorized as other. In 2023, high-phosphorus silicomanganese was sourced from ***. In 2023, subject producers in Ukraine shipped *** percent high-phosphorus silicomanganese that does not meet ASTM standards, *** percent ASTM B silicomanganese, and *** percent silicomanganese categorized as other. As noted, no Ukrainian producer reported exports of silicomanganese to the United States in 2023. *Id.* at IV-7 to IV-8, Tables IV-3 & IV-4.

[181] CR/PR at II-17 to II-18. Eramet argues that purchasers are able to blend high-phosphorus silicomanganese with standard silicomanganese to produce a silicomanganese with lower-phosphorus content. *See* Eramet's Posthear. Br. at I-11, II-3 to II-5, II-8 to II-9. Although Eramet provides a list of purchasers with blending capabilities, the record contains no evidence of purchasers actually blending high- and low-phosphorus silicomanganese, nor is there any indication regarding how prevalent any such blending may be in the U.S. market. Additionally, Ukrainian Respondents have argued that the potential for contamination makes blending an unattractive option. *See* UkrFA's Prehear. Br. at 10; UkrFA's Posthear. Br. at 11–12.

difficult to use in certain applications since it can make the steel cool faster and become more brittle.[182] However, the record shows that high-phosphorus silicomanganese is accepted by certain purchasers in the United States, in particular those producing rebar. The record shows that rebar producers are able to accept both high- and low-phosphorus silicomanganese.[183]

The Ukrainian Respondents claim that there is no demand for Ukraine's high-phosphorus silicomanganese in the U.S. market and assert that Ukrainian producers no longer have access to low-phosphorus ore needed to produce the ASTM standard grades most U.S. customers prefer.[184] While the record shows that the majority of U.S. consumption of silicomanganese during the period of review was of ASTM B, amounting to *** percent of shipments in 2023, there was also a substantial volume of U.S. shipments of high-phosphorus silicomanganese, totaling *** percent of shipments in 2023, *** of which were nonsubject imports.[185] Thus, contrary to argument of the Ukrainian Respondents, there are purchasers using high-phosphorus silicomanganese in the United States.[186] Further, despite any difficulty the Ukrainian industry may have in obtaining low-phosphorus ore to blend with its high-phosphorus ore to reduce the phosphorus content of its silicomanganese, it nonetheless

[182] CR/PR at II-17.

[183] CR/PR at II-17 to II-18 & n.27. High-phosphorus silicomanganese was purchased and used by ***. ***." *** estimated that ***. ***.

[184] UkrFA's Prehear. Br. at 7–8, 11. The respondents made a similar argument in the prior reviews after Russia's 2014 annex of Crimea. *See Fourth Reviews*, USITC Pub. 4845 at IV-19 ("Moreover, the conflict in the Crimean Peninsula reportedly has caused ports along the Black Sea to reach capacity thus decreasing imports of low-phosphorous ore and forcing Ukrainian producers to use more local high phosphorus manganese ore.").

[185] CR/PR at Table IV-3. Specifically, all the nonsubject imports of high-phosphorus silicomanganese originated in ***. *Id.* at IV-7. From 2021 to interim 2024, U.S. high-phosphorus shipments totaled *** short tons, or *** percent of apparent consumption. CR/PR at Tables C-1 & E-2; Eramet's Posthear. Br. at II-7. Moreover, there are reportedly no significant differences in phosphorus tolerances between the U.S. silicomanganese market and the European Union market, to which Ukraine sent *** short tons of silicomanganese in 2023. Eramet's Posthear. Br. at I-10; CR/PR at Table IV-18. Eramet contends that EU rebar producers can tolerate silicomanganese with up to a maximum of 0.30–0.35 percent phosphorus content. Eramet's Posthear. Br. at I-10.

[186] Indeed, as noted above, *** reported purchasing high-phosphorus silicomanganese that ***. CR/PR at II-18 n.27.

In 2023, U.S. importers sourced high-phosphorus silicomanganese from ***. CR/PR at IV-7. If the order were to be revoked, imports of high-phosphorus product from Ukraine may be an attractive option given that the export AUV of shipments of silicomanganese from Ukraine was $753 per short ton in 2023, whereas the export AUV of silicomanganese shipments from *** was $*** per short ton. *Id.* at Table IV-21.

produced and shipped *** short tons of silicomanganese meeting the ASTM B standard (*i.e.*, low-phosphorus silicomanganese) in 2023.[187]

Channels of Distribution. From 2021 to 2023, domestic producers sold *** their U.S. shipments of silicomanganese directly to end users.[188] Given the absence of subject imports during the period of review, U.S. importers provided no channels of distribution data for subject imports, and importers sold *** of nonsubject imports directly to end users, with sales to distributors decreasing from *** percent of total shipments in 2021 to *** percent in 2023.[189]

Geographic Overlap. Domestic producers sell the domestic like product in every geographical market of the contiguous United States.[190] During the original period of investigation, subject imports overlapped geographically with each other and with the domestic like product.[191] During the period of review, no U.S. importer reported any imports of silicomanganese from China or Ukraine.[192]

Simultaneous Presence in Market. The domestic like product was present in the U.S. market throughout the period of review.[193] During the original period of investigation, subject imports were simultaneously present in the market with each other and the domestic like product.[194] With the orders in place, there were no imports reported from China or Ukraine during the period of review.[195]

Conclusion. As noted above, imported silicomanganese is generally considered to be interchangeable with domestic silicomanganese of the same type in most applications, and purchasers found domestic and Ukrainian silicomanganese, as well as domestic and Chinese silicomanganese, comparable with respect to several non-price purchase factors. While the

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[187] CR/PR at Table IV-4. Evidence submitted by U.S. producer Eramet indicates that Ukraine producers also import manganese ore from Ghana, which they use to moderate the phosphorus content of Ukrainian silicomanganese. Based on Trade Data Monitor, Eramet notes that Ukraine imported 148,812 short tons of Ghanian manganese ore in 2022, 47,816 short tons in 2023, and 19,601 short tons in July 2024. *See* Eramet's Posthear. Br. at II-12 to II-13. The Ukrainian Respondents concede that Ukrainian producer NFP has imported "medium phosphorus" manganese ore from Ghana over the past few years. UkrFA's Posthear. Br. at Q-19 to Q-20.

[188] CR/PR at Table II-4.

[189] CR/PR at Table II-4.

[190] CR/PR at Table II-5.

[191] *Original Investigations*, USITC Pub. 2836 at I-13 (Commissioners Rohr and Newquist), I-74 (Vice Chairman Nuzum).

[192] CR/PR at IV-9 to IV-10.

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

[194] *Original Investigations*, USITC Pub. 2836 at I-13 (Commissioners Rohr and Newquist), I-75 (Vice Chairman Nuzum).

[195] CR/PR at IV-9 to IV-10.

phosphorus content may limit interchangeability, the record shows that there is a significant market in the United States for high-phosphorus silicomanganese and that certain purchasers are able to use both high- and low-phosphorus silicomanganese. In addition, the record shows that the Ukrainian industry shipped some low-phosphorus silicomanganese and have imported low-phosphorus ore that could be blended with its high-phosphorus ore to produce low-phosphorus silicomanganese. Although there is limited current information regarding the other factors, there is nothing to suggest that, if the orders were to be revoked, subject imports from both countries would not be sold predominantly to end users, in overlapping geographic markets, and be simultaneously present in the U.S. market, as they were prior to imposition of the orders. In light of these considerations, we find that there will be a likely reasonable overlap of competition between the domestic like product and imports from each subject country and between imports from each subject country upon revocation.

3. Likely Conditions of Competition

We next consider whether subject imports of silicomanganese from China and Ukraine are likely to compete under different conditions of competition in the U.S. market if the orders were to be revoked. As discussed above, while the ongoing war in Ukraine has reduced the Ukrainian industry's available production capacity and export volume, it nonetheless retains substantial production capacity and excess capacity and continues to export silicomanganese, as does the Chinese industry. While the Ukrainian industry primarily has been shipping silicomanganese with a high-phosphorus content during the period of review, the record shows that there are U.S. purchasers that accept this type of product, suggesting that suppliers in China and Ukraine would be competing in the U.S. market for similar purchasers even if Ukraine were limited in its ability to source low-manganese ore and produce standard ASTM grade products.[196]

The Ukrainian Respondents have not explained how, in the event of revocation of the orders, Ukrainian silicomanganese exported to the United States would compete under different conditions of competition in the United States than subject imports from China. Rather, they have focused on the challenges Ukrainian producers face as a result of the conflict with Russia, particularly with respect to production and exports, and argue that this differs from the industry in China that does not face similar obstacles. While we have acknowledged that the ongoing war has affected the Ukrainian industry's production and export volume of silicomanganese, we have also explained that the silicomanganese industries in both countries

[196] CR/PR at Tables IV-3, E-2 & E-3.

have substantial production capacity and available excess capacity, and they both export silicomanganese to a range of global markets. Nothing in the record of these reviews indicates that imports from these countries would compete under different conditions of competition in the United States.[197]

Accordingly, we find that subject imports from China and Ukraine would likely compete under similar conditions of competition in the United States if the orders were to be revoked.

E. Conclusion

In sum, we determine that if the orders were revoked, subject imports from China and Ukraine are not likely to have no discernible adverse impact on the domestic industry. We also find that there would likely be a reasonable overlap of competition between and among the subject imports from each of these countries and the domestic like product. Finally, we find that imports from each subject country would be likely to compete in the U.S. market under similar conditions of competition should the orders be revoked. Accordingly, we exercise our discretion to cumulate subject imports from China and Ukraine for purposes of our analyses in these reviews.

IV. Revocation of the Antidumping Duty Orders On Cumulated Subject Imports From China and Ukraine 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."[198] 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

[197] As discussed above, the two subject industries are similar in that they both have substantial production capacity and excess capacity, and both export large volumes of silicomanganese. We note, however, that the Ukrainian industry is subject to third-country antidumping duty orders (imposed by Mexico and by Russia on behalf of the Eurasian Economic Union), while the Chinese industry is not. CR/PR at IV-38.

[198] 19 U.S.C. § 1675a(a).

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."[199] Thus, the likelihood standard is prospective in nature.[200] The U.S. Court of International Trade has found that "likely," as used in the five-year review provisions of the Act, means "probable," and the Commission applies that standard in five-year reviews.[201]

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."[202] 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."[203]

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."[204] It directs the Commission to take into account its prior injury

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[199] 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.

[200] 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.

[201] *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 F. App'x 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'").

[202] 19 U.S.C. § 1675a(a)(5).

[203] 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*.

[204] 19 U.S.C. § 1675a(a)(1).

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).[205] 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.[206]

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 or relative to production or consumption in the United States.[207] 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.[208]

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.[209]

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

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[205] 19 U.S.C. § 1675a(a)(1). Commerce has not issued any duty absorption findings since imposition of the orders. CR/PR at I-11 n.8.

[206] 19 U.S.C. § 1675a(a)(5). Although the Commission must consider all factors, no one factor is necessarily dispositive. SAA at 886.

[207] 19 U.S.C. § 1675a(a)(2).

[208] 19 U.S.C. § 1675a(a)(2)(A-D).

[209] *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.

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.[210] 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.[211]

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."[212] The following conditions of competition inform our determinations.

1. The Original Investigations and Prior Reviews

In the original investigations and prior reviews, the Commission identified several conditions of competition pertinent to the domestic silicomanganese industry. These included the fact that the U.S. market for silicomanganese was highly competitive, demand for silicomanganese was largely derived from demand from steelmakers and producers of ferrous castings, particularly in the production of long products by minimills, and that, consequently, demand was cyclically tied to conditions in the U.S. and global steel industries.[213] The Commission also found that domestic capacity was small relative to demand and that imports were therefore required to meet domestic demand.[214]

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[210] 19 U.S.C. § 1675a(a)(4).

[211] 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.

[212] 19 U.S.C. § 1675a(a)(4).

[213] *First Reviews*, USITC Pub. 3386 at I-14; *Third Reviews*, USITC Pub. 4354 at 23.

[214] *Original Investigations*, USITC Pub. 2836 at I-25; *First Reviews*, USITC Pub. 3386 at 14; *Second Reviews*, USITC Pub. 3879 at 16; *Third Reviews*, USITC Pub. 4354 at 20–21.

The Commission found in the original investigations and first reviews that silicomanganese was a commodity product made to common industry standards, and that once a producer has qualified multiple suppliers, price takes on central importance to purchasing decisions.[215] Although silicomanganese can be produced with some variations in chemistry, the Commission found that silicomanganese consumed in the United States was largely ASTM grade B. However, it noted that silicomanganese with levels of trace elements in excess of the ASTM standards was still viewed in the market as silicomanganese.[216] In both the original investigations and first reviews, the Commission also found that silicomanganese producers were able, at least to a limited extent, to produce other products, particularly ferromanganese, in their silicomanganese furnaces.[217]

In the second reviews, the Commission found that there was no indication that there had been any significant changes in the conditions of competition since the first reviews. Specifically, there was no indication that the domestic like product and subject imports were no longer highly substitutable or that silicomanganese was no longer sold primarily on the basis of price.[218]

In the third reviews, the Commission found that the U.S. market was characterized by a limited number of purchasers with the majority of shipments sold directly to end users. It found that apparent U.S. consumption fluctuated but increased overall during the period of review.[219] With respect to supply conditions, the Commission found the U.S. market to be characterized by a small number of U.S. producers and that Felman Production entered the market as a new domestic producer. The Commission found that a majority of supply was provided by nonsubject imports and there were virtually no subject imports during the period.[220] With respect to other conditions of competition, the Commission found that silicomanganese was a commodity product made to common industry standards.[221] The record also indicated that price was an important factor for purchasing decisions and producers and purchasers had access to current price information. Finally, silicomanganese producers were

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[215] *Original Investigations*, USITC Pub. 2836 at I-6 to I-7 (Commissioners Rohr and Newquist), I-21 to I-22, I-26 (Chairman Watson, Vice Chairman Nuzum, and Commissioners Crawford and Bragg); *First Reviews*, USITC Pub. 3386 at 14.

[216] *First Reviews*, USITC Pub. 3386 at I-14. The U.S. market at the time of the first reviews was served by silicomanganese suppliers from at least 20 countries.

[217] *Original Investigations*, USITC Pub. 2836 at I-26; *First Reviews*, USITC Pub. 3386 at 15.

[218] *Second Reviews*, USITC Pub. 3879 at 15.

[219] *Third Reviews*, USITC Pub. 4354 at 23.

[220] *Third Reviews*, USITC Pub. 4354 at 24.

[221] *Third Reviews*, USITC Pub. 4354 at 24.

able to produce other products, particularly ferromanganese, using their silicomanganese furnaces.[222]

In the fourth reviews, the Commission determined that silicomanganese demand is derived from demand for downstream steel products.[223] It found that both apparent U.S. consumption and global consumption had fluctuated during the period of review but had increased overall.[224] It observed that market participants expected demand to continue to fluctuate in the future.[225] With respect to supply conditions, the Commission recognized that nonsubject imports supplied the largest share of the U.S. market, followed by the domestic industry, and that subject imports were virtually absent during the period of review.[226] It observed that the domestic industry still consisted of only two producers, Eramet and Felman Production, and that the industry had lost market share to nonsubject imports over the period of review.[227]

With respect to other likely conditions of competition, the Commission found that silicomanganese was made to common industry standards and generally considered interchangeable in most applications.[228] It further found that the domestic product and subject imports were moderately to highly substitutable, and that price was a key factor in purchasing decisions.[229] The Commission observed that industry price indexes influenced the spot market pricing for silicomanganese and that contract prices were indexed to raw material prices, including manganese ore.[230] Finally, the Commission noted that China became subject to additional import duties under section 301 of the Trade Act late during the period of review, and that section 232 tariffs on certain steel products had not affected the conditions of competition for silicomanganese, according to market participants.[231]

2. The Current Reviews

Demand. In the current reviews, the main drivers of demand for silicomanganese remain the same as in the prior proceedings. Steel producers account for *** of domestic

[222] *Third Reviews*, USITC Pub. 4354 at 25.
[223] *Fourth Reviews*, USITC Pub. 4845 at 24.
[224] *Fourth Reviews*, USITC Pub. 4845 at 24.
[225] *Fourth Reviews*, USITC Pub. 4845 at 24.
[226] *Fourth Reviews*, USITC Pub. 4845 at 24.
[227] *Fourth Reviews*, USITC Pub. 4845 at 25.
[228] *Fourth Reviews*, USITC Pub. 4845 at 25.
[229] *Fourth Reviews*, USITC Pub. 4845 at 25.
[230] *Fourth Reviews*, USITC Pub. 4845 at 25.
[231] *Fourth Reviews*, USITC Pub. 4845 at 26.

shipments of silicomanganese.[232] As such, silicomanganese demand generally reflects demand for downstream steel production.[233]

Domestic producers, U.S. importers, and purchasers generally reported either stagnant or decreasing U.S. demand for silicomanganese during the period of review, and the majority expect demand for silicomanganese to remain flat or fluctuate upward in the future.[234] Apparent U.S. consumption of silicomanganese decreased irregularly throughout the period, ending *** percent lower in 2023 than in 2018.[235] Apparent U.S. consumption was *** short tons in 2018, *** short tons in 2019, *** short tons in 2020, *** short tons in 2021, *** short tons in 2022, and *** short tons in 2023.[236] Apparent U.S. consumption in interim 2023 was *** short tons, and it was *** short tons in interim 2024.[237] At the hearing, Eramet claimed that the decrease in silicomanganese demand during the period of review was a direct result of the decline of U.S. steel production.[238]

Supply. During the current period of review, nonsubject sources continued to be the largest supplier to the U.S. market, followed by the domestic industry.[239] There were no subject imports during the period.

The domestic industry's market share fluctuated but increased overall by *** percentage points from 2021 to 2023.[240] The domestic industry accounted for *** percent of apparent U.S. consumption in 2021, *** percent in 2022, and *** percent in 2023; its share was *** percent in interim 2023 and *** percent in interim 2024.[241]

Although U.S. producers reported production curtailments due to both planned and unexpected maintenance, the overwhelming majority of market participants reported that they had not experienced supply constraints during the period of review.[242]

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[232] CR/PR at Table II-4. From 2021 to 2023, steel producers accounted for *** percent of domestic producers' U.S. shipments of silicomanganese and *** percent of importers' U.S. shipments of silicomanganese from nonsubject sources. *Id.*

[233] CR/PR at II-9.

[234] CR/PR at Tables II-7 & II-8. One importer and one purchaser responded that overall domestic demand for silicomanganese had fluctuated upward during the period of review. *Id.*

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

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

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

[238] Hearing Tr. at 92–93 (Rochussen).

[239] CR/PR at Table C-1.

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

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

[242] CR/PR at II-8, Table III-2.

Imports from nonsubject countries were the largest source of supply to the U.S. market throughout the period of review.[243] Nonsubject imports' share of apparent U.S. consumption fluctuated, but declined overall by *** percentage points from 2021 to 2023.[244] Nonsubject imports accounted for *** percent of apparent U.S. consumption in 2021, *** percent in 2022, and *** percent in 2023.[245] Their *** percent share of apparent U.S. consumption in interim 2024 was *** percentage points higher than their *** percent share in interim 2023.[246] The largest sources of nonsubject imports during the period of review were Georgia, South Africa, and Australia.[247]

Substitutability and Other Conditions. Based upon the record in these reviews, we find that there is a moderate-to-high degree of substitutability between domestically produced silicomanganese and subject imports, with a higher degree of substitutability for the same product types.[248] All domestic producers, U.S. importers, and purchasers reported that silicomanganese from all country pairs was always or frequently interchangeable.[249] Moreover, a majority of responding purchasers reported that domestically produced silicomanganese was comparable to subject imports from all subject sources with respect to most non-price factors.[250] [251] Further, most importers and purchasers reported that there were never

[243] CR/PR at Table C-1.
[244] CR/PR at Table I-11.
[245] CR/PR at Table I-11.
[246] CR/PR at Table I-11.
[247] CR/PR at II-8.
[248] CR/PR at II-24.
[249] CR/PR at II-24, Tables II-18 & II-19.
[250] CR/PR at Table II-17. The lone purchaser that compared domestically produced silicomanganese with subject merchandise from China reported that the two products were comparable for 11 of 16 non-price factors, ranked U.S. silicomanganese as superior to Chinese silicomanganese on three factors, and did not provide ratings for the remaining two factors. This purchaser did not report on whether domestic and Chinese silicomanganese were comparable with respect to price. *Id.* The two purchasers that compared domestically produced silicomanganese with subject merchandise from Ukraine reported that the two products were comparable for most non-price factors, although at least one purchaser ranked U.S. silicomanganese as superior to Ukrainian silicomanganese on several factors. *Id.* The two purchasers disagreed on whether domestically produced silicomanganese was superior or inferior to Ukrainian silicomanganese in the category of "availability of specific silicomanganese grades/types." Both of these purchasers reported that the price of U.S. and Ukrainian silicomanganese were comparable. *Id.*
[251] Commissioner Johanson notes that factors that may reduce substitutability between subject imports and the domestic like product include product differentiation and quality, hence the higher degree of substitutability for the same silicomanganese product types. *See, e.g.*, CR/PR at II-13, II-26. As noted in his Separate and Dissenting Views at II.B, the record shows that the large majority of U.S. consumption of silicomanganese during the period of review was of silicomanganese meeting ASTM B
(Continued…)

significant differences other than price between the domestic product and subject imports.[252] As discussed in section III.D.2, phosphorus content may limit the degree of substitutability, specifically as between high-phosphorus content silicomanganese, which comprise most shipments of Ukrainian silicomanganese, and low-phosphorus silicomanganese, which comprise *** U.S. producers' U.S. shipments. Nonetheless, as discussed above, high-phosphorus silicomanganese, comprising *** percent of total U.S. shipments of silicomanganese in 2023, appears to be substitutable in some applications such as rebar manufacturing.[253]

We also find that price is an important factor in purchasing decisions for silicomanganese.[254] Responding purchasers most frequently cited quality, availability, and price as the top three factors influencing their purchasing decisions.[255] When asked what characteristics were very important to their purchasing decisions, responding purchasers reported the following characteristics: product consistency (10 firms), quality meets industry standards (10 firms), reliability of supply (10 firms), ability to meet custom specifications (9 firms), and price (9 firms).[256] Most purchasers (7 of 10) reported that they usually purchase the lowest priced product.[257]

The primary raw material inputs for silicomanganese include manganese ore, silicon, and coke.[258] Rising raw material costs generally reflect prices for manganese ore, which increased irregularly from $205 per short ton in 2021 to $230 per short ton in 2023.[259]

As noted above, from 2021 to 2023, the domestic producers sold *** their U.S. shipments of silicomanganese directly to end users.[260] Importers provided no channels of distribution data for subject imports and sold *** of nonsubject imports directly to end users,

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standards, amounting to *** percent of shipments in 2023. CR/PR at Table IV-3. There was also a volume of U.S. shipments of high-phosphorus silicomanganese, totaling *** percent of shipments in 2023, *** of which were nonsubject imports. *Id.* Commissioner Johanson does not join the remainder of this paragraph.

[252] CR/PR at II-13.

[253] CR/PR at II-17 to II-18 & n. 27, Table IV-3.

[254] CR/PR at Tables II-20 & II-21.

[255] CR/PR at Table II-12. Quality was most frequently cited as the first-most important factor, availability was most frequently cited as the second-most important factor, and price was most frequently cited as the third-most important factor. *Id.*

[256] CR/PR at Table II-16.

[257] CR/PR at II-15.

[258] CR/PR at V-1.

[259] CR/PR at Table V-1.

[260] CR/PR at Table II-4.

with sales to distributors decreasing from *** percent of total sales in 2021 to *** percent in 2023.[261]

A majority of U.S. producers' commercial shipments in 2023 were under annual contracts (*** percent), with long-term contracts accounting for the next largest share of shipments (*** percent).[262] Both U.S. producers reported offering price renegotiation on annual contracts.[263] U.S. producer Felman indicated that ***.[264] U.S. producer Eramet ***.[265] Eramet reported that its contracts are based upon published prices in sources such as CRU, Fastmarkets, and Platt's, which are based upon reported spot market prices.[266]

U.S. producers reported that *** percent of their commercial shipments were produced to order, with lead times averaging *** days, and *** percent came from inventories, with lead times averaging *** days.[267]

In September 2018, silicomanganese imports from China became subject to an additional 10 percent *ad valorem* duty under section 301 of the Trade Act of 1974, and this additional duty increased to 25 percent in May 2019.[268] Most market participants reported little or no impact of the section 301 tariffs on the domestic silicomanganese market, consistent with the fact that imports of silicomanganese from China have been subject to an antidumping duty order since 1994.[269]

C. Likely Cumulated Volume of Subject Imports

1. The Original Investigations and Prior Reviews

In the original investigations, the Commissioners considered the subject imports' ability to increase their presence in the U.S. market in absolute and relative terms.[270] In the first reviews, the Commission found that the antidumping duty orders and the suspension agreement on silicomanganese from Ukraine had a restraining effect on subject import

[261] CR/PR at Table II-4.
[262] CR/PR at Table V-5.
[263] CR/PR at V-6.
[264] CR/PR at V-4, V-6.
[265] CR/PR at V-6.
[266] CR/PR at V-5 to V-6.
[267] CR/PR at II-16. ***. *Id.* at n.15. ***. *Id.*
[268] 19 U.S.C. § 2411.
[269] CR/PR at Table II-3.
[270] *Original Determinations*, USITC Pub 2836 at I-20 to I-21 (Commissioners Rohr and Newquist), I-11 to I-12 (Chairman Watson and Commissioners Crawford and Bragg), I-24 to I-27 (Views of Vice Chairman Nuzum).

volumes, which dropped from 168,000 short tons in 1993 to 9,000 short tons in 1999.[271] The volume of subject imports remained very low during the period covered by the second reviews.[272]

In both the first and second reviews, the Commission concluded that the subject producers' ability to increase substantially their shipments to the United States, their continued production and exportation of substantial quantities of silicomanganese, their apparent substantial capacity, and their export orientation, as well as the rapid increase in subject imports to the United States in the original investigations, indicated that they were likely to increase exports to the United States significantly upon revocation of the antidumping duty orders.[273] Accordingly, the Commission concluded that the likely volume of the subject merchandise, both in absolute terms and relative to consumption and production in the United States, would be significant absent the restraining effect of the orders.[274]

In the third reviews, cumulated subject imports from China and Ukraine continued to be minimal.[275] The Commission found that subject imports from China and Ukraine were likely to return to the U.S. market and that the likely cumulated volume of such imports would be significant if the orders were revoked. It emphasized that subject producers in China and Ukraine had massive and increasing silicomanganese production capacity and combined excess capacity, which dwarfed both U.S. production and apparent U.S. consumption. Additionally, these producers exported large quantities of silicomanganese. Although combined exports in absolute terms and as a share of Chinese and Ukrainian production declined over the period of review, the combined volume of those exports in 2011 was almost double apparent U.S. consumption that year.[276]

The Commission found that China was the world's largest producer of silicomanganese, its share of global production had increased, and the capacity of the industry in China almost doubled while capacity utilization declined.[277] The Commission also found that the responding Ukrainian producers reported a significant increase in their capacity from 2006 to 2011 and possessed significant excess capacity in 2011.[278]

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[271] *First Reviews*, USITC Pub. 3386 at 15.
[272] *Second Reviews*, USITC Pub. 3879 at 16.
[273] *First Reviews*, USITC Pub. 3386 at 15–18; *Second Reviews*, USITC Pub. 3879 at 16–17.
[274] *First Reviews*, USITC Pub. 3386 at 18; *Second Reviews*, USITC Pub. 3879 at 17.
[275] *Third Reviews*, USITC Pub. 4534 at 25.
[276] *Third Reviews*, USITC Pub. 4534 at 26.
[277] *Third Reviews*, USITC Pub. 4534 at 26.
[278] *Third Reviews*, USITC Pub. 4534 at 27.

The Commission found that subject producers in China and Ukraine had the incentive to use their excess capacity to increase exports to the United States after revocation, given their significant degree of export orientation, the size of the U.S. market, and the higher prices available in the U.S. market.[279] It observed that during the period of review, silicomanganese exports from the subject countries were subject to antidumping duty orders in other markets, which provided an additional incentive for subject producers to direct export shipments to the United States.[280]

In the fourth reviews, the Commission again determined that the subject industries in China and Ukraine had the means and incentive to export subject merchandise to the United States in significant volumes within a reasonably foreseeable time following revocation.[281] The Commission determined that the subject industries were two of the largest global producers of silicomanganese, had substantial production capacity, and were export-oriented, while the United States remained an attractive market for silicomanganese.[282] It found that the relative absence of subject imports in the U.S. market was a result of the disciplining effect of the orders.[283] The Commission determined that the production capacity of the subject industries increased over the period of review and that their considerable excess capacity far exceeded demand in the U.S. market.[284] The Commission also found that the higher prices of the U.S. market and third-country antidumping duty orders on subject imports provided further incentives for the subject industries to divert their exports to the U.S. market in the event of revocation.[285]

2. The Current Reviews

As in the prior proceedings, the record in these reviews indicates that the orders likely continue to have a disciplining effect on the volume of cumulated subject imports. There were no imports of silicomanganese from China or Ukraine during the period of review.

The subject industries have the ability to export significant volumes of subject merchandise to the United States in the event of revocation of the orders. They maintain

[279] *Third Reviews*, USITC Pub. 4534 at 27.
[280] *Third Reviews*, USITC Pub. 4534 at 28.
[281] *Fourth Reviews*, USITC Pub. 4845 at 27.
[282] *Fourth Reviews*, USITC Pub. 4845 at 28.
[283] *Fourth Reviews*, USITC Pub. 4845 at 28.
[284] *Fourth Reviews*, USITC Pub. 4845 at 29.
[285] *Fourth Reviews*, USITC Pub. 4845 at 29–30.

significant production capacity,[286] which far exceeded apparent U.S. consumption and the domestic industry's capacity during the period of review.[287] Further, on a cumulated basis, subject producers have significant unused capacity, which is also substantially larger than apparent U.S. consumption.[288] In addition, the reporting subject producers maintained substantial end-of-period inventories.[289] Based on official export statistics, the cumulated subject industries also export substantial quantities of silicomanganese.[290]

The U.S. remains an attractive export market for cumulated subject producers, providing them with the incentive to export significant volumes of subject merchandise to the United States in the event of revocation. Prices for silicomanganese are consistently higher in the United States than in other export markets.[291] Moreover, the existence of third-country trade barriers to subject imports from Ukraine would increase the relative attractiveness of the U.S. market to subject exporters in the event of revocation,[292] and the significant presence of nonsubject imports in the U.S. market over the period of review illustrates the general attractiveness of the United States as a destination market for silicomanganese exports.[293]

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[286] Capacity for production of silicomanganese in the cumulated subject countries was *** short tons in 2021 and *** short tons in 2022. CR/PR at Tables IV-9 & IV-17. As mentioned previously, data for 2022 were the most recently available data for the Chinese silicomanganese industry.

[287] Apparent U.S. consumption was *** short tons in 2021, *** short tons in 2022, and *** short tons in 2023. CR/PR at Tables I-11 & C-1. The domestic industry's production capacity was *** short tons in 2021, *** short tons in 2022, and *** short tons in 2023. *Id.*

[288] The capacity utilization rate of the cumulated subject industries was *** percent in 2021, for an excess capacity of *** short tons, and *** percent in 2022, for an excess capacity of *** short tons. *Derived from* CR/PR at Tables IV-9 & IV-17.

[289] Total end-of-period inventories of responding producers in the cumulated subject countries increased overall during the period of review. They were *** short tons in 2021, *** short tons in 2022, and *** short tons in 2023. CR/PR at Table IV-17. Reporting foreign producers' inventories for 2023 were equivalent to *** percent of apparent U.S. consumption that year. *Derived from* CR/PR at Tables I-11 & IV-17.

[290] CR/PR at Table IV-21. Among the top global exporters, China and Ukraine together accounted for 15.9 percent of all silicomanganese exported in 2021, 11.5 percent in 2022, and 12.0 percent in 2023. *Id*. China was the eleventh-largest global exporter of silicomanganese in 2023, while Ukraine was the second-largest. *Id*.

[291] With few exceptions, the monthly prices for silicomanganese in the U.S. market were higher than those to other major export markets from 2018 to interim 2024. CR/PR at Table IV-23 & Figure IV-23.

[292] Silicomanganese from Ukraine is subject to antidumping duty orders in Mexico and the Eurasian Economic Union, which includes Armenia, Belarus, Kazakhstan, the Kyrgyz Republic, and the Russian Federation. CR/PR at IV-38.

[293] Nonsubject imports' market share was *** percent in 2021, *** percent in 2022, and *** percent in 2023. CR/PR at Tables I-11 & C-1.

Accordingly, based on the subject imports' behavior during the original investigations; the cumulated subject industries' substantial production capacity, available unused capacity, inventories, and exports; and the attractiveness of the U.S. market, we find that the likely volume of cumulated subject imports would be significant in the event of revocation.[294]

D. Likely Price Effects of Subject Imports

1. The Original Investigations and Prior Reviews

During the original investigations, the Commission found that the domestic like product and subject imports were highly fungible. Prices for the domestic like product and subject imports declined over most of the period examined. The evidence showed a mixed pattern of overselling and underselling by the subject imports, with data obtained by the Commission indicating 21 instances of underselling and 19 instances of overselling by the imports with respect to contract prices, and eight instances of underselling and five instances of overselling on the spot market.[295]

The record in the first and second reviews contained limited data on prices of subject imports in the U.S. market. The Commission found, in light of the already high degree of price-based competition in the U.S. market and the inelasticity of demand for silicomanganese, that subject producers would likely expand their U.S. market share by underselling prevailing domestic prices.[296] Thus, the Commission found that the subject imports from Brazil, China, and Ukraine would likely enter the United States at prices that would significantly depress or suppress prices for the domestic like product if the orders were revoked.[297]

In the third reviews, pricing comparisons were unavailable because of the absence of subject imports from China or Ukraine in the U.S. market. Over the period of review, prices for domestically produced silicomanganese fluctuated, but generally increased.[298] In light of the high degree of price-based competition in the U.S. market and the relatively price-inelastic demand for silicomanganese, the Commission concluded that if the orders were revoked, cumulated subject imports would be likely to expand their market share by entering the U.S.

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[294] We have also considered the potential for product shifting in our analysis of likely subject import volume. Producers in Ukraine reported production of out-of-scope products on the same equipment and machinery used to produce silicomanganese. *See* CR/PR at Table IV-19.

[295] *Original Investigations*, USITC Pub. 2836 at I-21 (Commissioners Rohr and Newquist), I-4 to I-7 (Chairman Watson and Commissioners Crawford and Bragg), I-13 to I-14 (Vice Chairman Nuzum).

[296] *First Reviews*, USITC Pub. 3386 at 18–19; *Second Reviews*, USITC Pub. 3879 at 17–18.

[297] *First Reviews*, USITC Pub. 3386 at 19; *Second Reviews*, USITC Pub. 3879 at 18.

[298] *Third Reviews*, USITC Pub. 4534 at 28.

market at low prices. It also found that any underselling by subject imports might not be significant or persistent due to the rapid way in which price changes were communicated in the U.S. silicomanganese market. Nonetheless, the Commission found that the likely significant volume of cumulated subject imports from China and Ukraine likely entering at low prices in the event of revocation would trigger price declines in the U.S. market and likely have significant depressing or suppressing effects on the price of the domestic like product.[299]

In the fourth reviews, price comparison data was again unavailable.[300] The Commission found based on the other evidence in the record that there would likely be considerable price effects if the orders were revoked.[301] The Commission recognized the interchangeability of the domestic like product and subject imports, with price a key factor in purchasing decisions.[302] It observed that the importance of price and relatively inelastic demand for silicomanganese, combined with its finding of a likely significant volume of subject imports upon revocation, supported the conclusion that subject imports would likely obtain market share by entering the market at lower prices.[303] The Commission found that the likely significant cumulated volume of low-priced subject imports entering the U.S. market would have significant price depressing and suppressing effects.[304] The Commission also found that the domestic industry's prevalent use of silicomanganese price indexes could exacerbate the price effects with respect to existing contracts tied to index prices as well as future sales negotiations.[305]

2. The Current Reviews

In the current reviews, as discussed above, the record indicates that there is a moderate-to-high degree of substitutability and that price is an important factor in purchasing decisions for silicomanganese. Although the Commission collected pricing data on sales of four products, there were no subject imports during the period of review. Accordingly, there are no price comparison data available for the period.

We have found that the likely cumulated volume of subject imports from China and Ukraine would be significant if the orders were revoked. Given the importance of price in purchasing decisions in the U.S. market and the moderate-to-high degree of substitutability between subject imports and the domestic like product, we find that the likely volume of low-

[299] *Third Reviews*, USITC Pub. 4534 at 29.
[300] *Fourth Reviews*, USITC Pub. 4845 at 31.
[301] *Fourth Reviews*, USITC Pub. 4845 at 32.
[302] *Fourth Reviews*, USITC Pub. 4845 at 31.
[303] *Fourth Reviews*, USITC Pub. 4845 at 31.
[304] *Fourth Reviews*, USITC Pub. 4845 at 32.
[305] *Fourth Reviews*, USITC Pub. 4845 at 32.

price cumulated subject imports would likely cause the domestic industry to have to either cut prices or forego needed price increases, or else lose sales and market share to subject imports. Further exacerbating these price effects is the domestic industry's use of price indexes in contracts. These indexes are based on spot sales, which enables spot sales of relatively small quantities to have a significant effect on contract prices for silicomanganese.[306]

Thus, we find that if the orders were revoked, the significant volume of low-priced subject imports would likely have significant adverse price effects within a reasonably foreseeable time.

E. Likely Impact of Cumulated Subject Imports

1. The Original Investigations and Prior Reviews

In the original investigations, the Commission found that, due to falling prices, the domestic industry was unable to operate profitably.[307] In the first reviews, the Commission found that, despite the imposition of the orders and suspension agreement, the domestic industry's financial condition remained weak and that it would be vulnerable to material injury if the orders were revoked and the suspended investigation terminated. Accordingly, the Commission found that the subject imports would be likely to have a significant impact on the domestic industry within a reasonably foreseeable time if the orders were revoked and suspended investigation terminated.[308]

In the second reviews, the Commission found that, given the likely significant increase in volume of subject imports and the resultant intense price competition, the domestic industry would likely experience significant declines in output, sales, and income, with eventual losses in employment, and capital and research and development ("R&D") expenditures similar to those experienced in the years examined during the original investigations.[309] The Commission found that the limited evidence in the record was insufficient to enable it to determine whether the domestic industry producing silicomanganese was vulnerable.[310]

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[306] As the Commission found in the prior reviews, and the record continues to support in the current reviews, "{d}ue to the rapid manner in which price changes are communicated in the market, any underselling by subject imports may not necessarily be persistent. . . . {The price-suppressing or depressing effects of cumulated subject imports} are exacerbated in the U.S. market by the fact that the domestic industry ties some of its contracts to the published prices, which reflect the low-price offerings." *Fourth Reviews*, USITC Pub. 4845 at 31–32.

[307] *Original Investigations*, USITC Pub. 2836 at I-28.

[308] *First Reviews*, USITC Pub. 3386 at 20.

[309] *Second Reviews*, USITC Pub. 3879 at 18–19.

[310] *Second Reviews*, USITC Pub. 3879 at 19.

In the third reviews, the Commission recognized that the domestic industry had experienced positive changes that might not have been possible without the protection of the orders. Nevertheless, although there was some improvement in performance in 2011, the industry continued to experience weak financial performance. As a result, the Commission found that the domestic industry was in a vulnerable condition. The Commission reasoned that the domestic industry was particularly susceptible to a loss of sales volume, and that revocation of the orders would likely impede the industry's ability to implement price increases in the event demand continued to improve. Consequently, it found that the likely significant volume of low-priced subject imports from China and Ukraine, when combined with the likely adverse price effects of those imports, would likely have a significant impact on the domestic industry's profitability and return on investment, as well as the industry's ability to raise capital and make and maintain necessary capital investments. It found that the likely volume and price effects of the subject imports also would likely have a significant impact on the production, shipments, sales, market share, revenues, and employment of the domestic industry.[311]

In its analysis, the Commission also considered whether there were other factors that likely would affect the domestic industry. The Commission observed that the domestic industry could only supply a relatively small share of U.S. demand during the period of review and nonsubject imports were a significant factor in the U.S. market. It observed, however, that the quantity and share of nonsubject imports had declined as the domestic industry was able to supply a greater share of apparent U.S. consumption. Without the discipline of the orders, the likely significant volume of cumulated subject imports would adversely impact the domestic industry because of the direct competition between subject imports and domestically produced silicomanganese, even if nonsubject imports maintained their historical levels.[312]

In the fourth reviews, the Commission found that the domestic industry lost market share over the period of review, with weak financial performance during most of that time.[313] The Commission found that the overall poor financial performance led to the conclusion that the domestic industry was in a vulnerable condition, and it further found that cumulated subject imports would have a significant impact on the domestic industry if the orders were revoked.[314]

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[311] *Third Reviews*, USITC Pub. 4354 at 30.

[312] *Third Reviews*, USITC Pub. 4354 at 31–32.

[313] *Fourth Reviews*, USITC Pub. 4845 at 33. The Commission acknowledged that the domestic industry "showed some modest improvement over the period of review." *Id.*

[314] *Fourth Reviews*, USITC Pub. 4845 at 33.

The Commission observed that the domestic industry's capacity decreased irregularly over the period of review, while its production increased irregularly overall, and its capacity utilization increased steadily during the same period.[315] It found that the domestic industry's net commercial sales quantity increased steadily over the period of review, while its U.S. shipments declined steadily and inventories declined irregularly over the same period.[316] The Commission also found that the domestic industry's employment and wages generally declined over the period of review, while hours worked increased and productivity fluctuated.[317] It observed that the domestic industry experienced ***, which improved in 2017.[318] The Commission also observed that the domestic industry's capital expenditures and R&D expenses increased irregularly over the period of review.[319]

The Commission acknowledged that nonsubject imports were prevalent in the U.S. market, but concluded that in light of the export orientation of the subject foreign producers and the attractiveness of the U.S. market, subject imports would likely adversely impact the domestic industry without the disciplining effect of the orders.[320]

2. The Current Reviews

In the current reviews, the domestic industry's trade indicators generally declined during the period of review. The domestic industry's capacity decreased by *** percent from 2021 to 2023,[321] and its production decreased by *** percent.[322] Because the decline in production capacity outpaced the decline in production, the domestic industry's capacity utilization rate rose by *** percentage points from 2021 to 2023.[323] The volume of the

[315] *Fourth Reviews*, USITC Pub. 4845 at 33.
[316] *Fourth Reviews*, USITC Pub. 4845 at 34.
[317] *Fourth Reviews*, USITC Pub. 4845 at 34.
[318] *Fourth Reviews*, USITC Pub. 4845 at 34.
[319] *Fourth Reviews*, USITC Pub. 4845 at 34–35.
[320] *Fourth Reviews*, USITC Pub. 4845 at 35.
[321] The domestic industry's production capacity was *** short tons in 2021, *** short tons in 2022, and *** short tons in 2023. CR/PR at Tables III-3 & C-1. Its production capacity was *** short tons in interim 2023 and *** short tons in interim 2024. *Id.*
[322] The domestic industry's production was *** short tons in 2021, *** short tons in 2022, and *** short tons in 2023. CR/PR at Tables III-3 & C-1. Its production was *** short tons in interim 2023 and *** short tons in interim 2024. *Id.*
[323] The domestic industry's capacity utilization rate was *** percent in 2021, *** percent in 2022, and *** percent in 2023. CR/PR at Tables III-3 & C-1. Its capacity utilization rate was *** percent in interim 2023 and *** percent in interim 2024. *Id.*

domestic industry's U.S. shipments declined by *** percent between 2021 and 2023.[324] The domestic industry's share of the U.S. market increased by *** percentage points from 2021 to 2023.[325] Ending inventory quantities increased overall by *** percent from 2021 to 2023.[326]

The domestic industry's employment-related indicators were mixed. The number of production related workers ("PRWs"), wages paid, and hourly wages increased overall from 2021 to 2023.[327] However, hours worked and productivity decreased during the same period.[328]

Virtually all of the domestic industry's financial performance indicia declined irregularly over the period of review. From 2021 to 2023, the domestic industry's gross profits decreased by *** percent, its operating income decreased by *** percent, and its net income decreased by *** percent.[329] Operating and income margins fluctuated, but decreased overall by *** percentage points and *** percentage points, respectively, between 2021 and 2023.[330] Capital

[324] The domestic producers' total U.S. shipments were *** short tons in 2021, *** short tons in 2022, and *** short tons in 2023. CR/PR at Tables III-7 & C-1. Their total U.S. shipments were *** short tons in interim 2023 and *** short tons in interim 2024. *Id.*

[325] The domestic industry's share of the U.S. market was *** percent in 2021, *** percent in 2022, and *** percent in 2023. CR/PR at Tables I-11 & C-1. Its market share was *** percent in interim 2023 and *** percent in interim 2024. *Id.*

[326] The domestic industry's ending inventory quantities were *** short tons in 2021, *** short tons in 2022, and *** short tons in 2023. CR/PR at Tables III-8 & C-1. Its ending inventory quantities were *** short tons in interim 2023 and *** short tons in interim 2024. *Id.*

[327] The number of PRWs was *** in 2021, *** in 2022, and *** in 2023. CR/PR at Tables III-9 & C-1. The number of PRWS was *** in interim 2023 and *** in interim 2024. *Id.* Wages paid were $*** in 2021, $*** in 2022, and $*** in 2023. *Id.* Wages paid were $*** in interim 2023 and $*** in interim 2024. *Id.* Hourly wages were $*** in 2021, $*** in 2022, and $*** in 2023. *Id*. Hourly wages were $*** in interim 2023 and $*** in interim 2024. *Id.*

[328] Hours worked were *** in 2021, *** in 2022, and *** in 2023. CR/PR at Tables III-9 & C-1. Hours worked were *** in interim 2023 and *** in interim 2024. *Id.* Productivity in short tons per 1,000 hours was *** in 2021, *** in 2022, and *** in 2023. *Id*. Productivity was *** in interim 2023 and *** in interim 2024. *Id.*

[329] Operating income was $*** in 2021, $*** in 2022, and $*** in 2023. CR/PR at Tables III-10 & C-1. Operating income was $*** in interim 2023 and $*** in interim 2024. *Id.* Net income was $*** in 2021, $*** in 2022, and $*** in 2023. *Id*. Net income was $*** in interim 2023 and $*** in interim 2024. *Id.*

[330] The domestic industry's operating margin was *** percent in 2021, *** percent in 2022, and *** percent in 2023. CR/PR at Tables III-12 & C-1. Its operating margin was *** percent in interim 2023 and *** percent in interim 2024. *Id.* The domestic industry's net margin was *** percent in 2021, *** percent in 2022, and *** percent in 2023. *Id*. Its net margin was *** percent in interim 2023 and *** percent in interim 2024. *Id.*

expenditures increased by *** percent from 2021 to 2023, and R&D expenses declined by *** percent from 2022 to 2023.[331]

In assessing the vulnerability of the domestic industry, we observe that, despite an increase in market share, the domestic industry's performance indicators, such as production, capacity, and shipments, decreased overall during the period of review. Apparent U.S. consumption also declined overall, including a *** percent decline between 2022 and 2023.[332] Further, the domestic industry's gross profits, operating and net income, and operating and net income margins all decreased from 2021 to 2023. Consistent with these declines in profitability, the domestic industry's ratio of COGS to net sales increased during the review period as the industry's per-unit COGS increased each year, and *** U.S. producers reported that they expect raw material costs to increase in the future.[333] However, data collected during this period of review show an improving financial condition under the orders as compared to prior years.[334] On the basis of the record as a whole, we do not find that the domestic industry under the orders is currently vulnerable.[335]

As discussed above, we have found that the volume of cumulated subject imports would likely be significant in the reasonably foreseeable future if the orders under review were revoked, and subject imports would likely undersell the domestic like product to a significant degree. Given the importance of price in purchasing decisions and the at least moderate-to-high degree of substitutability between subject imports and the domestic like product, we find

[331] Capital expenditures were $*** in 2021, $*** in 2022, and $*** in 2023. CR/PR at Tables III-14 & C-1. Capital expenditures were $*** in interim 2023 and $*** in interim 2024. *Id.* R&D expenses were $*** in 2021, $*** in 2022, and $*** in 2023. *Id.* at Tables III-16 & C-1. R&D expenses were $*** in interim 2023 and $*** in interim 2024. *Id.*

[332] CR/PR at Table C-1.

[333] CR/PR at Table III-10 & V-2.

[334] The domestic industry's capacity utilization in 2023 was *** percent and its operating margin stood at *** percent, after operating margins reached as high as *** percent in 2022. CR/PR at Tables III-3 & III-10. This is a marked improvement over the *** percent capacity utilization and the *** percent operating margin in 1993, the final year of the original period of investigation. *Id.* at C-12 & C-14.

[335] Commissioner Rhonda K. Schmidtlein finds the industry to be vulnerable to the continuation or recurrence of material injury. As explained above, the industry's production, shipments, and profitability all declined substantially in 2023, as apparent U.S. consumption declined and the industry's costs increased. CR/PR at Table C-1. These trends continued in the interim period, and the domestic industry's performance indicators showed significant deterioration as the ***. CR/PR at III-3 and Table C-1. In interim 2024, the domestic industry's market share was *** percent, its capacity utilization rate was *** percent, its ratio of COGS to net sales was *** percent, and its operating income margin was *** percent. CR/PR at Table C-1. Given the substantial declines in 2023 that continued into the interim period, and the anticipated pressure from continuing cost increases, she finds the industry to be in a vulnerable condition.

that the likely volume of low-price cumulated subject imports would cause the domestic industry to have to either cut prices or forego needed price increases, or else lose sales and market share to subject imports. The likely volume of cumulated subject imports, coupled with their adverse price effects, would have a direct adverse impact on the industry's production, shipments, profitability, and employment, as well as its ability to raise capital and make and maintain necessary capital investments. Therefore, we find that revocation of the orders under review would likely have a significant impact on the domestic industry.

We have also considered the role of factors other than subject imports so as not to attribute likely injury from other factors to the subject imports. Nonsubject imports decreased overall during the period of review both in terms of volume and market share. Nonsubject import volume declined by approximately 17.8 percent during the period of review, decreasing from 345,147 short tons in 2021 to 283,679 short tons in 2023.[336] Nonsubject imports as a share of apparent U.S. consumption declined by *** percentage points from 2021 to 2023, decreasing from *** percent in 2021 to *** percent in 2023.[337] Although nonsubject imports would likely remain as the largest source of silicomanganese in the U.S. market after revocation, the likely significant volume of subject imports would likely take market share from the domestic industry or force the domestic industry to reduce prices or forego price increases that otherwise would occur, given the moderate-to-high degree of substitutability between subject imports and the domestic like product, the importance of price, and subject imports' likely significant underselling. We find 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 retain sales and market share.

We have also considered the likely effects of demand trends on the domestic silicomanganese industry. Apparent U.S. consumption declined irregularly by *** percent from 2021 to 2023, declining from *** short tons in 2021 to *** short tons in 2023.[338] Further, the majority of market participants expect demand for silicomanganese to remain flat or fluctuate upward in the reasonably foreseeable future.[339] The significant volume of low-priced cumulated subject imports that would be likely after revocation would exacerbate any injury caused by slowing demand on the domestic industry by further cutting into the industry's sales volume, increasing per-unit fixed costs and placing additional downward pressure on domestic

[336] CR/PR at Tables IV-1 & C-1.
[337] CR/PR at Tables I-11 & C-1.
[338] CR/PR at Tables I-11 & C-1.
[339] CR/PR at Tables II-7 & II-8.

prices. Given these considerations, we find that the likely effects attributable to the cumulated subject imports are distinguishable from any likely effects of demand if the orders were revoked.

In sum, we conclude that, if the antidumping duty orders were revoked, cumulated subject imports from China and Ukraine would likely have a significant impact on the domestic industry within a reasonably foreseeable time.

V. Conclusion

For the above reasons, we determine 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.

SEPARATE AND DISSENTING VIEWS OF COMMISSIONER DAVID S. JOHANSON

I. Introduction

Based on the record in these five-year reviews, I determine, under section 751(c) of the Tariff Act of 1930, as amended,[1] that revocation of the antidumping duty order on silicomanganese from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. I further determine that revocation of the antidumping duty order on silicomanganese from Ukraine 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. I therefore concur with the majority with respect to the order on China and dissent with respect to the order on Ukraine. I explain below my reasoning for declining to exercise my discretion to cumulate subject imports from China and Ukraine -- premised on my conclusion that they would likely compete under different conditions of competition given the effects of the ongoing war in Ukraine during the period of review -- and for reaching the determinations I make with respect to each order. Except as otherwise noted, I join the majority with respect to the following sections of their views: I-II, III.A-III.C, III.D.1 through the discussion on imports from China, and IV.A-IV.B.[2]

II. Cumulation

A. No Discernible Adverse Impact

During the original investigations, subject imports from Ukraine remained at *** short tons from 1991 to 1992, and then increased to *** short tons in 1993; they were higher in interim 1994 at *** short tons than in interim 1993 at *** short tons.[3] The share of apparent U.S. consumption accounted for by shipments of subject imports from Ukraine remained at *** percent from 1991 to 1992, and then increased to *** percent in 1993; it was higher in interim 1994 at *** percent than in interim 1993 at *** percent.[4]

[1] 19 U.S.C. § 1675(c).
[2] For readability, I continue the same conventions for references used in the majority views.
[3] *Original Investigations Confidential Report* at Table 2.
[4] *Original Investigations Confidential Report* at Table 22.

After the suspension agreement became effective in 1994,[5] subject imports from Ukraine declined to very low levels, and during the first review period were *** short tons in 1997, *** short tons in 1998, and *** short tons in 1999.[6] With the termination of the suspension agreement and the imposition of the antidumping duty order in 2001, there have been no imports from Ukraine since 2005, with the exception of 22 short tons imported in 2010 and 2015.[7]

The Commission received questionnaire responses in these reviews from the only two confirmed producers of silicomanganese in Ukraine, NFP and ZFP.[8] The responding Ukrainian producers reported data for each year in the review period and accounted for all Ukrainian silicomanganese production in 2023.[9] Neither producer exported silicomanganese to the United States during the period of review.[10]

Ukrainian silicomanganese production capacity decreased from *** short tons in 2021 to *** short tons in 2022 and *** short tons in 2023; it was lower at *** short tons in interim 2024 than in interim 2023 at *** short tons.[11] Ukrainian silicomanganese production also decreased from *** short tons in 2021 to *** short tons in 2022 and *** short tons in 2023; it was lower at *** short tons in interim 2024 than in interim 2023 at *** short tons.[12] The percentage of shipments exported fluctuated, increasing from *** percent in 2021 to *** percent in 2022, and then declining to *** percent in 2023, albeit during a period of lower Ukrainian production; the percentage of shipments exported was lower in interim 2024 at *** percent than the *** percent in interim 2023.[13]

Ukraine was the world's third-largest producer of silicomanganese in 2022 and the second-largest exporter in 2023.[14]

As will be discussed below, the war in Ukraine has had a major impact on the ability of the silicomanganese industry in Ukraine to produce and ship in any volumes to the United States, as it necessarily focuses declining production on nearby markets given transportation

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[5] CR/PR at Table I-1.
[6] CR/PR at C-10.
[7] CR/PR at C-7, C-10-C-11.
[8] CR/PR at IV-19.
[9] CR/PR at Table IV-17.
[10] CR/PR at Tables IV-1 and IV-18.
[11] CR/PR at Table IV-17; Supplement to the Staff Report, Memorandum INV-WW-126 (Oct. 8, 2024).
[12] CR/PR at Table IV-17.
[13] CR/PR at Table IV-17.
[14] CR/PR at Tables IV-21 (Global Trade Atlas data), IV-22 (U.S. Geological Survey data).

restrictions resulting from the armed conflict. Notwithstanding the lengthy period without any meaningful import volumes from Ukraine in the United States, and the effects of the war in Ukraine, including the declines in production, capacity, and excess capacity, and necessary orientation toward nearby markets, I cannot conclude that subject imports from Ukraine, within a reasonably foreseeably time after revocation, are likely to have no discernible adverse impact on the domestic industry.

B. 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.[15] Only a "reasonable overlap" of competition is required.[16] In five-year reviews, the 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.[17]

Fungibility. Imported silicomanganese is generally considered to be interchangeable with domestic silicomanganese of the same type in most applications.[18] In comparisons on this record of interchangeability among imports of silicomanganese from China and Ukraine and the domestic like product, *** U.S. producers and all U.S. importers and purchasers reported that silicomanganese from each subject country are at least frequently interchangeable with

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[15] 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 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).

[16] *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). 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-812-813 (Preliminary), USITC Pub. 3155 at 15 (Feb. 1999), *aff'd*, *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).

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

[18] CR/PR at II-24 and Tables II-18-II-19.

silicomanganese from other subject sources and the domestically produced product.[19] Based on the very limited purchaser responses, the one purchaser that compared domestic and Chinese silicomanganese generally reported that the two are comparable with respect to most of 16 non-price product characteristics.[20] The comparisons of domestic and Ukrainian silicomanganese were mixed, with the two responding purchasers generally reporting that the products are comparable or the domestic product is superior to Ukrainian silicomanganese with respect to most non-price purchase factors.[21]

Interchangeability may be limited by the chemical composition of the material, particularly its phosphorus content.[22] In the original investigations and subsequent reviews, the Commission found that while the use of Ukrainian silicomanganese could be limited for certain applications due to a higher level of phosphorus, it was considered substitutable in suitable applications such as static structural steel products.[23]

The record shows that the large majority of U.S. consumption of silicomanganese during the period of review was of silicomanganese meeting ASTM B standards, amounting to ***

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[19] CR/PR at II-24 and Tables II-18-II-19.

[20] CR/PR at Table II-17. The purchaser characterized the domestic and Chinese products as comparable with respect to the following 11 non-price purchaser factors: (1) product consistency, (2) quality meets industry standards, (3) reliability of supply, (4) delivery time, (5) delivery terms, (6) discounts offered, (7) minimum quantity requirements, (8) technical support/service, (9) quality exceeds industry standards, (10) product range, and (11) packaging. *Id*. The purchaser rated domestic silicomanganese as superior to Chinese silicomanganese with respect to the following factors: (1) ability to meet custom specifications, (2) availability, and (3) availability of specific silicomanganese grades/types. *Id*. The purchaser did not provide ratings for the "U.S. transportation costs" or "payment terms" factors. *Id*.

[21] CR/PR at Table II-17. Both purchasers characterized the domestic and Ukrainian products as comparable with respect to the following non-price purchase factors: (1) product consistency, (2) delivery terms, (3) discounts offered, (4) minimum quantity requirements, and (5) packaging. *Id*. One purchaser characterized the product as comparable with respect to the "payment terms" and "technical support/service" factors, while the other purchaser did not provide ratings for these factors. *Id*. Both purchasers rated domestic silicomanganese as superior to Ukrainian silicomanganese with respect to the "ability to meet custom specifications" and "availability" factors. *Id*. One purchaser rated domestic silicomanganese as superior to Ukrainian silicomanganese, while the other purchaser found the products comparable with respect to the following factors: (1) quality meets industry standards, (2) reliability of supply, (3) delivery time, (4) U.S transportation costs, (5) quality exceeds industry standards, and (6) product range. *Id*. One purchaser rated domestic silicomanganese as superior to Ukrainian silicomanganese with respect to the "availability of specific silicomanganese grades/types" factor, while the other purchaser rated the domestic product as inferior to the Ukrainian product on this factor. *Id*.

[22] CR/PR at II-17-II-18.

[23] *See, e.g.,* Fourth Reviews, USITC Pub. 4845 at 23.

percent of shipments in 2023.[24] There was also a volume of U.S. shipments of high-phosphorus silicomanganese, totaling *** percent of shipments in 2023, *** of which were nonsubject imports.[25]

Channels of Distribution. From 2021 to 2023, domestic producers sold *** of their U.S. shipments of silicomanganese directly to end users.[26] Absent subject imports during the period of review, importers provided no channels of distribution data for subject imports; importers sold *** of nonsubject imports directly to end users, with sales to distributors decreasing from *** percent of total sales in 2021 to *** percent in 2023.[27]

Geographic Overlap. Domestic producers sell the domestic like product in every geographical market of the contiguous United States.[28] During the period of review, no U.S. importer reported any imports of silicomanganese from China or Ukraine.[29]

Simultaneous Presence in Market. The domestic like product was present in the U.S. market throughout the period of review.[30] With the orders in place, there were no imports reported from China or Ukraine during the period of review.[31]

Conclusion. The information in the record supports a finding that imports from each subject country are generally fungible with the domestic like product and each other with the recognition that purchasers that tolerate high-phosphorus silicomanganese are only a limited portion of the market.[32] The limited information in the record supports finding that upon revocation any imports in the market from each of the subject countries and the domestic like

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[24] CR/PR at Table IV-3.

[25] CR/PR at Table IV-3. Specifically, all of the nonsubject imports of high-phosphorus silicomanganese originated in ***. *Id.* at IV-7. The domestic industry *** ASTM B standard silicomanganese during the period of review. CR/PR at Table E-1.

The industry in Ukraine reported that *** percent of its shipments of silicomanganese in 2023 were of high-phosphorus product, a figure that reached *** of shipments in interim 2024. CR/PR at Table E-3. The industry in Ukraine shipped *** short tons (equivalent to *** percent of its total shipments) of silicomanganese meeting the ASTM B standard in 2023 and *** in interim 2024. *Id*. Most subject imports from China in the original investigations were of ASTM B silicomanganese and none were of high-phosphorus product. *See, e.g., Original Investigations*, USITC Pub. 2836 at II-4-II-5; *Original Investigations Confidential Report* at I-90. Subject imports from Ukraine in the original investigations were of high-phosphorus silicomanganese. *See, e.g., Original Investigations*, USITC Pub. 2836 at II-5, II-36.

[26] CR/PR at Table II-4.

[27] CR/PR at Table II-4.

[28] CR/PR at Table II-5.

[29] CR/PR at IV-9-IV-10.

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

[31] CR/PR at IV-9-IV-10.

[32] CR/PR at Tables E-1-E-2.

product would likely be sold in similar channels of distribution and geographic markets and be simultaneously present in the U.S. market. In light of these considerations, I find that there will be a likely reasonable overlap of competition between the domestic like product and imports from each subject country and between imports from each subject country upon revocation.

C. Likely Conditions of Competition

In determining whether to exercise my discretion to cumulate subject imports from China and Ukraine, I assess whether they would likely compete under similar or different conditions of competition.[33]

On February 24, 2022, Russia launched a military invasion of Ukraine.[34] The resulting war has had a significant effect on the operations of the silicomanganese industry in Ukraine. The two Ukrainian silicomanganese producers, NFP and ZFP, are both in areas of the country that have seen fierce fighting.[35] NFP is in Nikopol and ZFP is in nearby Zaporizhzhia, and both regions have been subject to repeated bombardment by Russian military forces.[36] Both NFP and ZFP are near the Zaporizhzhia Nuclear Power Plant, which has been under Russian control since March 2022 and has been in cold shutdown since June 2023 when the nearby Kakhovka dam was breached, an action that precipitously lowered the water levels needed for cooling the nuclear plant.[37]

Representatives from both producers in Ukraine testified that silicomanganese production continued to be impacted by Russia's invasion of Ukraine in 2024. They noted that impacts from the war were greater in the second half of 2023 and first half of 2024 than

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[33] *See, e.g., Cold-Rolled Steel Flat Products from Brazil, China, India, Japan, South Korea, and the United Kingdom*, Inv. Nos. 701-TA-540-543 and 731-TA-1283-1287 and 1290 (Review), USITC Pub. 5339 (Aug. 2022) at 41, *aff'd*, *Cleveland-Cliffs Inc. v. United States*, 693 F. Supp. 3d 1341 (Ct. Int'l Trade 2024); *Nucor Corp. v. United States*, 601 F.3d 1291, 1293 (Fed. Cir. 2010); *Silicomanganese from Brazil, China, and Ukraine*, Inv. Nos. 731-TA-671-673 (Third Review), USITC Pub. 4354 (Oct. 2012) at 16 (same underlying investigations as instant reviews).

[34] CR/PR at Tables II-2, IV-16.

[35] A third Ukrainian plant that produces silicomanganese, PJSC Stakhanov Ferroalloy Plant, located in the Alchevsk district in the Luhansk region, is in a region that has been occupied by Russia since 2014 and was still declared occupied territory in 2022. CR/PR at IV-19. Ukraine has no access to the enterprise. In 2018, the plant came under management of a firm with financial ties to Russia. CR/PR at IV-19-IV-20.

[36] *See, e.g.,* UkrFA Posthear. Br. at 1 and Exh. 1; GOA Prehear. Br. at 4; CR/PR at IV-20 and Fig. IV-2.

[37] *See, e.g.,* UkrFA Posthear. Br. at Exhs. 2-3.

previously experienced.[38] In November 2023, NFP and ZFP both suspended all production operations primarily due the lack of reliable electricity and water supply and the need to undertake repairs of plant infrastructure damaged by Russian artillery fire. ZFP partially re-opened in May 2024, and NFP re-started production at the end of June 2024, but both are operating at minimal levels.[39] In fact, *** NFP furnace transformers were destroyed, and *** furnaces failed as a result of Russian shelling on July 14, 2024.[40]

Ukrainian respondents have documented the myriad effects of the ongoing war on the silicomanganese industry in Ukraine. Ukrainian respondents provided information on how the war has directly impacted the two remaining silicomanganese factories in Ukrainian-controlled territory, NFP and ZFP.[41] Moreover, the Ukrainian respondents also submitted for the record contemporaneous press articles that discuss the dire wartime situation in the immediate areas. Nikopol and Zaporizhzhia, where the two plants are located.[42] These effects include war

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[38] *See, e.g.,* CR/PR at IV-23.

[39] *See, e.g.,* CR/PR at IV-22 and Table IV-13.

[40] *See, e.g.,* CR/PR at IV-23.

[41] "For NFP, starting from July 18, 2022 until now, NFP's production facilities and property in the Nikopol district have been targeted by 56 Russian artillery or drone attacks . . . Shelling of NFP continues daily." UkrFA Posthear. Br. at Q-1. At NFP, "the percentage of employees lost due to the war is 43% since the beginning of the full-scale invasion of the Russian Federation." Some employees have left the plant for military service, and others have moved away from Nikopol. As noted by NFP, a "significant part of these employees who left the company were specialists who had a high professional level and significant experience at the enterprise and are not easily replaceable. New hires will require many years of training to perform the specialized tasks of these departed workers." UkrFA Posthear. Br. at Q-4. As of September 11, 2024, some 41 NFP employees have been killed in combat. UkrFA Posthear. Br. at Q-4. "For ZFP, on November 17, 2023, a Russian drone hit in the immediate vicinity of the plant," which damaged ZFP buildings. UkrFA Posthear. Br. at Q-1. At ZFP, "the percentage of employees lost due to the war is 48 % since the beginning of the full-scale invasion." Many employees have joined the military, and others have left the city. Some *** ZFP employees have been killed in combat. UkrFA Posthear. Br. at Q-3.

[42] *Ukraine's Nikopol: 'We're being shot at day and night'*, May 18, 2024, Alexandra Induchova, DW.com ("The Ukrainian city of Nikopol, near the occupied Zaporizhzhia nuclear power plant, has come under repeated bombardment from Russian troops stationed in Enerhodar . . . The six reactors of the Zaporizhzhia Nuclear Power Station, which is occupied by Russian troops, can be seen around 7 kilometers (4.3 miles) away, on the other side of the wide river . . .The Russian artillery is firing at Nikopol from the Zaporizhzhia power plant . . . Before the war, Nikopol had a population of around 100,000. The authorities say around 40–50% remain in the city.") UkrFA Prehear. Br. at Exh. 1. *Ukrainians in Nikopol are out of water and in Russia's firing line. But Zaporizhzhia nuclear power plant could pose the biggest threat*, July 15, 2023, Nick Dole and Fletcher Yeung, Australian Broadcast Corporation ("About half the population has left Nikopol since Russia's fullscale invasion . . . Nikopol is easily within Russian artillery range and regularly comes under attack from the direction of the nuclear

(Continued…)

damage to production facilities and equipment, with a continuing stream of Russian artillery and drone attacks; the loss of skilled workforce, with NFP and ZFP having lost nearly half of their employees due to the war (mostly conscripted to fight or evacuated to safer areas); the lack of reliable electricity and water supply, with Russian attacks continuing to target Ukraine's electricity grid, affecting the energy-intensive silicomanganese industry; and transportation and logistical options limited by the war, with the Russian occupation or blockade limiting Ukrainian silicomanganese access to ocean transport, both inbound (for manganese ore raw material) and outbound (for silicomanganese).[43]

The reality is that, during the period of review, the war in Ukraine has changed conditions of competition for the silicomanganese industry in Ukraine, distinguishing it from the silicomanganese industry in China, which is operating under no such constraint. Several considerations further illustrate this reality and the different trends both industries exhibit.

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power plant.") UkrFA Prehear. Br. at Exh. 1. *Along front-line river, this deadly road shows toll of Russia's war*, January 30, 2023, Siobhan O'Grady and Anastacia Galouchka, Washington Post.com ("On the route traveling east and north from villages on the Gulf of the Dnieper to the battered but never-occupied city of Nikopol, the width of the river ranges from several miles to fewer than 1,000 feet, putting the Russians close enough to strike with mortars and shells or sniper fire. They hit some villages dozens of times a day. Ukrainian forces are firing back . . . Mayor Oleksandr Sayuk, 49, said more than half the city's 106,000 people have fled — including his wife and children. The city, perched on a wide section of the river, is protected by the water. Russian forces 'don't have the possibility to easily get to the city,' Sayuk said. 'The negative side,' he added, is the Russians are still within range. 'They shell whenever they please.'") UkrFA Prehear. Br. at Exh. 1. *Russian-controlled Zaporizhzhia nuclear reactor damaged following drone attack*, April 8, 2024, Mia Alberti, Josh Pennington, and Christian Edwards, CNN.com ("The Zaporizhzhia Nuclear Power Plant (ZNPP) in Ukraine was damaged Sunday in a drone attack, the United Nations' energy watchdog said.") UkrFA Prehear. Br. at Exh. 2. *Russia Pounds Ukraine With 'One of the Largest Strikes' of the War*, Aug. 26, 2024, Andrew E. Kramer and Matthew Mpoke Bigg, nytimes.com ("The drone and missile attacks on Monday, which began around dawn, targeted energy infrastructure in the capital, Kyiv, and in the regions of Lviv and Rivne in the West and Zaporizhzhia in the Southeast, the authorities said. The strikes appeared to be an escalation of a Russian campaign against Ukraine's power grid.") UkrFA Prehear. Br. at Exh. 2. *Ferroalloy plants started up with minimum utilization rate*, August 12, 2024, Sergiy Kudryavtsev, GMK Center ("Due to migration and mobilization, the number of personnel at ferroalloy plants has decreased. The incessant shelling of Nikopol and neighboring settlements became a constant factor, provoking the outflow of people from the region.") UkrFA Prehear. Br. at Exh. 3. *NFP reduces production due to the explosion of the Kakhovska HPP*, Vadim Kolisnichenko, June 8, 2023, GMK Center ("The Nikopol Ferroalloy Plant (NFP) is reducing production volumes due to the need to reduce water consumption for the production process as a result of the undermining of the Kakhovka hydroelectric plant (HPP) by Russian troops.") UkrFA Prehear. Br. at Exh. 4.

[43] *See, e.g.,* CR/PR at Tables IV-13-IV-14, IV-16; CR/PR at IV-20, IV-23, IV-33-IV-34; UkrFA Posthear. Br. at Q-1-Q-12; UkrFA Prehear. Br. at 2-8 and Exhs. 4-7, 12; GOU Posthear. Br. at 8-9.

Chinese producers' capacity and production have both increased during the period of review.[44] In contrast, Ukrainian capacity to produce silicomanganese decreased by *** percent and production decreased by *** percent from 2021 to 2023.[45]

Moreover, China's excess capacity increased during the period of review -- by *** percent since the last review.[46] Ukraine's excess capacity declined *** percent from 2021 to 2023.[47] For a comparison of the magnitude of excess capacity, in 2022, China's excess capacity increased to over *** short tons and Ukraine's declined to *** short tons.[48] The difference in magnitude, unconstrained by production or transportation limitations, distinguishes the industries in China and Ukraine.

Additionally, consistent with the war's impact on shipping and logistics for the Ukrainian silicomanganese industry and evidence of exports largely limited to rail or truck routes and a focus on nearby markets, the share of Ukraine's exports to the EU increased from *** percent in 2021 to *** percent in 2022.[49] The share of exports to the EU was *** percent in 2023, for an overall increase of *** percentage points from 2021 to 2023, and reached *** percent of export shipments in the first quarter of 2024.[50] Based on public data, neighboring Poland, with which Ukraine shares a land border, was the leading destination of exports of silicomanganese in 2023, accounting for 55.6 percent of total exports from Ukraine.[51] Turkey and the Netherlands were the second and third leading export destinations in 2023, accounting for 13.2 percent and 9.6 percent, respectively, of total exports from Ukraine.[52] The industry in China is experiencing no similar constraints on its ability to ship silicomanganese exports globally. The industry in China, in contrast, does not face limited access to shipping lanes, much less those prioritized for other products, or the higher freight and marine insurance costs associated with the risks of shipping through a war zone with mined waters and rocket attacks.

It is apparent on this record that for a reasonably foreseeable time the Ukrainian silicomanganese industry will continue to face war conditions that will force the industry to

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[44] CR/PR at Table IV-9 (lacking participation from Chinese producers, the data are from industry sources supplied by Eramet, ending in 2022).

[45] CR/PR at IV-25 and Table IV-15. The declining production trends are consistent with the trends for other ferroalloy products produced on the same equipment. CR/PR at Table IV-19.

[46] *See* CR/PR at Table IV-9 (2018 to 2022).

[47] *See* CR/PR at Table IV-15.

[48] *See* CR/PR at Tables IV-9, IV-15.

[49] CR/PR at Table IV-18.

[50] CR/PR at Table IV-17.

[51] CR/PR at IV-33 and Table IV-20.

[52] CR/PR at IV-33 and Table IV-20.

operate under very different conditions of competition than those faced by the subject industry in China. The industry is distinguished from the industry in China in that it is in an active war zone and its production operations have to deal with regular artillery shelling, the lack of reliable electricity, loss of critical workers, and the disruption of supply lines and sources. China's production, capacity, and excess capacity, all massively larger than Ukraine's, also trended in the opposite direction of Ukraine's during the period of review, all increasing significantly while Ukraine's declined significantly, and China's exports face no limitations of a necessary focus on nearby markets that Ukraine's war experience drives. Russia's war in Ukraine, in short, directly affects the ability of the industry in Ukraine to produce silicomanganese and export to the United States, thereby distinguishing competitive conditions for that industry's exports compared to China's. I therefore find that subject imports from Ukraine would likely compete in the U.S. market under different conditions of competition than subject imports from China. Accordingly, I do not exercise my discretion to cumulate subject imports from China with subject imports from Ukraine.

III. Revocation of the Antidumping Duty Order on China Would Likely Lead to Continuation or Recurrence of Material Injury Within a Reasonably Foreseeable Time

A. Likely Volume

I find that the volume of subject imports from China is likely to be significant in the event of revocation. Most subject imports from China in the original investigations were of ASTM Grade B silicomanganese, and there is no indication that the silicomanganese imported from China would be different in the event of revocation.[53] During the original investigations, U.S. shipments of subject imports from China decreased from *** short tons in 1991 to *** short tons in 1992, and then increased to *** short tons in 1993; they were higher in interim 1994 at *** short tons than in interim 1993 at *** short tons.[54] The share of apparent U.S. consumption accounted for by shipments of subject imports from China decreased from *** percent in 1991 to *** percent in 1992, and then increased to *** percent in 1993; it was higher in interim 1994 at *** percent than in interim 1993 at *** percent.[55]

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[53] *See, e.g., Original Investigations*, USITC Pub. 2836 at II-4-II-5; *Original Investigations Confidential Report* at I-90.

[54] *Original Investigations Confidential Report* at Table 2.

[55] *Original Investigations Confidential Report* at Table 22.

No subject producers from China participated in these reviews, but the information available demonstrates that the industry in China has significant production capacity that increased over the period of review. Specifically, the industry's capacity increased from *** short tons in 2017 to *** short tons in 2022.[56] The industry's production also increased in the same period, from *** short tons in 2017 to *** short tons in 2022.[57] However, because production increased at a slower rate than capacity, capacity utilization levels declined from *** percent in 2017 to *** percent in 2022.[58] This has resulted in increasing and massive unused capacity in China that could be directed to the United States. In 2022, unused silicomanganese capacity in China reached *** short tons, a figure approximately *** larger than total apparent U.S. consumption in the same year.[59] Based on official export statistics, the industry in China also exports substantial quantities of silicomanganese.[60]

Based on its production, capacity, and excess capacity levels, all of which increased during the period of review, the industry in China has the ability to export significant volumes of silicomanganese to the United States in the event of revocation of the order on China. The United States also remains an attractive export market for the industry in China. Prices for silicomanganese are consistently higher in the United States than in other export markets.[61] The significant presence of nonsubject imports in the U.S. market over the period of review further illustrates the general attractiveness of the United States as a destination market for silicomanganese exports.[62]

Finally, there is no information in the record that indicates that Section 301 tariffs are likely to curtail significantly exports of silicomanganese from China within a reasonably foreseeably time, in light of the other factors discussed above.

Accordingly, based on the Chinese subject producers' behavior during the original investigations and the current record of subject producers' massive production capacity and available unused capacity, substantial exports, and the attractiveness of the U.S. market, I find that the likely volume of subject imports from China, in absolute terms and relative to U.S.

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[56] CR/PR at Table IV-9.

[57] CR/PR at Table IV-9.

[58] CR/PR at Table IV-9.

[59] *See* CR/PR at Tables IV-9 and C-1.

[60] CR/PR at Table IV-21.

[61] With few exceptions, the monthly prices for silicomanganese in the domestic market were higher than those to other major export markets from 2018 to interim 2024. CR/PR at Table IV-23 and Figure IV-23.

[62] Nonsubject imports' market share, by quantity, was *** percent in 2021, *** percent in 2022, and *** percent in 2023. CR/PR at Tables I-11 and C-1.

production and consumption, would be significant in the event of revocation of the order on silicomanganese from China.

B. Likely Price Effects

As noted above, most subject imports from China in the original investigations were of ASTM Grade B silicomanganese (and none were of high-phosphorus product), and there is no indication that the silicomanganese imported from China would be different in the event of revocation.[63] ASTM Grade B silicomanganese imports represent the high end of the moderate-to-high substitutability range with domestic silicomanganese.[64]

In the original investigations, subject imports from China undersold the domestic like product in 10 of 13 price comparisons.[65] There were no price comparison data for subject imports from China in the prior or current reviews.[66]

Based on the history of these imports in the U.S. market and my finding above that the likely volume of silicomanganese from China would be significant if the order were revoked, I find that subject imports from China would be likely to obtain market share by entering the U.S. market at low prices and consequently would significantly undersell the domestic silicomanganese. The likely significant volume of subject imports from China entering the U.S. market and underselling the domestic like product would likely have significant depressing or suppressing effects on the price of the domestic like product in the reasonably foreseeable future in the event of revocation. I therefore find likely significant price effects if the order on China were revoked.

C. Likely Impact

In terms of the domestic industry's performance during the period of review, the industry's trade indicators showed certain declines. The domestic industry's capacity decreased

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[63] *See, e.g., Original Investigations*, USITC Pub. 2836 at II-4-II-5; *Original Investigations Confidential Report* at I-90.

[64] *See* CR/PR at II-13, II-26.

[65] *Original Investigations Confidential Report* at I-97.

[66] CR/PR at V-12.

by *** percent from 2021 to 2023,[67] and its production decreased by *** percent.[68] The domestic industry's capacity utilization rate rose by *** percentage points from 2021 to 2023.[69] The volume of the domestic industry's U.S. shipments declined by *** percent between 2021 and 2023.[70] The domestic industry's share of the U.S. market increased by *** percentage points from 2021 to 2023.[71] Ending inventory quantities increased overall by *** percent from 2021 to 2023.[72]

The domestic industry's employment-related indicators were mixed. The number of production related workers (PRWs), wages paid, and hourly wages increased overall from 2021 to 2023.[73] Hours worked and productivity decreased during the same period.[74]

A number of the domestic industry's financial indicators declined irregularly over the period of review. From 2021 to 2023, the domestic industry's gross profits decreased by *** percent, its operating income decreased by *** percent, and its net income decreased by ***

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[67] The domestic industry's production capacity was *** short tons in 2021, *** short tons in 2022, and *** short tons in 2023. CR/PR at Tables III-3 and C-1. Its production capacity was *** short tons in interim 2023 and *** short tons in interim 2024. *Id*.

[68] The domestic industry's production was *** short tons in 2021, *** short tons in 2022, and *** short tons in 2023. CR/PR at Tables III-3 and C-1. Its production was *** short tons in interim 2023 and *** short tons in interim 2024. *Id*.

[69] The domestic industry's capacity utilization rate was *** percent in 2021, *** percent in 2022, and *** percent in 2023. CR/PR at Tables III-3 and C-1. Its capacity utilization rate was *** percent in interim 2023 and *** percent in interim 2024. *Id*.

[70] The domestic producers' total U.S. shipments were *** short tons in 2021, *** short tons in 2022, and *** short tons in 2023. CR/PR at Tables III-7 and C-1. Their total U.S. shipments were *** short tons in interim 2023 and *** short tons in interim 2024. *Id*.

[71] The domestic industry's share of the U.S. market was *** percent in 2021, *** percent in 2022, and *** percent in 2023. CR/PR at Tables I-11 and C-1. Its market share was *** percent in interim 2023 and *** percent in interim 2024. *Id*.

[72] The domestic industry's ending inventory quantities were *** short tons in 2021, *** short tons in 2022, and *** short tons in 2023. CR/PR at Tables III-8 and C-1. Its ending inventory quantities were *** short tons in interim 2023 and *** short tons in interim 2024. *Id*.

[73] The number of PRWs was *** in 2021, *** in 2022, and *** in 2023. CR/PR at Tables III-9 and C-1. The number of PRWS was *** in interim 2023 and *** in interim 2024. *Id*. Wages paid were $*** in 2021, $*** in 2022, and $*** in 2023. *Id*. Wages paid were $*** in interim 2023 and $*** in interim 2024. *Id*. Hourly wages were $*** in 2021, $*** in 2022, and $*** in 2023. *Id*. Hourly wages were $*** in interim 2023 and $*** in interim 2024. *Id*.

[74] Hours worked were *** in 2021, *** in 2022, and *** in 2023. CR/PR at Tables III-9 and C-1. Hours worked were *** in interim 2023 and *** in interim 2024. *Id*. Productivity in short tons per 1,000 hours was *** in 2021, *** in 2022, and *** in 2023. *Id*. Productivity was *** in interim 2023 and *** in interim 2024. *Id*.

percent.[75] The domestic industry's operating margin fluctuated but was down overall, from *** percent in 2021 to *** percent in 2022, and *** percent in 2023, not unlike its net income margin, which was *** percent in 2021, *** percent in 2022, and *** percent in 2023.[76] Capital expenditures increased by *** percent from 2021 to 2023; R&D expenses also increased overall from 2021 to 2023.[77]

Notwithstanding headwinds in the form of overall declining apparent U.S. consumption[78] and other factors, the industry's performance showed certain resilience in the full years 2021 to 2023 that does not lead me to conclude that the industry is vulnerable.[79]

As discussed above, I have found that the volume of subject imports from China would likely be significant in the reasonably foreseeable future if the order were revoked, and subject imports from China would likely undersell the domestic like product to a significant degree. This would cause the domestic industry either to cut prices or forego needed price increases, or else lose sales and market share to subject imports. The likely volume of subject imports from China, coupled with their adverse price effects, would have a direct adverse impact on the industry's production, shipments, profitability, and employment, as well as its ability to raise capital and make and maintain necessary capital investments. Therefore, I find that revocation of the order on silicomanganese from China would likely have a significant impact on the domestic industry.

I have also considered the role of factors other than subject imports so as not to attribute likely injury from other factors to the subject imports. Nonsubject imports decreased overall during the period of review both in terms of volume and market share. Nonsubject

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[75] Gross profits were $*** in 2021, $*** in 2022, and $*** in 2023. CR/PR at Tables III-10 and C-1. They were $*** in interim 2023 and $*** in interim 2024. *Id*. Operating income was $*** in 2021, $*** in 2022, and $*** in 2023. *Id*. Operating income was $*** in interim 2023 and $*** in interim 2024. *Id*. Net income was $*** in 2021, $*** in 2022, and $*** in 2023. *Id*. Net income was $*** in interim 2023 and $*** in interim 2024. *Id*.

[76] CR/PR at Tables III-12 and C-1. The operating margin was *** percent in interim 2023 and *** percent in interim 2024. *Id*. The net margin was *** percent in interim 2023 and *** percent in interim 2024. *Id*.

[77] Capital expenditures were $*** in 2021, $*** in 2022, and $*** in 2023. CR/PR at Tables III-14 and C-1. Capital expenditures were $*** in interim 2023 and $*** in interim 2024. *Id*. R&D expenses were $*** in 2021, $*** in 2022, and $*** in 2023. *Id*. at Tables III-16 and C-1. R&D expenses were $*** in interim 2023 and $*** in interim 2024. *Id*.

[78] Apparent U.S. consumption was *** short tons in 2021, *** short tons in 2022, and *** short tons in 2023. CR/PR at Tables I-11 and C-1. Apparent U.S. consumption was *** short tons in interim 2023 and *** short tons in interim 2024. *Id*.

[79] The industry's performance was off in the first quarter of 2024, when *** reported ***. CR/PR at III-1 and Tables III-5, III-12, and C-1. *** reported that ***. CR/PR at III-1 n.1.

import volume declined by approximately 17.8 percent during the period of review, decreasing from 345,147 short tons in 2021 to 283,679 short tons in 2023.[80] Nonsubject imports as a share of apparent U.S. consumption declined by *** percentage points from 2021 to 2023, decreasing from *** percent in 2021 to *** percent in 2023.[81] Although nonsubject imports would likely remain as the largest source of silicomanganese in the U.S. market after revocation, given the likely significant volume of low-priced imports from China and their likely adverse price effects, I find 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 retain sales and market share.

I have also considered the likely effects of demand trends on the domestic silicomanganese industry. Apparent U.S. consumption declined irregularly by *** percent from 2021 to 2023, declining from *** short tons in 2021 to *** short tons in 2023.[82] Further, the majority of market participants expect demand for silicomanganese to remain flat or fluctuate upward in the reasonably foreseeable future.[83] The significant volume of low-priced subject imports from China that would be likely after revocation would exacerbate any injury caused by any slowing demand on the domestic industry by further cutting into the industry's sales volume and placing additional downward pressure on domestic prices. Given these considerations, I find that the likely effects attributable to subject imports from China are distinguishable from any demand effects if the order were revoked.

I therefore conclude that, if the order were revoked, subject imports from China would likely have a significant impact on the domestic industry within a reasonably foreseeable time. Accordingly, I determine that revocation of the order on silicomanganese from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

[80] CR/PR at Tables IV-1 and C-1.
[81] CR/PR at Tables I-11 and C-1.
[82] CR/PR at Tables I-11 and C-1.
[83] CR/PR at Tables II-7-II-8.

IV. Revocation of the Antidumping Duty Order on Ukraine Would Not Likely Lead to Continuation or Recurrence of Material Injury Within a Reasonably Foreseeable Time

A. Likely Volume

Based on the record in these reviews, I find that the volume of subject imports from Ukraine would not likely be significant upon revocation.

During the original investigations, subject imports from Ukraine remained at *** short tons from 1991 to 1992, and then increased to *** short tons in 1993; they were higher in interim 1994 at *** short tons than in interim 1993 at *** short tons.[84] The share of apparent U.S. consumption accounted for by shipments of subject imports from Ukraine remained at *** percent from 1991 to 1992, and then increased to *** percent in 1993; it was higher in interim 1994 at *** percent than in interim 1993 at *** percent.[85]

After the suspension agreement became effective in 1994,[86] subject imports from Ukraine declined to very low levels, and during the first review period were *** short tons in 1997, *** short tons in 1998, and *** short tons in 1999.[87] With the termination of the suspension agreement and the imposition of the antidumping duty order in 2001,[88] there have been no imports from Ukraine since 2005, with the exception of 22 short tons imported in 2010 and 2015.[89]

The war in Ukraine that started with Russia's invasion is February 2022 is likely to continue for the foreseeable future and has limited the ability of the Ukrainian silicomanganese industry to produce and to export to the United States, even if the order were revoked. The industry's capacity to produce silicomanganese was *** short tons in 2021.[90] This capacity declined to *** short tons in 2022 and further to *** short tons in 2023, for an overall decline of *** short tons – or *** percent – from 2021 to 2023.[91] Production followed the same path,

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[84] *Original Investigations Confidential Report* at Table 2.
[85] *Original Investigations Confidential Report* at Table 22.
[86] CR/PR at Table I-1.
[87] CR/PR at C-10.
[88] CR/PR at I-4.
[89] CR/PR at C-7, C-10-C-11.
[90] CR/PR at Table IV-15.
[91] *See* CR/PR at Table IV-15. Capacity in interim 2024 was also less than in interim 2023 (*** short tons compared to *** short tons). Supplement to the Staff Report, Memorandum INV-WW-126 (Oct. 8, 2024).

declining from *** short tons in 2021 to *** short tons in 2022 and *** short tons in 2023, for an overall decline of *** percent.[92] The industry's capacity utilization, *** percent in 2021, decreased to *** percent in 2023.[93] With the decline in the industry's capacity, excess capacity reached a low in 2023, of *** short tons, the equivalent of a *** percent of apparent U.S. consumption in 2023.[94]

The bottom line is that given the fighting around their facilities, NFP and ZFP have significantly reduced their production and even completely shut down production operations at the beginning of the winter of 2023.[95] The Ukrainian silicomanganese producers have experienced significant reductions in production capacity from damage to plant facilities and equipment due to continuing Russian artillery strikes.[96] Ukrainian production will continue to be limited by the significant loss of skilled labor due to workers being conscripted to fight in the war against Russia or migrating to safer areas.[97] Ukraine's electricity and water supply have been badly damaged by targeted Russian attacks. Without reliable supplies of electricity and water, this energy intensive industry is hampered in all aspects of production and planning.[98] The Ukrainian industry's ability to produce silicomanganese, on this record, has been severely compromised, and the evidence on the record suggests that any recovery is not likely within a reasonably foreseeable time.[99]

The Ukrainian industry remains export-oriented, with exports constituting *** percent of its shipments in 2023.[100] From 2021 to 2023, the quantity of exports declined overall by *** percent, from *** short tons in 2021 to *** short tons in 2023.[101] Moreover, the Russian blockade of Black Sea seaports adversely affected sales and shipments of silicomanganese from Ukraine. Given the military action, the industry can no longer export silicomanganese (or

[92] CR/PR at Table IV-15.

[93] CR/PR at Table IV-15.

[94] CR/PR at IV-29 and Tables IV-17, C-1.

[95] CR/PR at IV-23 and Tables IV-13-IV-14.

[96] *See, e.g.,* CR/PR at IV-23 and Tables IV-13-IV-14; UkrFA Posthear. Br. at Q-1-Q-2.

[97] *See, e.g.,* CR/PR at IV-20 and Tables IV-13-IV-14; UkrFA Posthear. Br. at Q-3-Q-4; UkrFA Prehear. Br. at 3-5.

[98] *See, e.g.,* CR/PR at IV-20, IV-23 and Tables IV-13-14; UkrFA Prehear. Br. at Exhs. 1-5.

[99] *See, e.g.,* UkrFA Posthear. Br. at Q-14, Q-17 (indicating a combined capacity of less than *** short tons in 2024 and 2025).

[100] CR/PR at Table IV-17.

[101] CR/PR at Table IV-17 (exports declined further in comparing interim 2024 (*** short tons) to interim 2023 (*** short tons).

import low phosphorus manganese ore) using ocean container ships.[102] This has had the effect of focusing Ukrainian silicomanganese exports on rail and truck routes and on nearby markets.[103]

During the period of review, Ukraine also opened an alternative shipping corridor to the Black Sea through Romanian and Bulgarian territorial waters. However, while use for exporting silicomanganese is possible, this route is a river port for small vessels that the Ukrainian government primarily uses for shipping grain, a priority export, and it cannot carry larger container ships.[104]

In 2024, a reopened shipping corridor in the Black Sea organized by the Government of Ukraine has enabled NFP and ZFP to make a limited number of shipments of silicomanganese to customers primarily in Turkey and Europe. These shipments were made in small vessels (of 2,000-3,000 metric tons), which are not a viable option for delivery to the United States.[105] In addition to silicomanganese production limitations and other issues, the prioritization of shipments in this reopened corridor, as well as the very high costs associated with both higher freight and insurance costs to cover increased risks of mined waters and military strikes on ports and vessels in the Black Sea, indicate that ocean container vessels are not a realistic transport option for silicomanganese exports to the United States for the reasonably foreseeable future.[106]

Consistent with these shipping and logistical issues that drive a focus on nearby markets, the export data for Ukraine show, for example, that neighboring Poland, with which

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[102] *See, e.g.,* Hearing Tr. at 121, 127; CR/PR at Table IV-16 and IV-33; UkrFA Prehear. Br. at 6-8; GOU Posthear. Br. at 9.

[103] *See, e.g.,* Hearing Tr. at 121, 127; CR/PR at Table IV-16 and IV-33; UkrFA Prehear. Br. at 6-8; GOU Posthear. Br. at 9.

[104] *See, e.g.,* Hearing Tr. at 158-59; CR/PR at IV-33-IV-34.

[105] *See, e.g.,* GOU Posthear. Br. at 9; UkrFA Posthear. Br. at Q-9.

[106] *See, e.g.,* UkrFA Posthear. Br. at 6-10, Q-6-Q-9; GOU Posthear. Br. at 9. A large shipment of Ukrainian pig iron to the United States in 2024 does not persuade me to the contrary. An acute short supply situation in the United States, caused by the very same conflict, Russia's invasion of Ukraine, created pressure on U.S. steel producers to get Ukrainian pig iron back into the market. Ukrainian pig iron was given priority in this limited shipping lane, which used 40,000-50,000 ton vessels, precisely to help U.S. steel producers. There is no similar short supply of silicomanganese in the United States and no prioritization of this product for shipping in Ukraine. Nor are large container ships a viable means of transport for Ukrainian silicomanganese given production and market limitations and the high costs associated with such transport in war conditions. *See, e.g., id*. at 6-10, Q-6-Q-9, and Exhs. 1-2. I note further that shipping silicomanganese to the United States by transiting through EU ports is not a commercially viable option for Ukrainian silicomanganese producers for various reasons including logistics, delivery time, and significant added costs. *Id*. at Q-10-Q-12.

Ukraine shares a land border, was the leading destination of exports of silicomanganese in 2023, accounting for 55.6 percent of total exports from Ukraine.[107] Turkey and the Netherlands were the second- and third-leading export destinations in 2023, accounting for 13.2 percent and 9.6 percent, respectively, of total exports from Ukraine.[108]

Accordingly, beyond production limitations created by the war, the Ukrainian industry's ability to export the declining amount of silicomanganese that it produces has also been significantly hampered. Given the transport/logistical conditions during the war, Ukrainian silicomanganese producers thus face another significant obstacle limiting their ability to export to the United States in the event of revocation. I find it likely that the Ukrainian industry will continue to struggle to produce and export significant volumes of silicomanganese and, given those constraints, is likely to continue to concentrate its efforts on more reliable and proximate markets.

In addition, given the reduced production capacity in Ukraine due to the war, most of that production capacity is already committed to non-U.S. export markets and would not likely be diverted to the United States even if the order were revoked. The share of exports to the EU, for example, was *** percent in 2023, which marked an overall increase of *** percentage points from 2021, and reached *** percent of export shipments in the first quarter of 2024.[109] There is no evidence that NFP or ZFP would abandon their existing European customers that have continued to buy silicomanganese from Ukrainian producers even after the invasion, providing a relatively stable nearby market with available transport options in conditions that significantly limit the Ukrainian industry's ability to export.[110]

Moreover, subject imports from Ukraine have been out of the U.S. market for a considerable time (with the exception of 22 short tons imported in 2010 and 2015, none since 2005).[111] This product has higher phosphorus content than silicomanganese produced in the United States owing to the manganese ore sourced from Ukrainian mines.[112] The Ukrainian

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[107] CR/PR at IV-33 and Table IV-20.

[108] CR/PR at IV-33 and Table IV-20.

[109] CR/PR at Table IV-18.

[110] EU trade liberalization measures for exports from Ukraine to the EU further incentivize such exports. *See* UkrFA Prehear. Br. at 27-28 and Exhs. 10-11.

[111] CR/PR at C-7, C-10-C-11.

[112] CR/PR at I-20. Ukrainian producer ZFP has not produced silicomanganese with phosphorus levels below 0.20 during 2021 to 2024; Ukrainian producer NFP's production of such silicomanganese accounted for *** in 2021 and 2022 and it has not produced any in 2023 and 2024. CR/PR at II-18. High phosphorus silicomanganese not meeting ASTM standards accounted for *** percent of Ukrainian

(Continued…)

indigenous manganese ore has a higher phosphorus content than manganese ore in other countries.[113] The typical level of phosphorus contained in standard grade silicomanganese is 0.20 percent phosphorus or less.[114] Phosphorus is generally undesirable in steel as it can make steel brittle, further affecting toughness and ductility.[115]

In the U.S. market, the vast majority of silicomanganese shipments were of ASTM B grade silicomanganese (*** percent).[116] High phosphorus product, on the other hand, which it appears certain rebar producers can tolerate, accounted for just *** percent of total shipments in 2023.[117] Moreover, domestic producers of silicomanganese reported selling *** silicomanganese during the period for which data were collected.[118] High-phosphorus silicomanganese was sourced ***.[119] Thus, the number of purchasers that might potentially source high-phosphorus silicomanganese is limited and reflective of only a portion of the U.S. market, and any potential sales of Ukrainian product would likely displace nonsubject imports currently supplying high phosphorus silicomanganese to the U.S. market.

In Europe, over an extended period of time, NFP and ZFP have found a limited pool of steelmakers who are willing to accept their non-standard grade high phosphorus product.[120] It would take a considerable amount of time to find and develop similar relationships with customers in the U.S. to eventually make a sale of high-phosphorus silicomanganese to those

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producers' shipments in 2023. CR/PR at Table E-3. In the original investigations, subject imports from Ukraine were of high-phosphorus silicomanganese. *See Original Investigations*, USITC Pub. 2836 at II-5, II-36.

[113] CR/PR at I-20.

[114] CR/PR at I-20.

[115] CR/PR at I-21.

[116] CR/PR at Table IV-3.

[117] CR/PR at Table IV-3 and II-18 n.27. Eramet estimates that the share of the market willing to use high-phosphorus silicomanganese is considerably larger, but I find the cited shipment data and purchaser responses generally more reflective of the limited size of the part of the market that may use such product. Purchasers reported most frequently buying ASTM B grade silicomanganese (*** percent in 2023, followed by non-ASTM high-phosphorus silicomanganese (*** percent), other non-ASTM grade (*** percent), and ASTM A grade silicomanganese (*** percent). CR/PR at II-18. The responses of purchasers do not convey a likelihood of any substantially increased sourcing of such product over ASTM standard grade silicomanganese. *See, e.g.,* CR/PR at II-18 n.27. I also find Eramet's argument that some U.S. trading companies are blending high-phosphorus silicomanganese with standard grade silicomanganese unpersuasive in that there has been no demonstration on this record that such blending is actually taking place, much less that it is a common practice for them. *See also* UkrFA Posthear. Br. at 11-12; UkrFA Final Comments at 9-11.

[118] CR/PR at II-18.

[119] CR/PR at Tables E-1-E-2.

[120] UkrFA Posthear. Br. at Q-23-Q-24.

customers. Any U.S. purchaser willing to consider using high phosphorus Ukrainian silicomanganese would need a lengthy period to review the product to satisfy itself that it meets the required qualification specifications for its steel products. Moreover, NFP and ZFP would likely be regarded as higher-risk suppliers because they are in the middle of a war zone, compromising their ability to be a supplier that can consistently deliver timely product.[121]

In sum, due to the severe constraints the war has imposed on the Ukraine industry's ability to produce and to export silicomanganese, I do not find it likely on this record that the volume of subject imports, in the event of revocation, would be significant in a reasonably foreseeable time, either absolutely or relative to domestic production or consumption.[122] Additional constraints noted above would further restrict the volume and effects of any Ukrainian exports to the United States in the reasonably foreseeable future.[123]

B. Likely Price Effects

Given its high phosphorus content, silicomanganese from Ukraine is at the lower end of the moderate-to-high substitutability range with domestic silicomanganese.[124] In the original investigations, subject imports from Ukraine oversold the domestic like product in four of six

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[121] *See, e.g.,* GOU Posthear. Br. at 5; UkrFA Prehear. Br. at 22-23; U.S. Purchasers' Questionnaire of *** (***) at III-8, III-12, III-17.

[122] I have also taken into consideration reported Ukrainian inventory levels. Inventories were *** short tons in 2021, increased to *** short tons in the year the war started, declined to *** short tons in 2023, and declined in comparing interim 2024 (*** short tons) to interim 2023 (*** short tons). CR/PR at Table IV-17. These data show that, after the initial disruption in domestic and foreign markets, the Ukrainian industry is drawing down its inventories as the war progresses and its silicomanganese capacity and production decline; ongoing production challenges lead me to conclude that replenishment of Ukrainian inventory is not likely in a reasonably foreseeable time. I am also unpersuaded by product shifting arguments on this record. The declining production trends for silicomanganese are consistent with the trends for other ferroalloy products produced on the same equipment. CR/PR at Table IV-19. The general conditions affecting capacity and production in the Ukrainian industry are inconsistent with the ability to utilize product shifting to augment silicomanganese production.

[123] I recognize that silicomanganese from Ukraine is currently subject to antidumping duty orders in Mexico and, in an action initiated by Russia, in the Eurasian Economic Union, which consists of Armenia, Belarus, Kazakhstan, the Kyrgyz Republic, and Russia. CR/PR at IV-38. These measures do not alter my conclusion above regarding the likely volume of subject imports in the event of revocation. I note further that, in July 2023, South Korea terminated antidumping duties on silicomanganese after the Korea Trade Commission determined that it is "unlikely for Ukrainian ferro silico manganese dumping to recur, or incur injury on domestic industries, as Ukraine's shipments of the alloy are concentrated in Europe and normalization of Ukraine's production facilities will require much time amidst the ongoing war." CR/PR at IV-39.

[124] *See* CR/PR at II-13, II-26.

comparisons.[125] In the only comparison in the first reviews (second quarter 2000), the Ukrainian product undersold the U.S. product.[126] There were no available comparisons for subject imports from Ukraine in the second, third, fourth, or current reviews.[127]

Based on this history, which shows pre-relief and overall price overselling by subject imports from Ukraine (in contrast to China's underselling), and the circumstances currently facing the Ukrainian industry, I do not find that significant underselling is likely upon revocation of the orders. Given the significant limitations on production in Ukraine and increased costs associated with shipping, and the industry's necessary focus on proximate markets, there is no indication that the Ukrainian industry would aggressively price its exports to the United States in a manner that would undercut U.S. producers' prices, particularly having mostly oversold domestic prices in the original investigation without any price discipline.

Based on my finding above that revocation of the order on Ukraine would not likely result in significant import volume from Ukraine, the previous pricing behavior evidenced on this record, and current conditions facing the industry, the record demonstrates that subject imports from Ukraine are unlikely to undersell the domestic like product significantly, or to depress or suppress domestic like product prices to a significant degree, within a reasonably foreseeable time after revocation. I therefore find no likely significant price effects if the order on Ukraine were revoked.

C. Likely Impact

As noted in my discussion of the domestic industry's performance during the period of review, I have found that the industry is not in a vulnerable condition. I note further that ***, opposes continuation of the order on Ukraine.[128]

I have found that revocation of the order on Ukraine is unlikely to result in a significant volume of subject imports from Ukraine or significant price effects on the domestic industry after revocation. In the absence of a significant volume of imports or significant price effects, subject imports from Ukraine would not likely have a significant adverse impact on the domestic industry after revocation in a reasonably foreseeable time. Accordingly, I find that if

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[125] *Original Investigations Confidential Report* at I-97.

[126] *First Reviews*, USITC Pub. 3386 at V-4-V-5.

[127] CR/PR at V-12.

[128] *See* CR/PR at I-25-I-26 and Table I-8. Allegations of related party connections on this record are insufficient for me ***. *See* CR/PR at Tables I-8 and D-1; UkrFA Posthear. Br. at Q-30-Q-31.

the antidumping duty order were revoked, subject imports from Ukraine would not likely have a significant impact on the domestic industry within a reasonably foreseeable time.

V. Conclusion

For the above-stated reasons, I determine that revocation of the antidumping duty order on silicomanganese from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. I further determine that revocation of the antidumping duty order on silicomanganese from Ukraine 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.

Part I: Introduction

Background

On November 1, 2023, the U.S. International Trade Commission ("Commission" or "USITC") gave notice, pursuant to section 751(c) of the Tariff Act of 1930, as amended ("the Act"),[1] that it had instituted reviews to determine whether revocation of the antidumping duty orders on silicomanganese from China and Ukraine would likely lead to the continuation or recurrence of material injury to a domestic industry.[2] [3] On February 5, 2024, the Commission determined that it would conduct full reviews pursuant to section 751(c)(5) of the Act.[4] Table I-1 presents information relating to the background and schedule of this proceeding.[5]

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

[2] 88 FR 75029, November 1, 2023. All interested parties were requested to respond to this notice by submitting the information requested by the Commission.

[3] In accordance with section 751(c) of the Act, the U.S. Department of Commerce ("Commerce") published a notice of initiation of five-year reviews of the subject antidumping duty orders. 88 FR 74977, November 1, 2023.

[4] 89 FR 13375, February 22, 2024. The Commission found that both the domestic and respondent interested party group responses from Ukraine to its notice of institution were adequate and determined to conduct a full review of the order on imports from Ukraine. The Commission also found that the respondent interested party group response from China was inadequate but determined to a conduct a full review of the order on imports from China in order to promote administrative efficiency in light of its determination to conduct a full review of the order with respect to Ukraine.

[5] The Commission's notice of institution, notice to conduct full reviews, and scheduling notice are referenced in appendix A and may also be found at the Commission's web site (internet address *www.usitc.gov*). Commissioners' votes on whether to conduct expedited or full reviews may also be found at the web site. Appendix B presents the witnesses who appeared at the Commission's hearing.

Table I-1
Silicomanganese: Information relating to the background and schedule of this proceeding

Effective date	Action
October 31, 1994	Commerce's suspension of the antidumping duty investigation on silicomanganese from Ukraine (59 FR 60951, November 29, 1994)
December 22, 1994	Commerce's antidumping duty order on silicomanganese from China (59 FR 66003, December 22, 1994)
February 16, 2001	Commerce's continuation of the antidumping duty order on silicomanganese from China and the suspended antidumping duty investigation on silicomanganese from Ukraine following first five-year reviews (66 FR 10669, February 16, 2001)
September 17, 2001	Commerce's antidumping duty order on silicomanganese from Ukraine (66 FR 43838, August 21, 2001)
September 14, 2006	Commerce's continuation of the antidumping duty orders on silicomanganese from China and Ukraine following second five-year reviews (71 FR 54272, September 14, 2006)
November 8, 2012	Commerce's continuation of the antidumping duty orders on silicomanganese from China and Ukraine following third five-year reviews (77 FR 66956, November 8, 2012)
December 12, 2018	Commerce's continuation of the antidumping duty orders on silicomanganese from China and Ukraine following fourth five-year reviews (83 FR 63830, December 12, 2018)
November 1, 2023	Commission's institution of fifth five-year reviews (88 FR 75029, November 1, 2023)
November 1, 2023	Commerce's initiation of fifth five-year reviews (88 FR 74977, November 1, 2023)
February 5, 2024	Commission's determinations to conduct full five-year reviews (89 FR 13375, February 22, 2024)
March 7, 2024	Commerce's final results of expedited five-year reviews of the antidumping duty orders (89 FR 16533, March 7, 2024)
April 25, 2024	Commission's scheduling of full five-year reviews (89 FR 35240, May 1, 2024)
September 5, 2024	Commission's hearing
October 9, 2024	Commission's vote
October 28, 2024	Commission's determinations and views

The original investigations

The original investigations resulted from petitions filed on November 12, 1993, with Commerce and the Commission by Elkem Metals Co. ("Elkem"), Pittsburgh, Pennsylvania, and the Oil, Chemical and Atomic Workers Local 3-639, Belpre, Ohio, alleging that an industry in the United States is materially injured and threatened with material injury by reason of less-than-fair-value ("LTFV") imports of silicomanganese from Brazil, China, Ukraine, and Venezuela.[6] On October 31, 1994, Commerce suspended the antidumping investigation regarding imports of silicomanganese from Ukraine based on an agreement by the Government of Ukraine to restrict the volume of exports of silicomanganese 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 U.S. silicomanganese.[7] On November 7, 1994, Commerce determined that imports of silicomanganese from Brazil, China, and Venezuela were being sold at LTFV in the U.S. market.[8] On December 6, 1994, Commerce determined that imports of silicomanganese from Ukraine were being sold at LTFV in the U.S. market.[9] The Commission determined on December 14, 1994, that the domestic industry was materially injured or threatened with material injury by reason of LTFV imports of silicomanganese from Brazil, China, and Ukraine, but was not materially injured or threatened with material injury by reason of LTFV imports of silicomanganese from Venezuela.[10] Following the Commission's determinations, on December 22, 1994, Commerce issued antidumping duty orders on imports of silicomanganese from Brazil and China.[11]

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

[7] 59 FR 60951, November 29, 1994. On December 2, 1994, Commerce notified the Commission that it continued its investigation on silicomanganese from Ukraine. Accordingly, the Commission continued its investigation and made a determination regarding silicomanganese from Ukraine.

[8] 59 FR 55432, November 7, 1994; 59 FR 55435, November 7, 1994; and 59 FR 55436, November 7, 1994.

[8] 59 FR 62711, December 6, 1994.

[9] 59 FR 62711, December 6, 1994.

[10] 59 FR 65788, December 21, 1994.

[11] 59 FR 66003, December 22, 1994. Commerce did not issue an antidumping duty order on imports of silicomanganese from Ukraine at the time, as the suspension agreement was in force.

The first five-year reviews

On February 3, 2000, the Commission determined that it would conduct full reviews of the antidumping duty orders on silicomanganese from Brazil and China and the suspended investigation on silicomanganese from Ukraine.[12] On June 2, 2000, Commerce found that revocation of the antidumping duty orders on silicomanganese from Brazil and China would likely lead to continuation or recurrence of dumping[13] and, on September 27, 2000, Commerce determined that termination of the suspended antidumping investigation on silicomanganese from Ukraine would be likely to lead to continuation or recurrence of dumping.[14] On January 25, 2001, the Commission 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.[15] Following affirmative determinations in the five-year reviews by Commerce and the Commission, effective February 16, 2001, Commerce issued a continuation of the antidumping duty orders on imports of silicomanganese from Brazil and China and the suspended antidumping duty investigation on silicomanganese from Ukraine.[16]

Subsequent to the conclusion of the first five-year reviews, on July 19, 2001, the Government of Ukraine officially requested termination of the suspension agreement on exports of silicomanganese to the United States. Effective September 17, 2001, Commerce issued an antidumping duty order on imports of silicomanganese from Ukraine.[17]

The second five-year reviews

On April 10, 2006, the Commission determined that it would conduct expedited reviews of the antidumping duty orders on silicomanganese from Brazil, China, and Ukraine.[18] On May 9, 2006, Commerce 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 dumping.[19] On August 28, 2006, the Commission determined that material injury

[12] 65 FR 7891, February 16, 2000.
[13] 65 FR 35324, June 2, 2000.
[14] 65 FR 58045, September 27, 2000.
[15] 66 FR 8981, February 5, 2001.
[16] 66 FR 10669, February 16, 2001.
[17] 66 FR 43838, August 21, 2001.
[18] 71 FR 27515, May 11, 2006.
[19] 71 FR 26927, May 9, 2006.

would be likely to continue or recur within a reasonably foreseeable time.[20] Following affirmative determinations in the five-year reviews by Commerce and the Commission, effective September 14, 2006, Commerce issued a continuation of the antidumping duty orders on imports of silicomanganese from Brazil, China, and Ukraine.[21]

The third five-year reviews

On November 4, 2011, the Commission determined that it would conduct full reviews of the antidumping duty orders on silicomanganese from Brazil, China, and Ukraine.[22] On November 29, 2011, Commerce 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 dumping.[23] On October 24, 2012, the Commission determined that revocation of the antidumping duty order 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.[24] Following a negative determination in the five-year review by the Commission, effective September 14, 2011, Commerce revoked the antidumping duty order on imports of silicomanganese from Brazil.[25] Following affirmative determinations in the five-year reviews by Commerce and the Commission, effective November 8, 2012, Commerce issued a continuation of the antidumping duty orders on imports of silicomanganese from China and Ukraine.[26]

[20] 71 FR 52145, September 1, 2006.
[21] 71 FR 54272, September 14, 2006.
[22] 76 FR 72212, November 22, 2011.
[23] 76 FR 73587, November 29, 2011.
[24] 77 FR 65906, October 31, 2012.
[25] 77 FR 66799, November 8, 2012.
[26] 77 FR 66956, November 8, 2012.

The fourth five-year reviews

On January 5, 2018, the Commission determined that it would conduct full reviews of the antidumping duty orders on silicomanganese from China and Ukraine.[27] On February 8, 2018, Commerce determined that revocation of the antidumping duty orders on silicomanganese from China and Ukraine would be likely to lead to continuation or recurrence of dumping.[28] On November 30, 2018, the Commission determined that material injury would be likely to continue or recur within a reasonably foreseeable time.[29] Following affirmative determinations in the five-year reviews by Commerce and the Commission, effective December 12, 2018, Commerce issued a continuation of the antidumping duty orders on imports of silicomanganese from China and Ukraine.[30]

Previous and related investigations

The Commission has conducted previous import injury investigations on silicomanganese from Australia, India, Kazakhstan, and Venezuela, as presented in table I-2.

[27] 83 FR 24346, May 25, 2018.
[28] 83 FR 5609, February 8, 2018.
[29] 83 FR 62900, December 6, 2018.
[30] 83 FR 63830, December 12, 2018.

Table I-2
Silicomanganese: Previous and related Commission proceedings and current status

Date	Number	Country	ITC original determination	Current status
2002	731-TA-929	India	Affirmative	Order continued after third review, April 17, 2019; fourth review ongoing
2002	731-TA-930	Kazakhstan	Affirmative	Order continued after third review, April 17, 2019; fourth review ongoing
2002	731-TA-931	Venezuela	Affirmative	Order continued after third review, April 17, 2019; fourth review ongoing
2016	731-TA-1269	Australia	Negative	No order imposed

Source: U.S. International Trade Commission publications and Federal Register notices.

Note: "Date" refers to the year in which the investigation was instituted by the Commission.

Summary data

Table I-3 presents a summary of data from the original investigations, prior reviews, and the current full five-year reviews. Apparent U.S. consumption by quantity was lower in 2023 than in any of the prior terminal years. Apparent U.S. consumption by value was lower in 2023 than in 2011 and 2017, but higher than in 1993, 1999, and 2005. U.S. producers' market share by quantity and by value, however, was higher in 2023 than in any of the prior terminal years, with the exception of 2011. Similarly, U.S. producers' capacity, production, and U.S. shipments were higher in 2023 than in any of the prior terminal years, with the exception of 2011. In terms of profitability, gross profits and operating income were greater in 2023 than in any of the prior terminal years.

Table I-3
Silicomanganese: Comparative data from the original investigations and subsequent reviews, by terminal year

Quantity in short tons; value in 1,000 dollars; unit values in dollars per short ton; share in percent

Item	Measure	1993	1999	2005	2011	2017	2023
Apparent U.S. consumption	Quantity	***	***	***	***	***	***
U.S. producers market share	Share of quantity	***	***	***	***	***	***
China market share	Share of quantity	***	***	***	***	***	***
Ukraine market share	Share of quantity	***	***	***	***	***	***
Subject market share	Share of quantity	***	***	***	***	***	***
Nonsubject market share	Share of quantity	***	***	***	***	***	***
Import market share	Share of quantity	***	***	***	***	***	***
Apparent U.S. consumption	Value	***	***	***	***	***	***
U.S. producers market share	Share of value	***	***	***	***	***	***
China market share	Share of value	***	***	***	***	***	***
Ukraine market share	Share of value	***	***	***	***	***	***
Subject market share	Share of value	***	***	***	***	***	***
Nonsubject market share	Share of value	***	***	***	***	***	***
Import market share	Share of value	***	***	***	***	***	***
China	Quantity	24,092	---	---	1	---	---
China	Value	10,637	---	---	3	---	---
China	Unit value	$442	---	---	$2,196	---	---
Ukraine	Quantity	29,468	9,025	---	---	---	---
Ukraine	Value	14,253	3,317	---	---	---	---
Ukraine	Unit value	$484	$368	---	---	---	---
Subject sources	Quantity	53,560	9,025	---	1	---	---
Subject sources	Value	24,890	3,317	---	3	---	---
Subject sources	Unit value	$465	$368	---	$2,196	---	---
Nonsubject sources	Quantity	264,900	322,323	360,920	347,497	387,199	283,679
Nonsubject sources	Value	123,581	128,809	249,264	426,712	421,111	322,121
Nonsubject sources	Unit value	$467	$400	$691	$1,228	$1,088	$1,136
All import sources	Quantity	318,460	331,348	360,920	347,498	387,199	283,679
All import sources	Value	148,471	132,126	249,264	426,715	421,111	322,121
All import sources	Unit value	$466	$399	$691	$1,228	$1,088	$1,136

Table continued.

Table I-3 Continued
Silicomanganese: Comparative data from the original investigations and subsequent reviews, by terminal year

Quantity in short tons; value in 1,000 dollars; unit values in dollars per short ton; ratio in percent

Item	Measure	1993	1999	2005	2011	2017	2023
Capacity	Quantity	***	***	***	***	***	***
Production	Quantity	***	***	***	***	***	***
Capacity utilization	Ratio	***	***	***	***	***	***
Producer U.S. shipments	Quantity	***	***	***	***	***	***
Producer U.S. shipments	Value	***	***	***	***	***	***
Producer U.S. shipments	Unit value	***	***	***	***	***	***
Producer inventories	Quantity	***	***	***	***	***	***
Producer inventory ratio to total shipments	Ratio	***	***	***	***	***	***
Production workers (number)	Noted in label	***	***	***	***	***	***
Hours worked (in 1,000 hours)	Noted in label	***	***	***	***	***	***
Wages paid (1,000 dollars)	Value	***	***	***	***	***	***
Hourly wages (dollars per hour)	Value	***	***	***	***	***	***
Productivity (short tons per 1,000 hours)	Noted in label	***	***	***	***	***	***

Table continued.

Table I-3 Continued
Silicomanganese: Comparative data from the original investigations and subsequent reviews, by terminal year

Quantity in short tons; value in 1,000 dollars; unit values in dollars per short ton; ratio in percent

Item	Measure	1993	1999	2005	2011	2017	2023
Net sales	Quantity	***	***	***	***	***	***
Net sales	Value	***	***	***	***	***	***
Net sales	Unit value	***	***	***	***	***	***
Cost of goods sold	Value	***	***	***	***	***	***
Gross profit or (loss)	Value	***	***	***	***	***	***
SG&A expense	Value	***	***	***	***	***	***
Operating income or (loss)	Value	***	***	***	***	***	***
Unit COGS	Unit value	***	***	***	***	***	***
Unit operating income	Unit value	***	***	***	***	***	***
COGS/ Sales	Ratio	***	***	***	***	***	***
Operating income or (loss)/Sales	Ratio	***	***	***	***	***	***

Source: Office of Investigations memorandum INV-QQ-116 (October 22, 2018), official U.S. import statistics, and compiled from data submitted in response to Commission questionnaires.

Note: Zeroes, null values, and undefined calculations are suppressed and shown as "---". Data for 1993 represent the terminal year of the original investigations, while those from 1999 represent the terminal year of the first reviews; those from 2005 represent the terminal year of the second reviews; those from 2011 represent the terminal year of the third reviews; those from 2017 represent the terminal year of the fourth reviews; and those from 2023 represent the terminal year of the current fifth reviews.

Note: Official Commerce statistics for HTS statistical reporting number 7202.30.0000 show that there were zero imports from Ukraine during the period for which data were collected and small amounts of imports from China in 2022 (18 short tons) and 2023 (23 short tons). Based on a combination of proprietary, Census-edited Customs' import records, research, and outreach, staff believe that *** is the only firm to have entered product from China under this HTS number, which it classified as out-of-scope ***. *** importer questionnaire response, p. 1; and email from ***, July 29, 2024.

Table I-4 presents U.S. producers' U.S. shipments and U.S. imports from the current full five-year reviews. Figure I-1 presents U.S. producers' U.S. shipments and U.S. imports from the original investigations, prior reviews, and the current full five-year reviews.

Table I-4
Silicomanganese: U.S. producers' U.S. shipments and U.S. imports, by period

Quantity in short tons

Item	Measure	2018	2019	2020	2021	2022	2023
U.S. producers	Quantity	***	***	***	***	***	***
Subject sources	Quantity	---	---	---	---	---	---
Nonsubject sources	Quantity	454,125	386,791	296,331	345,147	463,003	283,679
All import sources	Quantity	454,125	386,791	296,331	345,147	463,003	283,679
All sources	Quantity	***	***	***	***	***	***

Source: Compiled from data submitted in response to Commission questionnaires and from official U.S. imports statistics of the U.S. Department of Commerce using HTS statistical reporting number 7202.30.0000, accessed August 15, 2024.

Note: As discussed in Part IV, footnote 3, U.S. imports do not include limited entries from China, which are believed to be a product other than silicomanganese.

Note: Zeroes, null values, and undefined calculations are suppressed and shown as "---".

Figure I-1
Silicomanganese: U.S. producers' U.S. shipments and U.S. imports, by source and period

* * * * * * *

Source: Office of Investigations memorandum INV-QQ-116 (October 22, 2018), official U.S. import statistics, and compiled from data submitted in response to Commission questionnaires.

Statutory criteria

Section 751(c) of the Act requires Commerce and the Commission to conduct a review no later than five years after the issuance of an antidumping or countervailing duty order or the suspension of an investigation to determine whether revocation of the order or termination of the suspended investigation "would be likely to lead to continuation or recurrence of dumping or a countervailable subsidy (as the case may be) and of material injury."

Section 752(a) of the Act provides that in making its determination of likelihood of continuation or recurrence of material injury--

> *(1) IN GENERAL.-- . . . the Commission shall determine whether revocation of an order, or termination of a suspended investigation, would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. The Commission shall consider the likely volume, price effect, and impact of imports of the subject merchandise on the industry if the order is revoked or the suspended investigation is terminated. The Commission shall take into account--*
>
> *(A) its prior injury determinations, including the volume, price effect, and impact of imports of the subject merchandise on the industry before the order was issued or the suspension agreement was accepted,*
>
> *(B) whether any improvement in the state of the industry is related to the order or the suspension agreement,*
>
> *(C) whether the industry is vulnerable to material injury if the order is revoked or the suspension agreement is terminated, and*
>
> *(D) in an antidumping proceeding . . ., (Commerce's findings) regarding duty absorption . . ..*
>
> *(2) VOLUME.--In evaluating the likely volume of imports of the subject merchandise if the order is revoked or the suspended investigation is terminated, the Commission shall consider whether the likely volume of imports of the subject merchandise would be significant if the order is revoked or the suspended investigation is terminated, either in absolute terms or relative to production or consumption in the United States. In so doing, the Commission shall consider all relevant economic factors, including--*
>
> *(A) any likely increase in production capacity or existing unused production capacity in the exporting country,*

(B) existing inventories of the subject merchandise, or likely increases in inventories,

(C) the existence of barriers to the importation of such merchandise into countries other than the United States, and

(D) 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.

(3) PRICE.--In evaluating the likely price effects of imports of the subject merchandise if the order is revoked or the suspended investigation is terminated, the Commission shall consider whether--

(A) there is likely to be significant price underselling by imports of the subject merchandise as compared to domestic like products, and

(B) imports of the subject merchandise are likely to enter the United States at prices that otherwise would have a significant depressing or suppressing effect on the price of domestic like products.

(4) IMPACT ON THE INDUSTRY.--In evaluating the likely impact of imports of the subject merchandise on the industry if the order is revoked or the suspended investigation is terminated, the Commission shall consider all relevant economic factors which are likely to have a bearing on the state of the industry in the United States, including, but not limited to–

(A) likely declines in output, sales, market share, profits, productivity, return on investments, and utilization of capacity,

(B) likely negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital, and investment, and

(C) 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.

The Commission shall evaluate all such relevant economic factors . . . within the context of the business cycle and the conditions of competition that are distinctive to the affected industry.

Section 752(a)(6) of the Act states further that in making its determination, "the Commission may consider the magnitude of the margin of dumping or the magnitude of the net countervailable subsidy. If a countervailable subsidy is involved, the Commission shall consider

information regarding the nature of the countervailable subsidy and whether the subsidy is a subsidy described in Article 3 or 6.1 of the Subsidies Agreement."

Organization of report

Information obtained during the course of the reviews that relates to the statutory criteria is presented throughout this report. A summary of trade and financial data for silicomanganese as collected in the original investigations, prior five-year reviews, and the current full five-year reviews is presented in appendix C. U.S. industry data are based on the questionnaire responses of two U.S. producers of silicomanganese that are believed to have accounted for all known domestic production of silicomanganese in 2023. U.S. import data and related information are based on Commerce's official import statistics and the questionnaire responses of 14 U.S. importers of silicomanganese that are believed to have accounted for virtually all U.S. imports of silicomanganese during 2023.[31] Foreign industry data and related information are based on the questionnaire responses of two Ukrainian producers of silicomanganese, which reported accounting for all known production of silicomanganese in Ukraine during 2023. No Chinese producer of silicomanganese supplied information or submitted a questionnaire response in this proceeding. Responses by U.S. producers, importers, purchasers, and foreign producers of silicomanganese to a series of questions concerning the significance of the existing antidumping duty orders and the likely effects of revocation of such orders are presented in appendix D.

[31] As discussed in Part IV, footnote 3, U.S. imports do not include limited entries from China, which are believed to be a product other than silicomanganese.

Commerce's reviews

Commerce has not conducted any changed circumstances reviews or scope rulings with respect to silicomanganese from China and Ukraine. In addition, Commerce has not issued any duty absorption findings, company revocations, or anti-circumvention findings with respect to silicomanganese from China and Ukraine.

Administrative reviews

Commerce has not completed any administrative reviews of the outstanding antidumping duty order on silicomanganese from China. Commerce has completed one administrative review of the outstanding antidumping duty order on silicomanganese from Ukraine.[32] [33] The results of the administrative review on silicomanganese from Ukraine are shown in table I-5.

Table I-5
Silicomanganese: Administrative reviews of the antidumping duty order for Ukraine

Date results published	Period of review	Producer or exporter	Margin (percent)
August 9, 2017 (82 FR 37197)	August 1, 2015 through July 31, 2016	PJSC Zaporozhye Ferroalloy Plant	163.00
		PJSC Nikopol Ferroalloy Plant	163.00

Source: Cited Federal Register notice.

Five-year reviews

Commerce has issued the final results of its expedited reviews with respect to both subject countries.[34] Tables I-6 and I-7 present the dumping margins calculated by Commerce in its original investigations and subsequent five-year reviews.

[32] For previously reviewed or investigated companies not included in an administrative review, the cash deposit rate continues to be the company-specific rate published for the most recent period.

[33] Commerce rescinded an administrative review of silicomanganese from Ukraine for the review period of August 1, 2014 through July 31, 2015. 81 FR 22211, April 15, 2016.

[34] 89 FR 16533, March 7, 2024.

Table I-6
Silicomanganese: Commerce's original and subsequent five-year review dumping margins for producers/exporters in China

Producer/exporter	Original margin (*percent*)	First five-year review margin (*percent*)	Second five-year review margin (*percent*)	Third five-year review margin (*percent*)	Fourth five-year review margin (*percent*)	Fifth five-year review margin (*percent*)
Country-wide	150.00	150.00	150.00	150.00	150.00	150.00

Source: 59 FR 55435, November 7, 1994; 65 FR 35324, June 2, 2000; 71 FR 26927 May 9, 2006; 76 FR 73587, November 29, 2011; 83 FR 5609, February 8, 2018; and 89 FR 16533, March 7, 2024.

Table I-7
Silicomanganese: Commerce's original and subsequent five-year review dumping margins for producers/exporters in Ukraine

Producer/exporter	Original margin (*percent*)	First five-year review margin (*percent*)	Second five-year review margin (*percent*)	Third five-year review margin (*percent*)	Fourth five-year review margin (*percent*)	Fifth five-year review margin (*percent*)
Country-wide	NA	163.00	163.00	163.00	163.00	163.00

Source: 65 FR 58045, September 27, 2000; 71 FR 26927 May 9, 2006; 76 FR 73587, November 29, 2011; 83 FR 5609, February 8, 2018; and 89 FR 16533, March 7, 2024.

Note: Commerce suspended the antidumping duty investigation regarding silicomanganese imports from Ukraine effective October 31, 1994, based on an agreement by the Government of Ukraine to restrict the 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 U.S. silicomanganese. 59 FR 60951, November 29, 1994. On September 27, 2000, Commerce found that termination of the suspended antidumping duty investigation would be likely to lead to continuation or recurrence of dumping. 65 FR 58045, September 27, 2000.

The subject merchandise

Commerce's scope

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

> *The product covered by the orders is silicomanganese. Silicomanganese, which is sometimes called ferrosilicon manganese, is a ferroalloy composed principally of manganese, silicon, and iron, and normally contains much smaller proportions of minor elements, such as carbon, phosphorus, and sulfur. 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 phosphorus. All compositions, forms, and sizes of silicomanganese are included within the scope of these orders, including silicomanganese slag, fines, and briquettes. Silicomanganese is used primarily in steel production as a source of both silicon and manganese.*[35]

Tariff treatment

Silicomanganese is currently provided for in Harmonized Tariff Schedule of the United States ("HTS") subheading 7202.30.00 (ferrosilicon manganese).[36] The general rate of duty is 3.9 percent ad valorem for HTS subheading 7202.30.00.[37] Decisions on the tariff classification and treatment of imported goods are within the authority of U.S. Customs and Border Protection.

[35] Commerce's Issues and Decision Memorandum for the Final Results of the Expedited Fifth Sunset Reviews of the Antidumping Duty Orders on Silicomanganese from the People's Republic of China and Ukraine, February 29, 2024, p. 2.

[36] USITC, HTS (2024) Revision 5, Publication 5525, July 2024, p. 72-9.

[37] Commerce's scope noted that silicomanganese may also be imported under HTS statistical reporting number 7202.99.5040 (a basket category for other ferroalloys). HTS 7202.99.8040 superseded HTS 7202.99.5040 in July 2003. Presidential Proclamation 7689: To Modify Duty-Free Treatment under the Generalized System of Preferences, June 30, 2003. Prior to 2021, silicomanganese imported from Ukraine was eligible to enter the United States at a column 1-special duty rate of "Free," as Ukraine was an eligible beneficiary country for the Generalized System of Preferences ("GSP") Program. Legal authorization for duty-free treatment under the GSP Program expired on January 1, 2021. As a result, U.S. imports entering the United States that were eligible for duty-free treatment under GSP up to December 31, 2020, are now subject to regular, Normal Trade Relations (NTR) rates of duty. USITC, HTS (2024) Revision 5, Publication 5525, July 2024, p. 72-9 and General Note 4, p. 1; Office of the United States Trade Representative ("USTR"), "Generalized System of Preferences (GSP) Program Information: 2021 Expiration," January 2021, https://ustr.gov/sites/default/files/gsp/GSPexpiration2021.pdf.

Effective September 24, 2018, silicomanganese originating in China became subject to an additional 10 percent ad valorem duty under section 301 of the Trade Act of 1974.[38] Effective May 10, 2019, this was increased to an additional 25 percent ad valorem duty under Section 301 of the Trade Act of 1974.[39]

Effective April 9, 2022, the United States suspended Normal Trade Relations (NTR) with nonsubject countries Russia and Belarus, and imports from those countries were subject to the column 2 duty rates of the HTS.[40] Silicomanganese imported from Russia and Belarus under HTS subheading 7202.30.00 was subject to a column 2 duty rate of 23 percent ad valorem.[41] Effective July 28, 2022, silicomanganese imported from Russia became subject to an increased column 2 duty rate of 35 percent ad valorem.[42] Effective April 1, 2023, silicomanganese imported from Russia is subject to an increased column 2 duty rate of 70 percent ad valorem.[43]

[38] 83 FR 47974, September 21, 2018. See also HTS heading 9903.88.03 and U.S. notes 20(e) and 20(f) to Subchapter III of Chapter 99 and related tariff provisions for this duty treatment. USITC, HTS (2024) Revision 5, Publication 5525, July 2024, pp. 99-III-28 – 99-III-29, 99-III-47, 99-III-311.

[39] 84 FR 20459, May 9, 2019. See also HTS heading 9903.88.03 and U.S. notes 20(e) and 20(f) to Subchapter III of Chapter 99 and related tariff provisions for this duty treatment. USITC, HTS (2024) Revision 5, Publication 5525, July 2024, pp. 99-III-28 – 99-III-29, 99-III-47, 99-III-311. Certain products exported from China before May 10, 2019, that entered into the United States before June 15, 2019, were excluded from the 25 percent ad valorem duty increase. 84 FR 26930, June 10, 2019.

[40] An Act to Suspend Normal Trade Relations Treatment for the Russian Federation and the Republic of Belarus, and for Other Purposes (Suspending Normal Trade Relations with Russia and Belarus Act), Pub. L. No. 117-110, 136 Stat. 1159 (April 8, 2022).

[41] USITC, HTS (2022) Revision 4, Publication 5318, April 2022, p. 72-9.

[42] Presidential Proclamation 10420: Increasing Duties on Certain Articles from the Russian Federation, June 27, 2022; 87 FR 38875, June 30, 2022. See also HTS heading 9903.90.08 and U.S. notes 30(a) and 30(b) to Subchapter III of Chapter 99 for this duty treatment. USITC, HTSUS (2022) Revision 8, Publication 5345, July 2022, pp. 99-III-247 – 99-III-251, 99-III-303.

[43] Presidential Proclamation 10523: Increasing Duties on Certain Articles from the Russian Federation, February 24, 2023; 88 FR 13277, March 2, 2023. See also HTS heading 9903.90.09 and U.S. notes 30(c) and 30(d) to Subchapter III of Chapter 99 for this duty treatment. USITC, HTSUS (2024) Revision 5, Publication 5525, July 2024, pp. 99-III-267 – 99-III-268, 99-III-324.

The product

Description and applications[44]

Silicomanganese (also known as ferrosilicomanganese or ferrosilicon manganese), is a silvery metallic ferroalloy,[45] 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 conform with ASTM International (formerly known as American Society for Testing and Materials) specification A483, in one of three grades, designated "A," "B," and "C," that differ by their silicon and carbon contents.[46] Most silicomanganese produced and sold in the United States conforms to the specification for grade B. Silicomanganese is sold in small pieces of relatively uniform sizes. A typical screening-size range for silicomanganese lumps is from 3 inches to ¼ inch.[47]

There are also forms of silicomanganese that do not conform to the chemical requirements of the ASTM grades mentioned above, such as silicomanganese containing higher

[44] Unless otherwise noted, this information is based on Silicomanganese from China and Ukraine, Inv. Nos. 731-TA-672-673 (Fourth Review), USITC Publication 4845, November 2018 ("Fourth review publication"), pp. I-16–I-18.

[45] 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.

[46] 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.

See ASTM Designation A483/A483M-10 (reapproved 2015), Standard Specification for Silicomanganese, table 1 (Chemical Requirements) and table 2 (Supplemental Chemical Requirements). 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.

[47] The dimensions establish the top and bottom values in a range that is tolerable for the silicomanganese lump rather than a physical measurement of the lump itself. The values refer to the diameters of the openings in the standard screens or sieves that are used to size silicomanganese. The first number (above, 3 inches) refers to the screen through which the material must pass, and the second number (¼ inch) 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 crumbles easily 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).

levels of phosphorus.[48] The typical level of phosphorus contained in standard grade silicomanganese is 0.20 percent phosphorus or less. Certain silicomanganese products sold in the U.S. market are referred to as "high phosphorus" because they have higher levels of phosphorus and also higher levels of contained manganese than standard grade silicomanganese.[49] Testimony at the Commission's hearing indicated that Ukraine and Georgia are the leading producers of high-phosphorus silicomanganese with certain other countries also producing it in smaller quantities.[50] According to the domestic interested party, Georgian silicomanganese is similar to the Ukrainian material in terms of phosphorus content, ranging between 0.25 and 0.30 percent. [51] For example, one Georgian producer 's website lists silicomanganese products for sale with phosphorus levels ranging from of 0.15 to 0.35 percent.[52] According to Ukrainian respondent the Ukrainian Association of Ferroalloys ("UkrFA"),[53] silicomanganese produced in Ukraine has a higher phosphorus content than silicomanganese produced in the United States owing to the manganese ore sourced from Ukrainian mines.[54] The Ukrainian indigenous manganese ore has a higher phosphorus content than manganese ore in other countries.[55]

UkrFA contends that the high phosphorus silicomanganese its members produce is a "niche product" with a more limited customer base because the high phosphorus content is

[48] There is also a low-carbon form of silicomanganese containing approximately 60 percent manganese, 30 percent silicon, and less than 0.10 percent carbon that is used principally to produce stainless steel.

[49] There is some correlation between higher phosphorus and manganese levels, so products referred to as "high phosphorus" silicomanganese also typically contain more manganese than the ASTM standard grades. Hearing transcript, pp. 23 and 53 (Rochussen).

[50] The Ukrainian respondents contend that silicomanganese from Georgia contains less phosphorus than the material produced in Ukraine. They contend that Georgian silicomanganese is considered "middle phosphorus" and marketed as "close to standard grade" while the Ukrainian material is not close to standard grade. "Hearing transcript, p. 162 (Kravchenko); pp. 163-164 (Lee).

[51] Hearing transcript, p. 71 (Rochussen).

[52] Chiaturmanganum Georgia LLC, Products: Silicomanganese, https://chmg.ge/fesimn/, retrieved September 13, 2024.

[53] UkrFA is a Ukrainian trade association, a majority of whose members manufacture, produce, or wholesale silicomanganese. UkrFA's members include NFP and ZFP.

[54] The chemical composition of manganese ore is essentially passed through to the final silicomanganese product and ore from different countries can have different chemical compositions. Hence, phosphorus levels in ore can vary between different countries. Hearing transcript, pp. 83-84 (Rochussen).

[55] UkrFA stated that the Russian invasion of Ukraine reduced Ukrainian silicomanganese producers' access to ports due to closures or blockades. This limited their ability to import low-phosphorus manganese from suppliers in Ghana, Gabon, or Australia. UkrFA's response to the notice of institution, December 1, 2023, p. 12.

considered problematic to some steel producers.[56] Phosphorus is generally undesirable in steel as it can make steel brittle, further affecting toughness and ductility.[57] The domestic interested party stated at the hearing that certain steel producers, particularly those that make long products such as steel concrete reinforcing bar (rebar), are able to use high phosphorus silicomanganese (containing up to 0.40 phosphorus) in their products.[58] Furthermore, the domestic interested party pointed out that blending of high phosphorus silicomanganese with standard grade products sometimes takes place in order to reduce the overall level of phosphorus content.[59] This blending can occur at a foreign producer's site prior to export, at an importer's or trader's warehouse, or at a steel mill prior to use.[60]

Silicomanganese is consumed in bulk form principally 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 desulfurizer and deoxidizer. By removing sulfur (like phosphorus, an impurity that causes brittleness and cracking), 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

[56] UkrFA's response to the notice of institution, December 1, 2023, pp. 4, 11–12.

[57] Steel with a high phosphorus content cools too quickly during production and becomes extremely brittle at a low temperatures which further affects the toughness and ductility of the steel. Hearing transcript, p. 133 (Oleksandr); Mitra SK Mineral, Alloy & Metal Inspection, "Phosphorus- The Undesirable Element in Steel Making, February 28, 2023, https://www.linkedin.com/pulse/phosphorus-undesirable-element-steel-making-mskfa/; Mitra SK Mineral, Alloy & Metal Inspection, "Phosphorus-Tracing the 'Devil's Element' in Ferro Alloys," March 7, 2022, https://www.linkedin.com/pulse/phosphorus-tracing-devils-element-ferro-alloys-mskfa/?trackingId=jYb0m0u9h49Y62luOKpFIg%3D%3D.

[58] Hearing transcript, p. 57 (Rochussen); pp. 71-72 (Levy).

[59] Hearing transcript, p. 58 (Rochussen).

[60] Eramet contends that there is potential demand for high-phosphorus silicomanganese in the United States from certain customers, such as rebar producers that can use it in steel production and from others that can blend it with lower phosphorus silicomanganese. Furthermore, they contend that several traders can blend high-phosphorus silicomanganese with other types of silicomanganese to achieve lower phosphorus levels. UkrFA contends that there is little evidence U.S. steel producers use high phosphorus silicomanganese and there is little incentive for them to risk using it instead of a standard grade product. Furthermore, UkrFA contends that traders are unlikely to risk selling blended products that might contain higher levels of phosphorus than standard grades to their customers. Hearing transcript, pp. 58, 73-74 (Rochussen); Eramet's posthearing brief, pp. II-3, II-8–II-9; UkrFA's posthearing brief, pp. 11-12.

strength of hot-rolled steel mill products, and enhances the toughness, corrosion resistance, and magnetic and electrical properties of certain steel mill products.

The 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 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 (e.g., rebar) 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.[61] Silicomanganese accounts for only a small share of the total production cost for steel mill products. Most steel contains from 0.2 percent to 2 percent manganese, depending on the grade of the steel.

Manufacturing processes[62]

Silicomanganese is produced by smelting together, in a submerged arc furnace, sources of silicon, manganese, iron, and a carbonaceous reducing agent, usually coal and coke. The principal sources of manganese are manganese ore and ferromanganese slag (which is a byproduct of ferromanganese production).[63] The source of silicon is natural quartz (river gravel) or dross, which is purchased from ferrosilicon producers.[64] The raw materials are combined in a "charge" (which may also include wood chips, dolomite, and a fluxing agent) and introduced into a submerged arc 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 Celsius. Impurities from the ore or other manganese

[61] The use of silicomanganese adds less carbon to the steel than an equivalent "basket" of standard ferrosilicon and high-carbon ferromanganese. Eramet, "The Different Alloys: Silicomanganese," https://www.eramet.com/en/activities/manganese/manganese-alloys/, retrieved January 3, 2024.

[62] Unless otherwise noted, this information is based on fourth review publication, pp. I-18–I-20.

[63] 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 can purchase different grades of ore and mix them to achieve the desired manganese content level for the furnace. All ore used for silicomanganese production is imported because there is no U.S. production of manganese ore.

[64] Silicon dross is a byproduct 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.

sources are released and form slag which floats on top of the molten silicomanganese and rises to the top of the furnace.[65]

Following smelting, the molten silicomanganese and slag are removed ("tapped") from the furnace. Impurities that rose to the top are poured off into a series of cascading slag pots until the remaining manganese product has been separated from the slag.[66] The molten silicomanganese is then 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.

Silicomanganese is manufactured in the same or similar facilities as those used to produce high-carbon ferromanganese, although switching between different grades of silicomanganese or from silicomanganese to ferromanganese involves opportunity costs in terms of lost production, reduced productivity, and 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.

[65] Manganese ore normally contains elements that cannot be removed in the mining and processing stages. One noteworthy impurity considered important is phosphorus due to strict requirements with respect to this element in silicomanganese. Iron, phosphorus, and arsenic are reduced more easily than manganese and will consequently go first into the metal when processed. Their content in the final alloy must therefore be controlled by selection of ores. S.E. Olsen and M. Tangstad, "Silicomanganese Production Process Understanding," https://www.pyrometallurgy.co.za/InfaconX/012.pdf, retrieved August 6, 2024.

[66] Eramet Marietta, "Refining, Cooling & Stacking," https://marietta.eramet.com/eramet/activities/production-process/refining-cooling-stacking/, retrieved January 3, 2024.

Domestic like product issues

In its original determinations and all subsequent reviews, the Commission defined the domestic like product as all silicomanganese, coextensive with Commerce's scope.[67] In its notice of institution in these current five-year reviews, the Commission solicited comments from interested parties regarding the appropriate domestic like product and domestic industry.[68] Domestic interested party Eramet Marietta, Inc. ("Eramet") commented that it agreed with the definition of the domestic like product that was adopted in the Commission's original determinations and prior review determinations.[69] Respondent interested party UkrFA took no position on the definition of the domestic like product, but reserved the right to address the issue during these current five-year reviews.[70] No party requested that the Commission collect data concerning other possible domestic like products in their comments on the Commission's draft questionnaires.[71]

[67] Original publication, p. I-7; Silicomanganese from Brazil, China, and Ukraine, Inv. Nos. 731-TA-671–673 (Review), USITC Publication 3386, January 2001 ("First review publication"), p. 5; Silicomanganese from Brazil, China, and Ukraine, Investigation Nos. 731-TA-671-673 (Second Review), USITC Publication 3879, August 2006 ("Second review publication"), p. 5; Silicomanganese from Brazil, China, and Ukraine, Inv. Nos. 731-TA-671-673 (Third Review), USITC Publication 4354, October 2012 ("Third review publication"), p. 6; Fourth review publication, p. 7.

[68] 88 FR 75029, November 1, 2023.

[69] Eramet's prehearing brief, pp. 6-7.

[70] Respondent interested party's response to the notice of institution, December 1, 2023, p. 12.

[71] See generally respondent interested party's comments on draft questionnaires, May 24, 2024. Domestic interested party Eramet did not provide comments on the draft questionnaires.

U.S. market participants

U.S. producers

During the final phase of the original investigations, the Commission received a U.S. producer questionnaire from one firm, Elkem, which accounted for all production of silicomanganese in the United States during 1993.[72] During the first five-year reviews, the Commission received a U.S. producer questionnaire from one firm, Eramet, which accounted for all production of silicomanganese in the United States during 1999.[73] During the second five-year reviews, the domestic interested party, Eramet, indicated that it was the only operating U.S. producer of silicomanganese at that time and accounted for virtually all production of silicomanganese in the United States during 2005.[74] During the third five-year reviews, the Commission received U.S. producer questionnaires from two firms, Eramet and Felman, which accounted for all production of silicomanganese in the United States during 2011.[75] During the fourth five-year reviews, the Commission received U.S. producer questionnaires from two firms, Eramet and Felman, which accounted for all known production of silicomanganese in the United States during 2017.[76]

In the current fifth five-year reviews, the Commission issued U.S. producers' questionnaires to two firms, Eramet and Felman, and both firms provided the Commission with information on their silicomanganese operations. These firms are believed to account for all known U.S. production of silicomanganese in 2023. Table I-8 presents a list of current domestic producers of silicomanganese and each firm's position on continuation of the orders, production locations, and share of reported production of silicomanganese in 2023. Eramet *** the continuation of the antidumping duty orders on silicomanganese from China and Ukraine. Felman *** the continuation of the antidumping duty order on silicomanganese

[72] Original publication, p. II-12.

[73] In July 1999, Eramet SA of France purchased Elkem's silicomanganese production facility in Marietta, Ohio and created the U.S. company Eramet. First review publication, pp. I-11, III-1.

[74] Eramet added, however, that two companies, Globe Metallurgical Inc. and Highlanders Alloys, LLC ("Highlanders"), had attempted to start up production of silicomanganese in the United States but had been unsuccessful due to the decline in market prices for silicomanganese. Second review publication, pp. I-17-I-18.

[75] In January 2006, Felman purchased the silicomanganese assets out of Highlanders' bankruptcy proceedings and ***. Third review publication, p. I-19; Investigation Nos. 731-TA-671-673 (Third Review): Silicomanganese from Brazil, China, and Ukraine, Confidential Report, INV-KK-095, September 26, 2012, pp. I-22-I-23.

[76] Fourth review publication, pp. I-21, III-1.

from *** and *** the continuation of the antidumping duty order on silicomanganese from ***.[77]

Table I-8
Silicomanganese: U.S. producers, positions on orders, U.S. production locations, and shares of reported U.S. production, 2023

Share in percent

Firm	Position on continuation of orders	Production location(s)	Share of production
Eramet	***	Marietta, OH	***
Felman	***	Letart, WV	***
All firms	Various	Various	100.0

Source: Compiled from data submitted in response to Commission questionnaires.

Table I-9 presents U.S. producers' reported related firms that are engaged in the production of silicomanganese or engaged in importing/exporting silicomanganese. The domestic interested party asserts that ***.[78] The respondent interested party contested this, stating that ***.[79]

Table I-9
Silicomanganese: U.S. producers' ownership, related and/or affiliated firms

Reporting firm	Relationship type and related firm	Details of relationship
***	***	***
***	***	***
***	***	***
***	***	***
***	***	***
***	***	***
***	***	***

Source: Compiled from data submitted in response to Commission questionnaires.

[77] In its prehearing brief, the domestic interested party included a letter from the United Steelworkers, which represents workers at Eramet and Felman, expressing support for the continuation of the antidumping duty orders on silicomanganese from China and Ukraine. Eramet's prehearing brief, exh. 14.

[78] Eramet's prehearing brief, pp. 9-13.

[79] UkrFA's posthearing brief, pp. Q-30-Q-31.

U.S. importers

During the final phase of the original investigations, the Commission received U.S. importer questionnaires from 21 firms, which accounted for the vast majority of total U.S. imports of silicomanganese during the period January 1991 through June 1994.[80] During the first five-year reviews, the Commission received U.S. importer questionnaires from four firms, which accounted for *** percent of U.S. imports of silicomanganese from Ukraine during 1999.[81] Although the Commission did not receive responses from any respondent interested parties during the second five-year reviews, the domestic interested party indicated in its response to the Commission's notice of institution that it did not know of any currently operating U.S. importers of the subject merchandise.[82] During the third five-year reviews, the Commission received U.S. importer questionnaires from 10 firms, which accounted for 98.2 percent of total U.S. imports of silicomanganese during 2006-11.[83] During the fourth five-year reviews, the Commission received U.S. importer questionnaires from 18 firms, which accounted for more than 95 percent of total U.S. imports of silicomanganese during 2017.[84]

In the current fifth five-year reviews, the Commission issued U.S. importer questionnaires to 31 potential importers of silicomanganese, as well as to all U.S. producers of silicomanganese. Usable questionnaire responses were received from 14 firms, representing virtually all U.S. imports of silicomanganese in 2023. There were no reported imports of silicomanganese from subject sources during the period for which data were collected. Table I-10 lists all responding U.S. importers of silicomanganese, their locations, and their shares of U.S. imports in 2023.

[80] Original publication, p. II-13.

[81] Investigation Nos. 731-TA-671-673 (Review): Silicomanganese from Brazil, China, and Ukraine, Confidential Report, INV-X-256, December 20, 2000, pp. I-15, IV-2. There were no reported U.S. imports of silicomanganese from China during that review period. First review publication, p. I-11.

[82] Second review publication, p. I-20.

[83] Third review publication, p. IV-1.

[84] Fourth review publication, p. IV-1.

Table I-10
Silicomanganese: U.S. importers, their headquarters, and share of imports within each source, 2023

Share in percent

Firm	Headquarters	China	Ukraine	Subject sources	Nonsubject sources	All import sources
Asia Minerals	Pittsburgh, PA	***	***	***	***	***
CCMA	Getzville, NY	***	***	***	***	***
Chiaturmanganum	Terjola Region, Georgia	***	***	***	***	***
DCM Alloys	Fuerstenfeld, Austria	***	***	***	***	***
DJJ	Cincinnati, OH	***	***	***	***	***
Eramet	Marietta, OH	***	***	***	***	***
Ferroglobe	Waterford, OH	***	***	***	***	***
Felman Trading Americas	Miami, FL	***	***	***	***	***
Glencore	New York, NY	***	***	***	***	***
Minerais	Somerville, NJ	***	***	***	***	***
ProFound Alloys	Canonsburg, PA	***	***	***	***	***
Stena Metal	Southport, CT	***	***	***	***	***
Traxys North America	New York, NY	***	***	***	***	***
Universal Alloys	Miami, FL	***	***	***	***	***
All firms	Various	***	***	***	***	100.0

Source: Compiled from data submitted in response to Commission questionnaires.

Note: Zeroes, null values, and undefined calculations are suppressed and shown as "---".

U.S. purchasers

The Commission received 10 usable questionnaire responses from firms that have purchased silicomanganese since January 2018. Eight responding purchasers are steel-producing end users, one is a distributor, and one is both. Of the eight responding purchasers of silicomanganese in 2023, four purchased the domestic product, zero purchased imports of the subject merchandise from China or Ukraine, and all eight purchased imports of silicomanganese from other sources. In general, most responding U.S. purchasers were located in the Midwest. Large purchasers of silicomanganese include ***.

Apparent U.S. consumption and market shares

Quantity

Table I-11 and figure I-2 present data on apparent U.S. consumption and U.S. market shares by quantity for silicomanganese. Apparent U.S. consumption based on quantity increased by *** percent from 2021 to 2022 then decreased by *** percent from 2022 to 2023, decreasing overall by *** percent from 2021 to 2023. Apparent U.S. consumption by quantity was *** percent lower in January-March 2024 than in January-March 2023. U.S. producers' market share based on quantity increased by *** percentage points from 2021 to 2023 but was *** percentage points lower in January-March 2024 than in January-March 2023. Conversely, nonsubject import market share decreased by *** percentage points during 2021-23 but was *** percentage points higher in January-March 2024 than in January-March 2023.

Table I-11
Silicomanganese: Apparent U.S. consumption and market shares based on quantity, by source and period

Quantity in short tons; share in percent

Source	Measure	2021	2022	2023	Jan-Mar 2023	Jan-Mar 2024
U.S. producers	Quantity	***	***	***	***	***
China	Quantity	---	---	---	---	---
Ukraine	Quantity	---	---	---	---	---
Subject sources	Quantity	---	---	---	---	---
Nonsubject sources	Quantity	345,147	463,003	283,679	88,202	91,200
All import sources	Quantity	345,147	463,003	283,679	88,202	91,200
All sources	Quantity	***	***	***	***	***
U.S. producers	Share of quantity	***	***	***	***	***
China	Share of quantity	---	---	---	---	---
Ukraine	Share of quantity	---	---	---	---	---
Subject sources	Share of quantity	---	---	---	---	---
Nonsubject sources	Share of quantity	***	***	***	***	***
All import sources	Share of quantity	***	***	***	***	***
All sources	Share of quantity	100.0	100.0	100.0	100.0	100.0

Source: Compiled from data submitted in response to Commission questionnaires and from official U.S. imports statistics of the U.S. Department of Commerce using HTS statistical reporting number 7202.30.0000, accessed August 15, 2024.

Note: As discussed in Part IV, footnote 3, U.S. imports do not include limited entries from China, which are believed to be a product other than silicomanganese.

Note: Zeroes, null values, and undefined calculations are suppressed and shown as "---".

Figure I-2
Silicomanganese: Apparent U.S. consumption based on quantity, by source and period

* * * * * * *

Source: Compiled from data submitted in response to Commission questionnaires and from official U.S. imports statistics of the U.S. Department of Commerce using HTS statistical reporting number 7202.30.0000, accessed August 15, 2024.

Value

Table I-12 and figure I-3 present data on apparent U.S. consumption and U.S. market shares by value for silicomanganese. Apparent U.S. consumption based on value increased by *** percent from 2021 to 2022 then decreased by *** percent from 2022 to 2023, decreasing overall by *** percent from 2021 to 2023. Apparent U.S. consumption was *** percent lower in January-March 2024 than in January-March 2023. U.S. producers' market share based on value increased by *** percentage points from 2021 to 2023 but was *** percentage points lower in January-March 2024 than in January-March 2023. Conversely, nonsubject import market share decreased by *** percentage points from 2021 to 2023 but was *** percentage points higher in January-March 2024 than in January-March 2023.

Table I-12
Silicomanganese: Apparent U.S. consumption and market shares based on value, by source and period

Value in 1,000 dollars; share in percent

Source	Measure	2021	2022	2023	Jan-Mar 2023	Jan-Mar 2024
U.S. producers	Value	***	***	***	***	***
China	Value	---	---	---	---	---
Ukraine	Value	---	---	---	---	---
Subject sources	Value	---	---	---	---	---
Nonsubject sources	Value	458,078	819,971	322,121	106,089	86,861
All import sources	Value	458,078	819,971	322,121	106,089	86,861
All sources	Value	***	***	***	***	***
U.S. producers	Share of value	***	***	***	***	***
China	Share of value	---	---	---	---	---
Ukraine	Share of value	---	---	---	---	---
Subject sources	Share of value	---	---	---	---	---
Nonsubject sources	Share of value	***	***	***	***	***
All import sources	Share of value	***	***	***	***	***
All sources	Share of value	100.0	100.0	100.0	100.0	100.0

Source: Compiled from data submitted in response to Commission questionnaires and from official U.S. imports statistics of the U.S. Department of Commerce using HTS statistical reporting number 7202.30.0000, accessed August 15, 2024.

Note: As discussed in Part IV, footnote 3, U.S. imports do not include limited entries from China, which are believed to be a product other than silicomanganese.

Note: Zeroes, null values, and undefined calculations are suppressed and shown as “---”.

Figure I-3
Silicomanganese: Apparent U.S. consumption based on value, by source and period

* * * * * * *

Source: Compiled from data submitted in response to Commission questionnaires and from official U.S. imports statistics of the U.S. Department of Commerce using HTS statistical reporting number 7202.30.0000, accessed August 15, 2024.

Part II: Conditions of competition in the U.S. market

U.S. market characteristics

Silicomanganese is used by steel producers as a source of manganese and silicon for a variety of steel products including coils, bars, and rods generally used in the construction and infrastructure industries.[1] Silicomanganese is a commodity-like product most often produced to order and sold under annual or long-term contracts to steel producers and distributors.

As discussed in Part I, there are three grades of silicomanganese identified by ASTM (grades A, B, and C) determined by the levels of manganese, silicon, carbon, phosphorus, and sulfur contained in the silicomanganese, as well as high-phosphorus/manganese and low-carbon variants of silicomanganese. U.S. producers, importers, and foreign producers reported no changes in silicomanganese product mix or marketing since January 1, 2018.

The U.S. market is supplied by two U.S. producers of silicomanganese, Eramet and Felman,[2] and more than a dozen importers. Imports from nonsubject countries are the largest source of supply in the U.S. market (representing *** percent of apparent U.S. consumption and 100.0 percent of total imports in 2023), and the largest nonsubject sources from 2021 to 2023 were Georgia, South Africa, and Australia. Purchasers have not acquired product from China or Ukraine since January 1, 2018.

*** U.S. producers, 6 of 13 responding importers,[3] and 1 of 10 purchasers indicated that the market was subject to distinctive conditions of competition. Specifically, *** stated, "Negotiated contract prices typically account for published prices reported in the spot market." As a result, relatively low volumes of low-priced imports sold into the spot market can have an impact on contract prices for significantly larger sales volumes. Importer *** noted that the silicomanganese market can be subject to supply and demand fundamentals of the manganese market and the startup or shutdown of silicomanganese-producing facilities.

Apparent U.S. consumption of silicomanganese has fluctuated since 2021. It increased by *** percent in 2022 but decreased by *** percent in 2023 for an overall decline of

[1] Fourth review publication, p. V-1.

[2] U.S. producer *** produces silicomanganese under *** and imports silicomanganese and sells to customers through ***, a related trading company. For the purposes of these reviews, staff combined responses from both entities and refers to responses as ***.

[3] Tabulations of responses from importers include both U.S. producers, which also are importers of silicomanganese.

*** percent. It was also *** percent lower in interim (January to March) 2024 than in interim 2023.

U.S. purchasers

The Commission received 10 usable questionnaire responses from firms that had purchased silicomanganese during January 2018 to March 2024.[4] Nine purchasers identified themselves as steel producers, and two as distributors (***). *** are domestic producers of rebar and ***. The largest responding purchasers of silicomanganese in 2023 were ***.

Impact of the war in Ukraine

Firms were asked to evaluate the impact of the war in Ukraine, which started in February 2022, on the silicomanganese market. Both U.S. producers, six importers, four purchasers, and one foreign producer described the impact of the war on this market. Responses are provided in table II-1. One U.S. producer, one importer, and two foreign producers also reported what they anticipate the impact will be for the silicomanganese market. Those responses are provided in table II-2. Respondent interested party UkrFA noted several impacts of the war in Ukraine on production of silicomanganese by both foreign producers, including impact on production and exportation of silicomanganese.[5]

Table II-1
Silicomanganese: Firms' responses regarding the impact of the war in Ukraine since February 2022, by firm type

Firm	Firm type	Narrative on impact of the war in Ukraine
***	U.S. producer/ importer	***.
***	U.S. producer/ importer	***.
***	Importer	***.

Table continued on next page.

[4] The following firms provided purchaser questionnaire responses: ***.
[5] UkrFA's posthearing brief, Responses to Commissioner questions, pp. Q-1 to Q-18.

Table II-1 - Continued
Silicomanganese: Firms' responses regarding the impact of the war in Ukraine since February 2022, by firm type

Firm	Firm type	Narrative on impact of the war in Ukraine
***	Importer	***.
***	Importer/purchaser	***.
***	Importer	***.
***	Purchaser	***.
***	Purchaser	***.
***	Purchaser	***.
***	Foreign producer	***.

Source: Compiled from data submitted in response to Commission questionnaires.

Table II-2
Silicomanganese: Firms' responses regarding anticipated changes/impacts of the war in Ukraine, by firm type

Firm	Firm type	Narrative on anticipated changes/impacts of the war in Ukraine
***	U.S. producer/ importer	***.
***	Importer	***.
***	Foreign producer	***.
***	Foreign producer	***.

Source: Compiled from data submitted in response to Commission questionnaires.

Impact of section 301 tariffs

*** U.S. producers, 5 of 7 responding importers, 2 of 3 responding purchasers, and *** foreign producers reported that the section 301 tariffs had no impact on the silicomanganese market in the United States (table II-3). While *** stated the impact was negligible, *** reported that the tariffs led to a lower volume of imports, in turn leading to a stable market price and more nonsubject imports.[6] *** reported increased cost and decreased supply. *** foreign producer noted that there was an impact.

Table II-3
Silicomanganese: Firms' responses regarding the impact of section 301 tariffs, by firm type

	Yes	No	Don't know
U.S. producers	***	***	***
Importers	2	5	4
Purchasers	1	2	7
Foreign producers	***	***	***

Source: Compiled from data submitted in response to Commission questionnaires.

Channels of distribution

U.S. producers sold *** to steel producers, while importers of silicomanganese from nonsubject sources sold mainly to steel producers and secondarily to distributors and other end users as shown in table II-4.

[6] As noted in Part I, the antidumping duty order predates section 301 tariffs, which were first enacted in 2018.

Table II-4
Silicomanganese: Share of U.S. shipments by source, channel of distribution, and period

Shares in percent

Source	Channel	2021	2022	2023	Jan-Jun 2023	Jan-Jun 2024
United States	Distributor	***	***	***	***	***
United States	Steel producers	***	***	***	***	***
United States	Other end users	***	***	***	***	***
China	Distributor	---	---	---	---	---
China	Steel producers	---	---	---	---	---
China	Other end users	---	---	---	---	---
Ukraine	Distributor	---	---	---	---	---
Ukraine	Steel producers	---	---	---	---	---
Ukraine	Other end users	---	---	---	---	---
Nonsubject sources	Distributor	***	***	***	***	***
Nonsubject sources	Steel producers	***	***	***	***	***
Nonsubject sources	Other end users	***	***	***	***	***

Source: Compiled from data submitted in response to Commission questionnaires.

Geographic distribution

U.S. producers reported selling silicomanganese to all regions in the contiguous United States (table II-5). There have been no importers of subject product from China or Ukraine since January 1, 2018. For U.S. producers, *** percent of sales were within 100 miles of their production facility, *** percent were between 101 and 1,000 miles, and *** percent were over 1,000 miles.

Table II-5
Silicomanganese: Count of U.S. producers' geographic markets

Region	U.S. producers
Northeast	***
Midwest	***
Southeast	***
Central Southwest	***
Mountain	***
Pacific Coast	***
Other	***
All regions (except Other)	***
Reporting firms	***

Source: Compiled from data submitted in response to Commission questionnaires.

Note: Other U.S. markets include AK, HI, PR, and VI.

Supply and demand considerations

U.S. supply

Table II-6 provides a summary of the supply factors regarding silicomanganese from U.S. producers and from subject countries. The Commission did not receive any responses from Chinese producers or exporting firms.

Table II-6
Silicomanganese: Supply factors that affect the ability to increase shipments to the U.S. market, by country

Quantity in short tons; ratio and share in percent

Factor	Measure	United States	China	Ukraine
Capacity 2021	Quantity	***	---	***
Capacity 2023	Quantity	***	---	***
Capacity utilization 2021	Ratio	***	---	***
Capacity utilization 2023	Ratio	***	---	***
Inventories to total shipments 2021	Ratio	***	---	***
Inventories to total shipments 2023	Ratio	***	---	***
Home market shipments 2023	Share	***	---	***
Non-US export market shipments 2023	Share	***	---	***
Ability to shift production (firms reporting “yes”)	Count	***	---	***

Source: Compiled from data submitted in response to Commission questionnaires.

Note: Responding U.S. producers accounted for all U.S. production of silicomanganese in 2023. For additional data on the number of responding firms and their share of U.S. production and of U.S. imports from each subject country, please refer to Part I, “Summary Data and Data Sources.”

Domestic production

Based on available information, U.S. producers of silicomanganese have the ability to respond to changes in demand with moderate changes in the quantity of shipments of U.S.-produced silicomanganese to the U.S. market. The main contributing factors to this degree of responsiveness of supply are some availability of unused capacity, some ability to shift shipments from inventories, and the ability to shift production to or from alternate products. Factors mitigating responsiveness of supply include a limited ability to shift shipments from alternate markets or inventories.

Since 2021, domestic capacity has decreased steadily while production decreased irregularly. Between 2021 and 2023, capacity declined *** percent. Capacity utilization was slightly higher in 2023 (*** percent) than in 2021 (*** percent), but was substantially lower in interim 2024 (*** percent) than in interim 2023 (*** percent). ***

***. Only *** was noted as an export market. *** reported producing *** using the same equipment as silicomanganese, but *** did not specify which products it reportedly can produce on the same equipment.

Subject imports from China

The Commission received no foreign producer questionnaire responses from foreign producers operating in China.

Based on available information provided by domestic interested parties, producers of silicomanganese from China have the ability to respond to changes in demand with large changes in the quantity of shipments of silicomanganese to the U.S. market. The main contributing factor to this degree of responsiveness of supply is the availability of unused capacity (*** percent capacity utilization rate in 2022 based on *** short tons of capacity), but Chinese producers do not have a large ability to shift shipments from alternate markets (only *** short tons exported in 2023, the majority of which was exported to Indonesia).[7]

Subject imports from Ukraine

Based on available information, producers of silicomanganese from Ukraine may have the ability to respond to changes in demand with moderate changes in the quantity of shipments of silicomanganese to the U.S. market, which may depend on the geopolitical situation surrounding Ukraine's continuing war with Russia. Their ability to increase shipments to the United States may be substantially constrained. Foreign producers in Ukraine noted problems with electricity, labor availability, logistics, and raw material supply issues as constraints that would impede their ability to supply silicomanganese to the United States. As a result, ***. Inventories were substantially higher at the end of 2023 than at the end of 2021 at ***. Both foreign producers were closed during the first half of 2024 but have restarted production. More than *** percent of their shipments were exported to non-U.S. countries in 2023. Sales of silicomanganese by Ukrainian foreign producers were *** percent via short-term contracts. Foreign producers also noted that the U.S. market

[7] Part IV contains further information regarding the industry in China and Ukraine.

typically demands different quality characteristics than that demanded in their home market, including ***. The end uses of the silicomanganese in the two markets, however, are the same.

In total, production capacity in Ukraine decreased by *** percent between 2021 and 2023, while capacity utilization declined from *** percent to *** percent. ***. ***. Ukrainian producers noted facing competition in Ukraine from silicomanganese imported from ***.

Imports from nonsubject sources

Nonsubject imports accounted for all U.S. imports in 2023. The largest sources of nonsubject imports during January 2018 to March 2024 were Georgia, South Africa, and Australia. Combined, these countries accounted for 67.2 percent of imports by quantity in 2023.

Supply constraints

*** U.S. producers and all importers reported that they had not experienced supply constraints since January 1, 2021. Purchaser *** replied that it had, but did not note a specific supply constraint, instead noting that *** that it needs more than one source. When asked about factors that can affect the supply of silicomanganese, foreign producers noted that there are factors constraining supply of silicomanganese. Foreign producer *** noted,

"***

***."

Foreign producer *** stated that factors that affect supply and are currently constraining production include: active hostilities being conducted in the territory of Ukraine; high tariffs for electricity, and its transportation for the period 2022 - May 2024; a decrease in the number of skilled workers (e.g., via deaths, workers in captivity or injured, workers who have left); an outflow of specialists and professionals from the plant for which it takes three to five years to train a qualified specialist; changed transportation conditions due to the war in Ukraine limiting port access; and difficulty in providing production with raw materials of the required quality.

New suppliers

Two of 10 purchasers indicated that new suppliers entered the U.S. market since January 1, 2021, and one expects additional entrants. Purchaser *** cited CCMA, LLC ("CCMA"), a U.S. trader of Indian-origin silicomanganese and purchaser *** stated that production facilities have not changed but new brokers or traders entering the market is constant.

U.S. demand

Based on available information, the overall demand for silicomanganese is likely to experience small changes in response to changes in price. The main contributing factors are the limited range of substitute products and the very small cost share of silicomanganese in most of its end-use products.

End uses and cost share

U.S. demand for silicomanganese depends on the demand for U.S.-produced steel, including production for rebar products.[8] Reported end uses include a variety of steel products (e.g., plate, flat rolls, wire rod, coils, and bars) produced in integrated mills, electric arc furnaces, and foundries. High grade silicomanganese is generally used by steelmakers.[9] ***, 13 of 14 importers, and 8 of 9 purchasers reported no changes in

[8] Eramet's posthearing brief, Answers to hearing questions, p. II-25.
[9] Fourth review publication, p. II-5.

end uses.[10] Silicomanganese accounts for a small share of the cost of the end-use products in which it is used. Reported cost shares for almost all end-use products were between 1 to 6 percent.[11]

Business cycles

***, 6 of 13 importers, and 6 of 10 purchasers indicated that the market was subject to business cycles. Specifically, demand follows similar patterns of all steel raw materials or follows the demand for steel, prices fluctuate with other magnesium products, purchasers (after COVID-19) insist on imported product being physically in the United States before purchasing it, and demand fluctuates with the overall economy.

Demand trends

Most firms reported U.S. demand for silicomanganese either decreased or was unchanged since January 1, 2021 (table II-7). Firms expect demand to increase or be unchanged over the next two years (table II-8).

Table II-7
Silicomanganese: Count of firms' responses regarding overall domestic and foreign demand since January 1, 2021, by firm type

Market	Firm type	Steadily increase	Fluctuate upward	No change	Fluctuate downward	Steadily decrease
U.S. demand	U.S. producers	***	***	***	***	***
U.S. demand	Importers	0	1	5	3	2
U.S. demand	Purchasers	0	1	1	2	1
U.S. demand	Foreign producers	***	***	***	***	***
Foreign demand	U.S. producers	***	***	***	***	***
Foreign demand	Importers	0	0	4	1	1
Foreign demand	Purchasers	0	1	0	1	1
Demand in subject country	Foreign producers	***	***	***	***	***
Demand in other export markets	Foreign producers	***	***	***	***	***
Demand for end use products	Purchasers	0	4	3	1	1

Source: Compiled from data submitted in response to Commission questionnaires.

[10] Changes reported include reduced consumption leading to declining prices. Also, silicomanganese has not been used to produce semifinished steel bullets since 2021 but silicomanganese could replace ferrosilicon if prices changed.

[11] Fourth review publication, p. II-6.

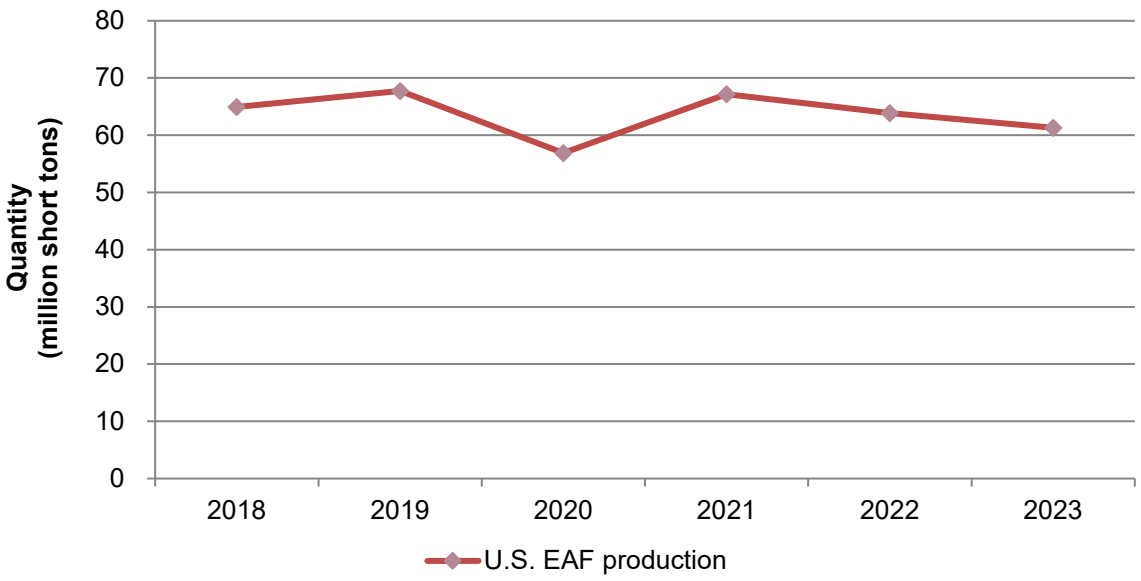
Table II-8
Silicomanganese: Count of firms' responses regarding anticipated overall domestic and foreign demand, by firm type

Market	Firm type	Steadily increase	Fluctuate upward	No change	Fluctuate downward	Steadily decrease
U.S. demand	U.S. producers	***	***	***	***	***
U.S. demand	Importers	1	4	5	1	1
U.S. demand	Purchasers	0	4	1	1	0
U.S. demand	Foreign producers	***	***	***	***	***
Foreign demand	U.S. producers	***	***	***	***	***
Foreign demand	Importers	0	1	5	0	1
Foreign demand	Purchasers	0	1	2	1	0
Demand in subject home market	Foreign producers	***	***	***	***	***
Demand in other export markets	Foreign producers	***	***	***	***	***

Source: Compiled from data submitted in response to Commission questionnaires.

Total electric arc furnace steel production in the United States fluctuated between 2018 and 2023 (figure II-1 and table II-9).

Figure II-1
Steel: Total U.S. electric arc furnace (EAF) steel production, annual, 2018 to 2023



Source: World Steel Association, "World Steel in Figures," Crude Steel by Production Process, 2019 to 2024.

Table II-9
Steel product: Total U.S. electric arc furnace (EAF) steel production, annual, 2018 to 2023

Quantity in million short tons

Quantity	2018	2019	2020	2021	2022	2023
EAF steel produciton	64.9	67.7	56.9	67.2	63.9	61.3

Source: World Steel Association, "World Steel in Figures," Crude Steel by Production Process, 2019-2024.

Total U.S. shipments of concrete reinforcing bar and rod ("rebar"), a product that can be made with high-phosphorus silicomanganese, fluctuated between 2018 and 2023, but increased overall by *** percent (figure II-2). It fell to its lowest level in 2020, down *** percent from the price in 2018.

Figure II-2
Concrete reinforcing bars and rods: Total U.S. shipments, yearly, 2018 through 2023

* * * * * * *

Source: ***

Table II-10
Concrete reinforcing bars and rods: Total U.S. shipments, yearly, 2018 to 2023

Quantity in million short tons

Item	2018	2019	2020	2021	2022	2023
Concrete reinforcing bars and rods U.S. shipments	***	***	***	***	***	***

Source: ***

Substitute products

A combination of high-carbon ferromanganese and ferrosilicon can be used as a substitute for silicomanganese. ***, all 14 responding importers, and 9 of 10 responding purchasers reported no change in substitutes.[12]

Substitutability issues

This section assesses the degree to which U.S.-produced silicomanganese and imports of silicomanganese from subject countries can be substituted for one another by examining the importance of certain purchasing factors and the comparability of silicomanganese from domestic and imported sources based on those factors. Based on available data, staff believes that there is a moderate-to-high degree of substitutability between domestically produced silicomanganese and silicomanganese imported from subject sources.[13] Substitutability varies depending on the type of silicomanganese that is imported. Imported low-carbon silicomanganese is the least substitutable for silicomanganese manufactured domestically (***), followed by imported high-phosphorus and then imported ASTM grade B silicomanganese.[14] Factors contributing to this level of substitutability include high levels of interchangeability between silicomanganese from the different sources, infrequent non-price factors affecting purchase decisions, no domestic purchase requirements, some similarities between domestically produced silicomanganese and silicomanganese imported from subject countries across multiple purchase factors, particularly with respect to imports from China, but limited for some types of silicomanganese by availability from different countries and product from subject countries less frequently meeting specification requirements.

[12] The one purchaser reporting a change in substitutes, ***.

[13] The degree of substitution between domestic and imported silicomanganese depends upon the extent of product differentiation between the domestic and imported products and reflects how easily purchasers can switch from domestically produced silicomanganese to the silicomanganese imported from subject countries (or vice versa) when prices change. The degree of substitution may include such factors as relative prices (discounts/rebates), quality differences (e.g., grade standards, defect rates, etc.), and differences in sales conditions (e.g., lead times between order and delivery dates, reliability of supply, product services, etc.).

[14] See Part III for more information regarding the types of silicomanganese manufactured domestically.

Factors affecting purchasing decisions

Seven purchasers indicated they had marketing/pricing knowledge of domestic product, one each of product imported from China and Ukraine, and all ten of product from nonsubject countries.

Purchaser decisions based on source

As shown in table II-11, purchasers' responses were mixed with regard to the frequency with which they make purchasing decisions based on the producer or country of origin. Whereas most purchasers always or sometimes make purchasing decisions based on the country of origin, their responses were nearly evenly spread among possible replies with respect to making decisions based on the producer. Most of their customers never make purchasing decisions based on the producer or country of origin. Of the four purchasers that reported that they always or usually make decisions based on the manufacturer, three firms cited reasons including: requiring a known producer with consistent quality and reliability delivery; rely on supplier relationships; and a producer must deliver appropriately. Two of the three purchasers reporting that they always purchased based on the country of origin provided reasons including favor domestic producers and avoid certain countries for geopolitical reasons and focus on sustainability.

Table II-11
Silicomanganese: Count of purchasers' responses regarding frequency of purchasing decisions based on producer and country of origin

Firm making decision	Decision based on	Always	Usually	Sometimes	Never
Purchaser	Producer	2	2	4	1
Customer	Producer	0	0	0	6
Purchaser	Country	3	0	5	1
Customer	Country	0	1	2	4

Source: Compiled from data submitted in response to Commission questionnaires.

Importance of purchasing domestic product

All eight responding purchasers reported that all of their purchases did not require purchasing U.S.-produced product.

Most important purchase factors

The most often cited top three factors that firms consider in their purchasing decisions for silicomanganese were quality (9 firms), price (9 firms), and availability (8 firms) as shown in table II-12. Quality was the most frequently cited first-most important factor (cited by 8 firms), and price and country of origin received one mention as first factor; availability was the most frequently reported second-most important factor (5 firms); and price was the most frequently reported third-most important factor (5 firms).

Table II-12
Silicomanganese: Count of ranking of factors used in purchasing decisions as reported by purchasers, by factor

Factor	First	Second	Third	Total
Quality	8	0	1	9
Price, pricing, or cost	1	3	5	9
Availability	0	5	2	7
Reliability	0	2	1	3
All other factors	1	0	1	2

Source: Compiled from data submitted in response to Commission questionnaires.

Note: Other factors include country of origin for first factor and service for third factor. The firm citing country of origin was ***.

The majority of purchasers (7 of 10) reported that they usually purchase the lowest-priced product. The other three reported sometimes purchasing the lowest priced product.

Importance of specified purchase factors

Purchasers were asked to rate the importance of 17 factors in their purchasing decisions (table II-13). The factors rated as very important by more than half of responding purchasers were product consistency, quality meets industry standards, and reliability of supply (10 each); ability to meet customer specifications and price (9 each); availability and delivery time (8 each); and delivery terms, discounts offered, and U.S. transportation costs (6 each).

Table II-13
Silicomanganese: Count of purchasers' responses regarding importance of purchase factors, by factor

Factor	Very important	Somewhat important	Not important
Product consistency	10	0	0
Quality meets industry standards	10	0	0
Reliability of supply	10	0	0
Ability to meet custom specifications	9	1	0
Price	9	1	0
Availability	8	2	0
Delivery time	8	2	0
Delivery terms	6	4	0
Discounts offered	6	4	0
U.S. transportation costs	6	4	0
Availability of specific silicomanganese grades/types	4	5	1
Minimum quantity requirements	4	5	1
Payment terms	4	4	2
Technical support/service	3	6	1
Quality exceeds industry standards	2	6	2
Product range	1	6	3
Packaging	1	6	3

Source: Compiled from data submitted in response to Commission questionnaires.

Lead times

Silicomanganese is primarily produced-to-order.[15] U.S. producers reported that *** percent of their commercial shipments were produced-to-order, with lead times averaging *** days. The remaining *** percent of their commercial shipments came from inventories, with lead times averaging *** days.

Supplier certification

All 10 responding purchasers require their suppliers to become certified or qualified to sell silicomanganese to their firm. Purchasers reported that the time to qualify a new supplier ranged from 7 to 120 days. No purchaser reported that any domestic or foreign supplier had failed in its attempt to qualify silicomanganese or had lost its approved status since 2021.

ASTM grades

Purchasers were asked if they or their customers made their purchases based on ASTM grades (table II-14). Most responding purchasers (6 of 10) reported always purchasing based on ASTM grades although some of these firms reported that they sometimes require product meet

[15] ***. Importers did not import from subject countries.

standards that did not match those from the ASTM. Three of seven responding purchasers (***) noted that there is never interchangeability between ASTM-grade silicomanganese and high-phosphorus silicomanganese. Purchaser *** stated that standard-carbon silicomanganese cannot be used in place of low-carbon silicomanganese.

Table II-14
Silicomanganese: Count of purchasers' responses regarding frequency of purchasing decisions based on ASTM standards

Firm making decision	Always	Usually	Sometimes	Never
Purchaser	6	1	2	1
Customer	2	0	0	4

Source: Compiled from data submitted in response to Commission questionnaires.

High-phosphorus grades

The high phosphorus content of some silicomanganese can make it difficult to use in certain uses since it can make the steel cool faster and become more brittle.[16] Different segments of the steel market have different tolerances for the amount of phosphorus in the silicomanganese that they purchase.[17] One domestic interested party witness stated that "rebar, as a category of steel, typically has a higher tolerance for phosphorus level compared to other steel products, particularly black rolled steel products."[18] As a result, according to a respondent interested party witness, "Most steel makers insist on silicomanganese that meets ASTM grades because they know there are maximum levels of phosphorus and other elements."[19] High-phosphorus silicomanganese may also contain higher levels of manganese and silicon, and other characteristics which purchasers see as advantageous.[20] The phosphorus level of silicomanganese is determined by the ore that is used to create it[21] and some ores, such as those from Ukraine or Georgia, are higher in phosphorus than those from other sources like Australia, Ghana, or South Africa. Eramet uses blends of ores that could have a phosphorus level of significantly below 0.20, the maximum level for the ASTM standard.[22] Ukrainian producer ZFP has not produced silicomanganese with phosphorus levels below 0.20 during

[16] Hearing transcript, p. 133 (Oleksandr).
[17] Ibid., p. 45 (Levy).
[18] Ibid., p. 53 (Rochussen).
[19] Ibid, p. 133 (Oleksandr).
[20] Ibid., pp. 52 and 53 (Levy and Rochussen) and UkrFA's posthearing brief, Responses to Commissioner questions, p. Q-23.
[21] Hearing transcript, p. 83 (Rochussen).
[22] Ibid., p. 84 (Rochussen).

2021 to 2024, and Ukrainian producer NFP's production of such silicomanganese accounted for *** in 2021 and 2022, and has not produced any in 2023 and 2024.[23]

Hearing witnesses noted two main uses for high-phosphorus silicomanganese in the United States: manufacturing of rebar and blending with other silicomanganese. One witness for Eramet indicated that its "steel mill customers, particularly the rebar manufacturers, can readily accept the Ukrainian product, just as they already accept high-phosphorus material from Georgia."[24] In Europe, Ukrainian producers have "found a limited pool of steel makers who are willing to accept" high-phosphorus silicomanganese, but "{m}any, if not most European steel producers insist that their silicomanganese suppliers must meet ASTM or equivalent standards."[25] In a declaration filed with Eramet's posthearing brief, one industry participant stated his understanding is that European rebar producers can "generally tolerate up to a maximum of 0.30 to 0.35 percent phosphorus."[26]

Domestic producers of silicomanganese reported selling *** silicomanganese during the period for which data was collected. Purchasers reported most frequently buying ASTM B grade silicomanganese (*** percent in 2023), followed by non-ASTM high-phosphorus silicomanganese (*** percent),[27] other non-ASTM grades (*** percent) and ASTM A grade silicomanganese (*** percent).

Minimum quality specifications

As can be seen from table II-15, six responding purchasers reported that domestically produced product always or usually met minimum quality specifications. One responding purchaser reported that the silicomanganese from China usually met minimum quality specifications, and one responding purchaser reported the silicomanganese from Ukraine sometimes met minimum quality specifications.

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[23] UkrFA's posthearing brief, Responses to Commissioner questions, pp. Q-19 to Q-20.

[24] Hearing transcript, p. 24 (Rochussen).

[25] UkrFA's posthearing brief, Responses to Commissioner questions, pp. Q-22 to Q-23.

[26] Eramet's posthearing brief, Answers to hearing questions, p. II-4 and Attachment 2.

[27] High-phosphorus silicomanganese was purchased and used by ***. Three other rebar-manufacturing purchasers were asked about their ability to use high-phosphorus silicomanganese: ***. ***." *** estimated that ***. Emails from ***, September 11, 2024. ***. Email from ***, September 12, 2024. ***. Email from ***, September 13, 2024.

In its posthearing brief, Eramet submitted a study it had performed that estimated that the possible consumption domestic firms that could use high-phosphorus silicomanganese could reach *** percent of apparent domestic consumption in 2023, and blending *** could account for another *** percent. Eramet's posthearing brief, Answers to hearing questions, p. II-3 and Attachment 1.

Table II-15
Silicomanganese: Count of purchasers' responses regarding suppliers' ability to meet minimum quality specifications, by source

Source of purchases	Always	Usually	Sometimes	Rarely or never	Don't Know
United States	3	3	0	0	4
China	0	1	0	0	9
Ukraine	0	0	1	0	9
All other sources	4	5	0	0	0

Source: Compiled from data submitted in response to Commission questionnaires.

Note: Purchasers were asked how often domestically produced or imported silicomanganese meets minimum quality specifications for their own or their customers' uses.

All 10 responding purchasers reported factors that determined quality including chemistry (manganese, silicon, carbon, sulfur, and phosphorus content); sizing (minimal fines); meet specifications; consistency; moisture; no contaminants; packaging; performance/recovery; production location; and ore source.

Changes in purchasing patterns

Five purchasers reported that they had changed suppliers since January 1, 2021, while five reported that they had not. Two purchasers reported regularly adding and dropping suppliers in annual contract negotiations and one "evaluated" its suppliers annually. Specifically, firms dropped were: Felman (no reason given), Asia Minerals North America LLC

(dropped for price and availability), and Russian Ferroalloys (dropped because of the conflict with Ukraine). Firms added or increased purchases from included MTLAS and Thyssenkrupp Materials (no reasons given).

Purchasers were also asked about changes in their purchasing patterns from different countries since January 1, 2021 (table II-16). A majority of purchasers reported that their purchases were unchanged from all sources except nonsubject countries. One purchaser reported increased purchases of U.S.-produced product because, in 2023, it shifted from purchasing product produced in Georgia to silicomanganese produced in the United States. One purchaser reported reduced purchases of U.S.-produced product (*** in the United States). The purchaser reporting no change in purchases of product from subject countries reported that it did not purchase from these countries. Purchasers that reported increased purchases of product from nonsubject countries stated that this reflected changes in the quantity of steel they produce. Firms reporting decreased purchases from nonsubject countries reported that this reflected their changing steel production, and ***.

Table II-16
Silicomanganese: Count of purchasers' responses regarding changes in purchase patterns from U.S., subject, and nonsubject countries

Source of purchases	Steady increase	Fluctuated up	No change	Fluctuated down	Steady decrease	Did not purchase
United States	1	0	3	0	1	4
China	0	0	1	0	0	8
Ukraine	0	0	1	0	0	8
Nonsubject sources	0	1	4	2	3	0

Source: Compiled from data submitted in response to Commission questionnaires.

Purchase factor comparisons of domestic products, subject imports, and nonsubject imports

Purchasers were asked a number of questions comparing silicomanganese produced in the United States, subject countries, and nonsubject countries. First, purchasers were asked for a country-by-country comparison on the same 17 factors (table II-17) for which they were asked to rate the importance in table II-13.

Only one purchaser compared U.S.- and Chinese-produced silicomanganese, reporting U.S. product was either comparable or superior for all factors that it was able to rate. Two purchasers compared U.S.- and Ukrainian-produced silicomanganese, reporting that U.S. product was either comparable or superior for all factors except availability of specific silicomanganese grades/types for which one purchaser reported U.S. product was superior and the other that U.S. product was inferior.

Most purchasers reported that U.S. and nonsubject silicomanganese were comparable on all factors except delivery time (for which most reported U.S. product was superior) and U.S. transportation costs (with three each reporting U.S. was superior and U.S. and nonsubject product was comparable).[28] Two purchasers compared Ukrainian and nonsubject silicomanganese with both reporting that Ukrainian product was either comparable or inferior to that from nonsubject countries.

[28] No purchasers compared Chinese with Ukrainian or nonsubject silicomanganese.

Table II-17
Silicomanganese: Count of purchasers' responses comparing U.S.-produced and imported product, by factor and country pair

Factor	Country pair	Superior	Comparable	Inferior
Product consistency	U.S. v. China	0	1	0
Quality meets industry standards	U.S. v. China	0	1	0
Reliability of supply	U.S. v. China	0	1	0
Ability to meet custom specifications	U.S. v. China	1	0	0
Price	U.S. v. China	0	0	0
Availability	U.S. v. China	1	0	0
Delivery time	U.S. v. China	0	1	0
Delivery terms	U.S. v. China	0	1	0
Discounts offered	U.S. v. China	0	1	0
U.S. transportation costs	U.S. v. China	0	0	0
Availability of specific silicomanganese grades/types	U.S. v. China	1	0	0
Payment terms	U.S. v. China	0	0	0
Minimum quantity requirements	U.S. v. China	0	1	0
Technical support/service	U.S. v. China	0	1	0
Quality exceeds industry standards	U.S. v. China	0	1	0
Product range	U.S. v. China	0	1	0
Packaging	U.S. v. China	0	1	0

Table continued.

Table II-17 Continued
Silicomanganese: Count of purchasers' responses comparing U.S.-produced and imported product, by factor and country pair

Factor	Country pair	Superior	Comparable	Inferior
Product consistency	U.S. v. Ukraine	0	2	0
Quality meets industry standards	U.S. v. Ukraine	1	1	0
Reliability of supply	U.S. v. Ukraine	1	1	0
Ability to meet custom specifications	U.S. v. Ukraine	2	0	0
Price	U.S. v. Ukraine	0	2	0
Availability	U.S. v. Ukraine	2	0	0
Delivery time	U.S. v. Ukraine	1	1	0
Delivery terms	U.S. v. Ukraine	0	2	0
Discounts offered	U.S. v. Ukraine	0	2	0
U.S. transportation costs	U.S. v. Ukraine	1	1	0
Availability of specific silicomanganese grades/types	U.S. v. Ukraine	1	0	1
Payment terms	U.S. v. Ukraine	0	1	0
Minimum quantity requirements	U.S. v. Ukraine	0	2	0
Technical support/service	U.S. v. Ukraine	0	1	0
Quality exceeds industry standards	U.S. v. Ukraine	1	1	0
Product range	U.S. v. Ukraine	1	1	0
Packaging	U.S. v. Ukraine	0	2	0

Table continued.

Table II-17 Continued
Silicomanganese: Count of purchasers' responses comparing U.S.-produced and imported product, by factor and country pair

Factor	Country pair	Superior	Comparable	Inferior
Product consistency	U.S. v. Nonsubject	1	5	0
Quality meets industry standards	U.S. v. Nonsubject	0	6	0
Reliability of supply	U.S. v. Nonsubject	0	6	0
Ability to meet custom specifications	U.S. v. Nonsubject	1	5	0
Price	U.S. v. Nonsubject	0	6	0
Availability	U.S. v. Nonsubject	2	4	0
Delivery time	U.S. v. Nonsubject	5	1	0
Delivery terms	U.S. v. Nonsubject	1	5	0
Discounts offered	U.S. v. Nonsubject	1	5	0
U.S. transportation costs	U.S. v. Nonsubject	3	3	0
Availability of specific silicomanganese grades/types	U.S. v. Nonsubject	1	4	1
Payment terms	U.S. v. Nonsubject	1	5	0
Minimum quantity requirements	U.S. v. Nonsubject	0	6	0
Technical support/service	U.S. v. Nonsubject	1	5	0
Quality exceeds industry standards	U.S. v. Nonsubject	0	6	0
Product range	U.S. v. Nonsubject	0	5	1
Packaging	U.S. v. Nonsubject	0	6	0

Table continued.

Table II-17 Continued
Silicomanganese: Count of purchasers' responses comparing U.S.-produced and imported product, by factor and country pair

Factor	Country pair	Superior	Comparable	Inferior
Product consistency	Ukraine v. Nonsubject	0	2	0
Quality meets industry standards	Ukraine v. Nonsubject	0	1	1
Reliability of supply	Ukraine v. Nonsubject	0	1	1
Ability to meet custom specifications	Ukraine v. Nonsubject	0	1	1
Price	Ukraine v. Nonsubject	0	2	0
Availability	Ukraine v. Nonsubject	0	1	1
Delivery time	Ukraine v. Nonsubject	0	2	0
Delivery terms	Ukraine v. Nonsubject	0	2	0
Discounts offered	Ukraine v. Nonsubject	0	2	0
U.S. transportation costs	Ukraine v. Nonsubject	0	1	0
Availability of specific silicomanganese grades/types	Ukraine v. Nonsubject	0	2	0
Payment terms	Ukraine v. Nonsubject	0	2	0
Minimum quantity requirements	Ukraine v. Nonsubject	0	2	0
Technical support/service	Ukraine v. Nonsubject	0	2	0
Quality exceeds industry standards	Ukraine v. Nonsubject	0	1	1
Product range	Ukraine v. Nonsubject	0	1	1
Packaging	Ukraine v. Nonsubject	0	2	0

Source: Compiled from data submitted in response to Commission questionnaires.

Note: With respect to cost/price factors, a rating of superior means that cost/price for the first source in the country pair is generally lower. For example, if a firm reported "U.S. superior," it meant that the U.S. product was generally priced lower than the imported product.

Comparison of U.S.-produced and imported silicomanganese

In order to determine whether U.S.-produced silicomanganese can generally be used in the same applications as imports from China and Ukraine, U.S. producers, importers, and purchasers were asked whether the products can always, frequently, sometimes, or never be used interchangeably. ***. As shown in tables II-18 and II-19, most importers reported silicomanganese from all country pairs was always interchangeable, but most purchasers reported that silicomanganese from all country pairs was frequently interchangeable.[29] Differences include that no U.S. producer makes low carbon (0.10 percent) silicomanganese so it must be imported.

Table II-18
Silicomanganese: Count of importers reporting the interchangeability between product produced in the United States and in other countries, by country pair

Country pair	Always	Frequently	Sometimes	Never
United States vs. China	8	2	0	0
United States vs. Ukraine	8	2	0	0
China vs. Ukraine	8	2	0	0
United States vs. Other	8	5	0	0
China vs. Other	7	3	0	0
Ukraine vs. Other	7	3	0	0

Source: Compiled from data submitted in response to Commission questionnaires.

Table II-19
Silicomanganese: Count of purchasers reporting the interchangeability between product produced in the United States and in other countries, by country pair

Country pair	Always	Frequently	Sometimes	Never
United States vs. China	1	2	0	0
United States vs. Ukraine	1	2	0	0
China vs. Ukraine	0	1	0	0
United States vs. Other	2	5	0	0
China vs. Other	0	1	0	0
Ukraine vs. Other	0	2	0	0

Source: Compiled from data submitted in response to Commission questionnaires.

In addition, U.S. producers, importers, and purchasers were asked to assess how often differences other than price were significant in sales of silicomanganese from the United States, subject, or nonsubject countries. ***. As seen in table II-20, most importers reported that there were never differences other than price between silicomanganese from all country pairs except United States vs. other, where half reported that there were sometimes differences other than

[29] Purchasers who compared domestic silicomanganese were ***.

price. Most purchasers reported that there were sometimes differences other than price for silicomanganese from all country pairs (table II-21).[30] Differences include: silicomanganese from nonsubject countries has quality and logistical advantages over U.S. product for mills in the western United States; the difference in supply network is a significant consideration; and purchase decisions are based on quality, availability, logistics, and technical support.

Table II-20
Silicomanganese: Count of importers reporting the significance of differences other than price between product produced in the United States and in other countries, by country pair

Country pair	Always	Frequently	Sometimes	Never
United States vs. China	0	1	3	6
United States vs. Ukraine	0	1	3	6
China vs. Ukraine	0	1	3	6
United States vs. Other	0	1	6	6
China vs. Other	0	1	3	6
Ukraine vs. Other	0	1	3	6

Source: Compiled from data submitted in response to Commission questionnaires.

Table II-21
Silicomanganese: Count of purchasers reporting the significance of differences between product produced in the United States and in other countries, by country pair

Country pair	Always	Frequently	Sometimes	Never
United States vs. China	1	0	2	0
United States vs. Ukraine	1	0	2	0
China vs. Ukraine	0	0	1	0
United States vs. Other	2	1	4	0
China vs. Other	0	0	1	0
Ukraine vs. Other	0	0	2	0

Source: Compiled from data submitted in response to Commission questionnaires.

Elasticity estimates

This section discusses elasticity estimates; parties were encouraged to comment on these estimates, but none did so in their prehearing or posthearing briefs.

[30] *** was the purchaser that noted that there are "always" factors other than price that are important in its purchasing decisions between domestic silicomanganese and that imported from Ukraine and/or China, stating, "We consider multiple factors in our purchase decisions including quality, availability, logistics, and technical support."

U.S. supply elasticity

The domestic supply elasticity for silicomanganese measures the sensitivity of the quantity supplied by U.S. producers to changes in the U.S. market price of silicomanganese. The elasticity of domestic supply depends on several factors including the level of excess capacity, the ease with which producers can alter capacity, producers' ability to shift to production of other products, the existence of inventories, and the availability of alternate markets for U.S.-produced silicomanganese. Analysis of these factors above indicates that the U.S. industry is likely to be able to greatly increase or decrease shipments to the U.S. market; an estimate in the range of 4 to 6 is suggested.

U.S. demand elasticity

The U.S. demand elasticity for silicomanganese measures the sensitivity of the overall quantity demanded to a change in the U.S. market price of silicomanganese. This estimate depends on factors discussed above such as the existence, availability, and commercial viability of substitute products, as well as the component share of the silicomanganese in the production of any downstream products. Based on the available information, the aggregate demand for silicomanganese is likely to be inelastic; a range of -0.25 to -0.75 is suggested.

Substitution elasticity

The elasticity of substitution depends upon the extent of product differentiation between the domestic and imported products.[31] Product differentiation, in turn, depends upon such factors as quality (e.g., chemistry, appearance, etc.) and conditions of sale (e.g., availability, sales terms/ discounts/ promotions, etc.). Based on available information, the elasticity of substitution between U.S.-produced silicomanganese and imported silicomanganese is likely to be in the range of 3 to 5, with grade B silicomanganese on the higher end and non-ASTM variants at the lower end of the range.

[31] The substitution elasticity measures the responsiveness of the relative U.S. consumption levels of the subject imports and the domestic like products to changes in their relative prices. This reflects how easily purchasers switch from the U.S. product to the subject products (or vice versa) when prices change.

Part III: Condition of the U.S. industry

Overview

The information in this section of the report was compiled from responses to the Commission's questionnaires. The Commission received questionnaire responses from two firms, Eramet and Felman, which accounted for all known U.S. production of silicomanganese during 2023.

There were no known new entrants, closures, or mergers in the domestic silicomanganese industry since the last five-year reviews. In terms of notable events since January 1, 2018, Felman has been producing silicomanganese on only one of its three furnaces since 2020. Eramet announced plans to overhaul one of its submerged arc furnaces in the future. More details on events in the U.S. industry since January 1, 2018, are presented in table III-1.

Table III-1
Silicomanganese: Developments in the U.S. industry since January 1, 2018

Item	Firm	Event
Upgrades	Felman	Domestic silicomanganese producer Felman has three submerged arc furnaces with the total capacity to produce about 105,000 metric tons (115,743 short tons) of silicomanganese annually at its plant in Letart, West Virginia. Felman upgraded one of its three furnaces and invested in furnace, mixing, and baghouse automation upgrades. Since August 2018, Felman has only been operating this one upgraded furnace, which in 2020 produced more than 52,800 metric tons (58,202 short tons) of silicomanganese.
Labor agreement	Felman	In July 2022, Felman reached a labor agreement with the United Steelworkers ("USW") and its affiliated Local Union No. 5171 that represents workers at Felman's silicomanganese plant in Letart, West Virginia. The previous labor agreement was set to expire in September 2023. The new amended agreement included wage increases ranging from 7.5 to 12.1 percent for all union workers at the plant and extended the contract through September 2024.
Sales agreement	Felman	In February 2023, Felman announced that it had signed a five-year agreement to sell silicomanganese to an unidentified "multi-billion-dollar publicly traded steel and metal manufacturer based in the United States." Officials at Felman stated that the sales agreement would benefit production workers and the local community, ensuring stable demand and allowing the company to focus on improving plant operations and implementing environmental initiatives.
Capital investment	Eramet	Domestic silicomanganese producer Eramet announced a $40-million investment program designed to improve air quality and energy efficiency and reduce CO2 emissions at its manganese alloy plant in Marietta, Ohio. In 2023, Eramet planned to completely overhaul one of its ferroalloy furnaces at its plant in Marietta to make it more powerful, productive, and less energy intensive. No further updates on the project were publicly available as of July 2024.

Sources: Felman Production LLC, "About Felman Production," https://www.fpiwv.com/about, retrieved December 8, 2023; PR Newswire, "As West Virginians Struggle with Inflation and Rising Gas Prices, Felman Production Announces a Labor Agreement with the United Steelworkers to Increase Wages at its Letart, WV Production Facility," July 12, 2022, https://www.prnewswire.com/news-releases/as-west-virginians-struggle-with-inflation-and-rising-gas-prices-felman-production-announces-a-labor-agreement-with-the-united-steelworkers-to-increase-wages-at-its-letart-wv-production-facility-301584889.html, retrieved December 14, 2023; WVNews, "Felman Production Announces 5-year Deal to Sell Key Steel Production Component," February 8, 2023, https://www.wvnews.com/news/wvnews/felman-production-announces-5-year-deal-to-sell-key-steel-production-component/article_75499ad0-a7c6-11ed-b776-97c6d48b503e.html, retrieved December 8, 2023; Eramet, "Eramet Marietta: A Strategic Location in the United States," 2022, https://www.eramet.com/en/activities/manganese/, retrieved December 8, 2023; Amanda Barber, "Mason Co. Manufacturing Plant Increases Employee Wages Amidst Inflation," WOWK-TV, July 14, 2022, https://www.wowktv.com/news/business/mason-co-manufacturing-plant-increases-employee-wages-amidst-inflation/, retrieved January 4, 2024.

Changes experienced by the industry

Producers in the United States were asked to report any change in the character of their operations or organization relating to the production of silicomanganese since 2018. Table III-2 presents the changes identified by these producers. *** reported that *** and that ***. *** reported that ***. Additionally, *** reported that ***.[1]

Table III-2
Silicomanganese: Reported changes in operations since January 1, 2018

Type of change	Firm name and narrative on changes in operations
Prolonged shutdowns	***
Production curtailments	***
Production curtailments	***
Other	***

Source: Compiled from data submitted in response to Commission questionnaires.

[1] *** reported that ***. Email from *** to Commission staff, September 11, 2024.

The Commission also asked U.S. producers if the COVID-19 pandemic had an impact on their operations relating to silicomanganese. *** reported that the COVID-19 pandemic ***.[2] *** reported that the COVID-19 pandemic ***.[3]

Anticipated changes in operations

The Commission asked domestic producers to report anticipated changes in the character of their operations relating to the production of silicomanganese. *** reported plans to ***.[4] *** later reported ***.[5]

U.S. production, capacity, and capacity utilization

Table III-3 presents U.S. producers' installed and practical capacity and production on the same equipment. Installed overall capacity *** during 2021-23 and was *** percent higher in January-March 2024 than in January-March 2023. Practical overall capacity decreased by *** percent during 2021-22 and by *** percent during 2022-23, decreasing overall by *** percent between 2021 and 2023. Similarly, practical overall capacity was *** percent lower in January-March 2024 than in January-March 2023.

[2] *** U.S. producer questionnaire response, II-2b.
[3] *** U.S. producer questionnaire response, II-2b.
[4] *** U.S. producer questionnaire response, II-2c.
[5] Email from *** to Commission staff, September 11, 2024.

Table III-3
Silicomanganese: U.S. producers' installed and practical capacity and production on the same equipment as in-scope production, by period

Capacity and production in short tons; utilization in percent

Item	Measure	2021	2022	2023	Jan-Mar 2023	Jan-Mar 2024
Installed overall	Capacity	***	***	***	***	***
Installed overall	Production	***	***	***	***	***
Installed overall	Utilization	***	***	***	***	***
Practical overall	Capacity	***	***	***	***	***
Practical overall	Production	***	***	***	***	***
Practical overall	Utilization	***	***	***	***	***
Practical silicomanganese	Capacity	***	***	***	***	***
Practical silicomanganese	Production	***	***	***	***	***
Practical silicomanganese	Utilization	***	***	***	***	***

Source: Compiled from data submitted in response to Commission questionnaires.

Constraints on capacity

Table III-4 presents U.S. producers' reported narratives regarding practical capacity constraints, which included production bottlenecks and labor.

Table III-4
Silicomanganese: U.S. producers' reported capacity constraints since January 1, 2018

Type of change	Firm name and narrative on constraints to practical overall capacity
Production bottlenecks	***
Existing labor force	***

Source: Compiled from data submitted in response to Commission questionnaires.

Table III-5 and figure III-1 present U.S. producers' production, capacity, and capacity utilization. U.S. producers' capacity to produce silicomanganese decreased by *** percent during 2021-23 and was *** percent lower in January-March 2024 compared to January-March 2023. U.S. production increased by *** percent during 2021-22 then decreased by *** percent during 2022-23, decreasing overall by *** percent between 2021 and 2023. As described above, ***. As a result, U.S. production was *** percent lower in January-March 2024 than in January-March 2023. U.S. producers' capacity utilization increased from *** percent in 2021 to *** percent in 2022 then decreased to *** percent in 2023. Capacity utilization was markedly lower in January-March 2024 at *** percent than in January-March 2023 at *** percent.

Table III-5
Silicomanganese: U.S. producers' output, by firm and period

Practical capacity

Capacity in short tons

Firm	2021	2022	2023	Jan-Mar 2023	Jan-Mar 2024
Eramet	***	***	***	***	***
Felman	***	***	***	***	***
All firms	***	***	***	***	***

Table continued.

Table III-5 Continued
Silicomanganese: U.S. producers' output, by firm and period

Production

Production in short tons

Firm	2021	2022	2023	Jan-Mar 2023	Jan-Mar 2024
Eramet	***	***	***	***	***
Felman	***	***	***	***	***
All firms	***	***	***	***	***

Table continued.

Table III-5 Continued
Silicomanganese: U.S. producers' output, by firm and period

Capacity utilization

Capacity utilization in percent

Firm	2021	2022	2023	Jan-Mar 2023	Jan-Mar 2024
Eramet	***	***	***	***	***
Felman	***	***	***	***	***
All firms	***	***	***	***	***

Note: Capacity utilization ratio represents the ratio of the U.S. producer's production to its production capacity

Table continued.

Table III-5 Continued
Silicomanganese: U.S. producers' output, by firm and period

Share of production

Share in percent

Firm	2021	2022	2023	Jan-Mar 2023	Jan-Mar 2024
Eramet	***	***	***	***	***
Felman	***	***	***	***	***
All firms	100.0	100.0	100.0	100.0	100.0

Source: Compiled from data submitted in response to Commission questionnaires.

Figure III-1
Silicomanganese: U.S. producers' capacity, production, and capacity utilization, by period

* * * * * * *

Source: Compiled from data submitted in response to Commission questionnaires.

Alternative products

Table III-6 presents U.S. producers' overall production on the same equipment as in-scope production. Silicomanganese accounted for approximately *** of U.S. producers' overall production during 2023, with ferromanganese (***) accounting for the balance. Silicomanganese's share of U.S. producers' overall production increased during 2021-23, from *** percent in 2021 to *** percent in 2022 and *** percent in 2023, resulting from a *** decline in ferromanganese production.[6] In contrast, silicomanganese accounted for a lower share of U.S. producers' overall production in January-March 2024 (*** percent) than in January-March 2023 (*** percent).[7]

[6] ***'s ferromanganese production decreased by *** percent from 2021 to 2022 and by *** percent from 2022 to 2023, for an overall decrease of *** percent between 2021 and 2023.

[7] *** reported lower silicomanganese production levels in January-March 2024 than in January-March 2023 (with the largest difference attributable to ***) although *** reported higher ferromanganese production levels in January-March 2024.

Table III-6
Silicomanganese: U.S. producers' overall production on the same equipment as in-scope production, by period

Quantity in short tons; share in percent

Product type	Measure	2021	2022	2023	Jan-Mar 2023	Jan-Mar 2024
Silicomanganese	Quantity	***	***	***	***	***
Ferromanganese	Quantity	***	***	***	***	***
Ferrosilicon	Quantity	***	***	***	***	***
Other products	Quantity	***	***	***	***	***
All products	Quantity	***	***	***	***	***
Silicomanganese	Share	***	***	***	***	***
Ferromanganese	Share	***	***	***	***	***
Ferrosilicon	Share	***	***	***	***	***
Other products	Share	***	***	***	***	***
All products	Share	100.0	100.0	100.0	100.0	100.0

Source: Compiled from data submitted in response to Commission questionnaires.

U.S. producers' U.S. shipments and exports

Table III-7 presents U.S. producers' U.S. shipments, export shipments, and total shipments. U.S. producers' U.S. shipments by quantity decreased from *** short tons in 2021 to *** short tons in 2022 then decreased further to *** short tons in 2023, decreasing by *** percent between 2021 and 2023; they were *** percent lower in January-March 2024 (*** short tons) than in January-March 2023 (*** short tons). U.S. producers' U.S. shipments by value increased from $*** in 2021 to $*** in 2022 then decreased to $*** in 2023; they were *** percent lower in January-March 2024 ($***) than in January-March 2023 ($***). The average unit value (dollars per short ton) of U.S. producers' U.S. shipments increased from $*** in 2021 to $*** in 2022 then decreased to $*** in 2023; it was lower in January-March 2024 at $*** than in January-March 2023 at $***.

*** reported export shipments, primarily to ***, during each period for which data were collected.[8] Export shipments made up a relatively small share of U.S. producers' total shipments, accounting for less than *** percent of those shipments by quantity in each period between 2021 and 2023 and for *** percent in January-March 2024.

[8] *** U.S. producer questionnaire response, II-6a.

Table III-7
Silicomanganese: U.S. producers' total shipments, by destination and period

Quantity in short tons; value in 1,000 dollars; unit value in dollars per short ton; share in percent

Item	Measure	2021	2022	2023	Jan-Mar 2023	Jan-Mar 2024
U.S. shipments	Quantity	***	***	***	***	***
Export shipments	Quantity	***	***	***	***	***
Total shipments	Quantity	***	***	***	***	***
U.S. shipments	Value	***	***	***	***	***
Export shipments	Value	***	***	***	***	***
Total shipments	Value	***	***	***	***	***
U.S. shipments	Unit value	***	***	***	***	***
Export shipments	Unit value	***	***	***	***	***
Total shipments	Unit value	***	***	***	***	***
U.S. shipments	Share of quantity	***	***	***	***	***
Export shipments	Share of quantity	***	***	***	***	***
Total shipments	Share of quantity	100.0	100.0	100.0	100.0	100.0
U.S. shipments	Share of value	***	***	***	***	***
Export shipments	Share of value	***	***	***	***	***
Total shipments	Share of value	100.0	100.0	100.0	100.0	100.0

Table continued.

Table III-7 Continued
Silicomanganese: U.S. producers' U.S. shipments, by firm and period

Quantity in short tons; share in percent

Item	Measure	2021	2022	2023	Jan-Mar 2023	Jan-Mar 2024
Eramet	Quantity	***	***	***	***	***
Felman	Quantity	***	***	***	***	***
All firms	Quantity	***	***	***	***	***
Eramet	Share	***	***	***	***	***
Felman	Share	***	***	***	***	***
All firms	Share	100.0	100.0	100.0	100.0	100.0

Table continued.

Table III-7 Continued
Silicomanganese: U.S. producers' export shipments, by firm and period

Quantity in short tons; share in percent

Item	Measure	2021	2022	2023	Jan-Mar 2023	Jan-Mar 2024
Eramet	Quantity	***	***	***	***	***
Felman	Quantity	***	***	***	***	***
All firms	Quantity	***	***	***	***	***
Eramet	Share	***	***	***	***	***
Felman	Share	***	***	***	***	***
All firms	Share	100.0	100.0	100.0	100.0	100.0

Table continued.

Table III-7 Continued
Silicomanganese: U.S. producers' total shipments, by firm and period

Quantity in short tons; share in percent

Item	Measure	2021	2022	2023	Jan-Mar 2023	Jan-Mar 2024
Eramet	Quantity	***	***	***	***	***
Felman	Quantity	***	***	***	***	***
All firms	Quantity	***	***	***	***	***
Eramet	Share	***	***	***	***	***
Felman	Share	***	***	***	***	***
All firms	Share	100.0	100.0	100.0	100.0	100.0

Source: Compiled from data submitted in response to Commission questionnaires.

Note: Zeroes, null values, and undefined calculations are suppressed and shown as "---".

U.S. producers' inventories

Table III-8 presents U.S. producers' end-of-period inventories and the ratio of these inventories to U.S. producers' production, U.S. shipments, and total shipments. U.S. producers' inventories increased by *** percent during 2021-22 then by *** percent during 2022-23, increasing overall by *** percent between 2021 and 2023. In contrast, inventories were *** percent lower in January-March 2024 than in January-March 2023.[9] The ratio of inventory to total shipments increased from *** percent in 2021 to *** percent in 2022 and *** percent in 2023; it was lower in January-March 2024 at *** percent than in January-March 2023 at *** percent.

Table III-8
Silicomanganese: U.S. producers' inventories and their ratio to select items, by firm and period

Quantity in short tons; ratio in percent

Item	Measure	2021	2022	2023	Jan-Mar 2023	Jan-Mar 2024
End-of-period inventory: Eramet	Quantity	***	***	***	***	***
End-of-period inventory: Felman	Quantity	***	***	***	***	***
End-of-period inventory: All U.S. producers	Quantity	***	***	***	***	***
Inventory to U.S. production	Ratio	***	***	***	***	***
Inventory to U.S. shipments	Ratio	***	***	***	***	***
Inventory to total shipments	Ratio	***	***	***	***	***

Source: Compiled from data submitted in response to Commission questionnaires.

[9] Following a period of low production, *** nearly depleted its inventories of silicomanganese during January-March 2024. These inventories were *** short tons in January-March 2024 compared to *** short tons in January-March 2023.

U.S. producers' imports from subject sources

No responding U.S. producer reported imports of silicomanganese from subject sources during the period for which data were collected.

U.S. producers' purchases of imports from subject sources

No responding U.S. producer reported purchases of imports of silicomanganese from subject sources during the period for which data were collected.

U.S. employment, wages, and productivity

Table III-9 presents U.S. producers' employment-related data. Production and related workers increased by *** percent during 2021-23 but were *** percent lower in January-March 2024 than in January-March 2023. Hours worked decreased by *** percent during 2021-23 and were *** percent lower in January-March 2024 than in January-March 2023. Wages paid increased by *** percent between 2021 and 2023 but were *** percent lower in January-March 2024 than in January-March 2023. Productivity decreased by *** percent during 2021-23 and was *** percent lower in January-March 2024 than in January-March 2023. Unit labor costs increased by *** percent between 2021 and 2023 and were *** percent higher in January-March 2024 than in January-March 2023.[10]

Table III-9
Silicomanganese: U.S. producers' employment related information, by period

Item	2021	2022	2023	Jan-Mar 2023	Jan-Mar 2024
Production and related workers (PRWs) (number)	***	***	***	***	***
Total hours worked (1,000 hours)	***	***	***	***	***
Hours worked per PRW (hours)	***	***	***	***	***
Wages paid ($1,000)	***	***	***	***	***
Hourly wages (dollars per hour)	***	***	***	***	***
Productivity (short tons per 1,000 hours)	***	***	***	***	***
Unit labor costs (dollars per short ton)	***	***	***	***	***

Source: Compiled from data submitted in response to Commission questionnaires.

[10] Higher unit labor costs in January-March 2024 reflect higher wage rates and lower productivity, primarily from *** during this period.

Financial experience of U.S. producers

Background[11]

Two U.S. producers, Eramet and Felman, provided usable financial results on their silicomanganese operations. *** responding U.S. producers reported financial data on the basis of GAAP and provided their financial data on a calendar year basis. The net sales of silicomanganese consisted of commercial sales and exports and no firm reported internal consumption or transfers to related firms during the reporting period.[12]

Figure III-2 presents each responding firm's share of the total reported net sales quantity in 2023.

[11] The following abbreviations may be used in the tables and/or text of this section: generally accepted accounting principles ("GAAP"), fiscal year ("FY"), net sales ("NS"), cost of goods sold ("COGS"), selling, general, and administrative expenses ("SG&A expenses"), average unit values ("AUVs"), research and development expenses ("R&D expenses"), and return on assets ("ROA").

[12] ***. U.S. producers' questionnaire response of ***, question II-6a.

Figure III-2
Silicomanganese: U.S. producers' share of net sales quantity in 2023, by firm

* * * * * * *

Source: Compiled from data submitted in response to Commission questionnaires.

Operations on silicomanganese

Table III-10 presents aggregated data on U.S. producers' operations in relation to silicomanganese, while table III-11 presents corresponding changes in AUVs. Table III-12 presents selected company-specific financial data.

Table III-10
Silicomanganese: U.S. producers' results of operations, by item and period

Quantity in short tons; value in 1,000 dollars; ratios in percent

Item	Measure	2021	2022	2023	Jan-Mar 2023	Jan-Mar 2024
Total net sales	Quantity	***	***	***	***	***
Total net sales	Value	***	***	***	***	***
COGS: Silicon	Value	***	***	***	***	***
COGS: Manganese	Value	***	***	***	***	***
COGS: Other material input	Value	***	***	***	***	***
COGS: Total raw materials	Value	***	***	***	***	***
COGS: Direct labor	Value	***	***	***	***	***
COGS: Other factory	Value	***	***	***	***	***
COGS: Less by-product revenue	Value	***	***	***	***	***
COGS: Total	Value	***	***	***	***	***
Gross profit or (loss)	Value	***	***	***	***	***
SG&A expenses	Value	***	***	***	***	***
Operating income or (loss)	Value	***	***	***	***	***
Other expense (income), net	Value	***	***	***	***	***
Net income or (loss)	Value	***	***	***	***	***
Depreciation/amortization	Value	***	***	***	***	***
Cash flow	Value	***	***	***	***	***
COGS: Silicon	Ratio to NS	***	***	***	***	***
COGS: Manganese	Ratio to NS	***	***	***	***	***
COGS: Other material input	Ratio to NS	***	***	***	***	***
COGS: Total raw materials	Ratio to NS	***	***	***	***	***
COGS: Direct labor	Ratio to NS	***	***	***	***	***
COGS: Other factory	Ratio to NS	***	***	***	***	***
COGS: Less by-product revenue	Ratio to NS	***	***	***	***	***
COGS: Total	Ratio to NS	***	***	***	***	***
Gross profit	Ratio to NS	***	***	***	***	***
SG&A expense	Ratio to NS	***	***	***	***	***
Operating income or (loss)	Ratio to NS	***	***	***	***	***
Net income or (loss)	Ratio to NS	***	***	***	***	***

Table continued on next page.

Table III-10 Continued
Silicomanganese: U.S. producers' results of operations, by item and period

Shares in percent; unit values in dollars per short ton; count in number of firms reporting

Item	Measure	2021	2022	2023	Jan-Mar 2023	Jan-Mar 2024
COGS: Silicon	Share	***	***	***	***	***
COGS: Manganese	Share	***	***	***	***	***
COGS: Other material input	Share	***	***	***	***	***
COGS: Total raw materials	Share	***	***	***	***	***
COGS: Direct labor	Share	***	***	***	***	***
COGS: Other factory	Share	***	***	***	***	***
COGS: Total	Share	***	***	***	***	***
Total net sales	Unit value	***	***	***	***	***
COGS: Silicon	Unit value	***	***	***	***	***
COGS: Manganese	Unit value	***	***	***	***	***
COGS: Other material input	Unit value	***	***	***	***	***
COGS: Total raw materials	Unit value	***	***	***	***	***
COGS: Direct labor	Unit value	***	***	***	***	***
COGS: Other factory	Unit value	***	***	***	***	***
COGS: Less by-product revenue	Unit value	***	***	***	***	***
COGS: Total	Unit value	***	***	***	***	***
Gross profit or (loss)	Unit value	***	***	***	***	***
SG&A expenses	Unit value	***	***	***	***	***
Operating income or (loss)	Unit value	***	***	***	***	***
Net income or (loss)	Unit value	***	***	***	***	***
Operating losses	Count	***	***	***	***	***
Net losses	Count	***	***	***	***	***
Data	Count	***	***	***	***	***

Source: Compiled from data submitted in response to Commission questionnaires.

Note: Shares represent the share of COGS before by-product offset. Zeroes, null values, and undefined calculations are suppressed and shown as "---".

Table III-11
Silicomanganese: Changes in AUVs between comparison periods

Changes in percent

Item	2021-23	2021-22	2022-23	Jan-Mar 2023-24
Total net sales	***	***	***	***
COGS: Silicon	***	***	***	***
COGS: Manganese	***	***	***	***
COGS: Other material input	***	***	***	***
COGS: Total raw materials	***	***	***	***
COGS: Direct labor	***	***	***	***
COGS: Other factory	***	***	***	***
COGS: By-product revenue	***	***	***	***
COGS: Total	***	***	***	***

Table continued.

Table III-11 Continued
Silicomanganese: Changes in AUVs between comparison periods

Changes in dollars per short ton

Item	2021-23	2021-22	2022-23	Jan-Mar 2023-24
Total net sales	***	***	***	***
COGS: Silicon	***	***	***	***
COGS: Manganese	***	***	***	***
COGS: Other material input	***	***	***	***
COGS: Total raw materials	***	***	***	***
COGS: Direct labor	***	***	***	***
COGS: Other factory	***	***	***	***
COGS: By-product revenue	***	***	***	***
COGS: Total	***	***	***	***
Gross profit or (loss)	***	***	***	***
SG&A expense	***	***	***	***
Operating income or (loss)	***	***	***	***
Net income or (loss)	***	***	***	***

Source: Compiled from data submitted in response to Commission questionnaires.

Note: Period changes preceded by a "▲" represent an increase, while period changes preceded by a "▼" represent a decrease.

Table III-12
Silicomanganese: U.S. producers' sales, costs/expenses, and profitability, by firm and period

Net sales quantity

Quantity in short tons

Firm	2021	2022	2023	Jan-Mar 2023	Jan-Mar 2024
Eramet	***	***	***	***	***
Felman	***	***	***	***	***
All firms	***	***	***	***	***

Table continued.

Table III-12 Continued
Silicomanganese: U.S. producers' sales, costs/expenses, and profitability, by firm and period

Net sales value

Value in 1,000 dollars

Firm	2021	2022	2023	Jan-Mar 2023	Jan-Mar 2024
Eramet	***	***	***	***	***
Felman	***	***	***	***	***
All firms	***	***	***	***	***

Table continued.

Table III-12 Continued
Silicomanganese: U.S. producers' sales, costs/expenses, and profitability, by firm and period

COGS

Value in 1,000 dollars

Firm	2021	2022	2023	Jan-Mar 2023	Jan-Mar 2024
Eramet	***	***	***	***	***
Felman	***	***	***	***	***
All firms	***	***	***	***	***

Table continued.

Table III-12 Continued
Silicomanganese: U.S. producers' sales, costs/expenses, and profitability, by firm and period

Gross profit or (loss)

Value in 1,000 dollars

Firm	2021	2022	2023	Jan-Mar 2023	Jan-Mar 2024
Eramet	***	***	***	***	***
Felman	***	***	***	***	***
All firms	***	***	***	***	***

Table continued.

Table III-12 Continued
Silicomanganese: U.S. producers' sales, costs/expenses, and profitability, by firm and period

SG&A expenses

Value in 1,000 dollars

Firm	2021	2022	2023	Jan-Mar 2023	Jan-Mar 2024
Eramet	***	***	***	***	***
Felman	***	***	***	***	***
All firms	***	***	***	***	***

Table continued.

Table III-12 Continued
Silicomanganese: U.S. producers' sales, costs/expenses, and profitability, by firm and period

Operating income or (loss)

Value in 1,000 dollars

Firm	2021	2022	2023	Jan-Mar 2023	Jan-Mar 2024
Eramet	***	***	***	***	***
Felman	***	***	***	***	***
All firms	***	***	***	***	***

Table continued.

Table III-12 Continued
Silicomanganese: U.S. producers' sales, costs/expenses, and profitability, by firm and period

Net income or (loss)

Value in 1,000 dollars

Firm	2021	2022	2023	Jan-Mar 2023	Jan-Mar 2024
Eramet	***	***	***	***	***
Felman	***	***	***	***	***
All firms	***	***	***	***	***

Table continued.

Table III-12 Continued
Silicomanganese: U.S. producers' sales, costs/expenses, and profitability, by firm and period

COGS to net sales ratio

Ratios in percent

Firm	2021	2022	2023	Jan-Mar 2023	Jan-Mar 2024
Eramet	***	***	***	***	***
Felman	***	***	***	***	***
All firms	***	***	***	***	***

Table continued.

Table III-12 Continued
Silicomanganese: U.S. producers' sales, costs/expenses, and profitability, by firm and period

Gross profit or (loss) to net sales ratio

Ratios in percent

Firm	2021	2022	2023	Jan-Mar 2023	Jan-Mar 2024
Eramet	***	***	***	***	***
Felman	***	***	***	***	***
All firms	***	***	***	***	***

Table continued.

Table III-12 Continued
Silicomanganese: U.S. producers' sales, costs/expenses, and profitability, by firm and period

SG&A expenses to net sales ratio

Ratios in percent

Firm	2021	2022	2023	Jan-Mar 2023	Jan-Mar 2024
Eramet	***	***	***	***	***
Felman	***	***	***	***	***
All firms	***	***	***	***	***

Table continued.

Table III-12 Continued
Silicomanganese: U.S. producers' sales, costs/expenses, and profitability, by firm and period

Operating income or (loss) to net sales ratio

Ratios in percent

Firm	2021	2022	2023	Jan-Mar 2023	Jan-Mar 2024
Eramet	***	***	***	***	***
Felman	***	***	***	***	***
All firms	***	***	***	***	***

Table continued.

Table III-12 Continued
Silicomanganese: U.S. producers' sales, costs/expenses, and profitability, by firm and period

Net income or (loss) to net sales ratio

Ratios in percent

Firm	2021	2022	2023	Jan-Mar 2023	Jan-Mar 2024
Eramet	***	***	***	***	***
Felman	***	***	***	***	***
All firms	***	***	***	***	***

Table continued.

Table III-12 Continued
Silicomanganese: U.S. producers' sales, costs/expenses, and profitability, by firm and period

Unit net sales value

Unit values in dollars per short ton

Firm	2021	2022	2023	Jan-Mar 2023	Jan-Mar 2024
Eramet	***	***	***	***	***
Felman	***	***	***	***	***
All firms	***	***	***	***	***

Table continued.

Table III-12 Continued
Silicomanganese: U.S. producers' sales, costs/expenses, and profitability, by firm and period

Unit silicon costs

Unit values in dollars per short ton

Firm	2021	2022	2023	Jan-Mar 2023	Jan-Mar 2024
Eramet	***	***	***	***	***
Felman	***	***	***	***	***
All firms	***	***	***	***	***

Table continued.

Table III-12 Continued
Silicomanganese: U.S. producers' sales, costs/expenses, and profitability, by firm and period

Unit manganese costs

Unit values in dollars per short ton

Firm	2021	2022	2023	Jan-Mar 2023	Jan-Mar 2024
Eramet	***	***	***	***	***
Felman	***	***	***	***	***
All firms	***	***	***	***	***

Table continued.

Table III-12 Continued
Silicomanganese: U.S. producers' sales, costs/expenses, and profitability, by firm and period

Unit other raw material costs

Unit values in dollars per short ton

Firm	2021	2022	2023	Jan-Mar 2023	Jan-Mar 2024
Eramet	***	***	***	***	***
Felman	***	***	***	***	***
All firms	***	***	***	***	***

Table continued.

Table III-12 Continued
Silicomanganese: U.S. producers' sales, costs/expenses, and profitability, by firm and period

Unit total raw material costs

Unit values in dollars per short ton

Firm	2021	2022	2023	Jan-Mar 2023	Jan-Mar 2024
Eramet	***	***	***	***	***
Felman	***	***	***	***	***
All firms	***	***	***	***	***

Table continued.

Table III-12 Continued
Silicomanganese: U.S. producers' sales, costs/expenses, and profitability, by firm and period

Unit direct labor costs

Unit values in dollars per short ton

Firm	2021	2022	2023	Jan-Mar 2023	Jan-Mar 2024
Eramet	***	***	***	***	***
Felman	***	***	***	***	***
All firms	***	***	***	***	***

Table continued.

Table III-12 Continued
Silicomanganese: U.S. producers' sales, costs/expenses, and profitability, by firm and period

Unit other factory costs

Unit values in dollars per short ton

Firm	2021	2022	2023	Jan-Mar 2023	Jan-Mar 2024
Eramet	***	***	***	***	***
Felman	***	***	***	***	***
All firms	***	***	***	***	***

Table continued.

Table III-12 Continued
Silicomanganese: U.S. producers' sales, costs/expenses, and profitability, by firm and period

Unit COGS

Unit values in dollars per short ton

Firm	2021	2022	2023	Jan-Mar 2023	Jan-Mar 2024
Eramet	***	***	***	***	***
Felman	***	***	***	***	***
All firms	***	***	***	***	***

Table continued.

Table III-12 Continued
Silicomanganese: U.S. producers' sales, costs/expenses, and profitability, by firm and period

Unit gross profit or (loss)

Unit values in dollars per short ton

Firm	2021	2022	2023	Jan-Mar 2023	Jan-Mar 2024
Eramet	***	***	***	***	***
Felman	***	***	***	***	***
All firms	***	***	***	***	***

Table continued.

Table III-12 Continued
Silicomanganese: U.S. producers' sales, costs/expenses, and profitability, by firm and period

Unit SG&A expenses

Unit values in dollars per short ton

Firm	2021	2022	2023	Jan-Mar 2023	Jan-Mar 2024
Eramet	***	***	***	***	***
Felman	***	***	***	***	***
All firms	***	***	***	***	***

Table continued.

Table III-12 Continued
Silicomanganese: U.S. producers' sales, costs/expenses, and profitability, by firm and period

Unit operating income or (loss)

Unit values in dollars per short ton

Firm	2021	2022	2023	Jan-Mar 2023	Jan-Mar 2024
Eramet	***	***	***	***	***
Felman	***	***	***	***	***
All firms	***	***	***	***	***

Table continued.

Table III-12 Continued
Silicomanganese: U.S. producers' sales, costs/expenses, and profitability, by firm and period

Unit net income or (loss)

Unit values in dollars per short ton

Firm	2021	2022	2023	Jan-Mar 2023	Jan-Mar 2024
Eramet	***	***	***	***	***
Felman	***	***	***	***	***
All firms	***	***	***	***	***

Source: Compiled from data submitted in response to Commission questionnaires.

Note: Zeroes, null values, and undefined calculations are suppressed and shown as "---".

Net sales

As shown in table III-10, total net sales quantity and value declined overall by *** percent and *** percent from 2021 to 2023, respectively, and were lower in January-March 2024 than in January-March 2023. ***. On an average per-short ton basis, net sales increased from $*** in 2021 to $*** in 2022 before declining to $*** in 2023, and were lower in January-March 2024 (at $***) than in January-March 2023 (at $***). ***.[13] [14]

Cost of goods sold and gross profit or loss

Total COGS increased by *** percent from 2021 to 2023 but was lower by *** percent in January-March 2024 than in January-March 2023. Per-short ton COGS increased from $*** in 2021 to $*** in 2023 and was higher in January-March 2024 ($***) than in January-March 2023 ($***). As shown in table III-12, ***. As a ratio to net sales, total COGS declined from *** percent in 2021 to *** percent in 2022 (reflecting a larger increase in net sales value

[13] ***. Email from ***, July 30, 2024. ***. Email from ***, July 30, 2024.
[14] ***. Email from ***, August 5, 2024.

compared to the increase in total COGS) before increasing to *** percent in 2023, and it was higher in January-March 2024 (at *** percent) than in January-March 2023 (at *** percent).

As shown in table III-10, raw materials which consisted of silicon, manganese, and other material inputs represent the single largest component of total COGS ranging from *** percent of total COGS in January-March 2024 to *** percent of total COGS in January-March 2023. The "other material inputs" category included ***.

On a per short ton basis, raw material costs increased irregularly from $*** in 2021 to $*** in 2023 but were lower in January-March 2024 (at $***) than in January-March 2023 (at $***). As shown in table III-12, ***. Silicon and manganese costs per short ton increased overall from 2021 to 2023, but silicon costs per short ton were higher while manganese costs per short ton were lower in January-March 2024 than in January-March 2023. Other raw material inputs per short ton declined irregularly from 2021 to 2023 and were lower in January-March 2024 than in January-March 2023.[15]

As a share of total COGS, direct labor costs ranged from *** percent in January-March 2024 to *** percent in 2023, while other factory costs ranged from *** percent in January-March 2023 to *** percent in January-March 2024. The average per unit direct labor costs increased from $*** in 2021 to $*** in 2023 and were lower in January-March 2024 ($***) than in January-March 2023 ($***). ***. The average per unit other factory costs increased irregularly from $*** in 2021 to $*** in 2023 and were higher in January-March 2024 ($***) than in January-March 2023 ($***). As shown in table III-12, ***

[15] ***. Email from ***, July 30, 2024.

***.[16]

As shown in table III-10, U.S. producers' aggregate gross profits irregularly declined from 2021 to 2023 because total net sales value remained largely unchanged while total COGS increased during this time. The industry's gross profit was lower in January-March 2024 (a loss) than in January-March 2023 as net sales value declined more than COGS. The notable increase in gross profit in 2022 was driven by increased prices in 2022 along with lesser increases in COGS despite declining net sales quantity. On a firm-by-firm basis, ***. The gross profit margin (gross profit as a ratio to net sales) increased from *** percent in 2021 to *** percent in 2022 but declined to *** percent in 2023. The gross profit margin was lower in interim 2024 (*** percent) than in interim 2023 (*** percent).

SG&A expenses and operating income or loss

U.S. producers' SG&A expenses and corresponding SG&A expense ratio (total SG&A expenses divided by total net sales value) irregularly increased from 2021 to 2023 and were higher in January-March 2024 than in January-March 2023. The notable increase of SG&A expenses in 2022 was due to ***.[17]

On an overall basis and similar to the trend in gross profit, operating income irregularly declined from 2021 to 2023 and was lower in January-March 2024 (an operating loss) than in January-March 2023 (operating income). The operating income margin (operating income as a ratio to net sales) exhibited the same trend. ***

[16] ***. Email from ***, July 30, 2024.

[17] U.S. producers' questionnaire response of ***, section III-10a and 10b.

***.

All other expenses and net income or loss

Classified below the operating income level are interest expense, other expense, and other income. In table III-10, these items are aggregated, and only the net amount is shown, which in these reviews are negative values in all periods reflecting net other income. Net other income irregularly increased from 2021 to 2023 but was lower in January-March 2024 than in January-March 2023. ***.[18] [19]

Net income declined irregularly from 2021 to 2023 and was lower in January-March 2024 (a net loss) than in January-March 2023 (net income). The net income margin (net income as a ratio to net sales) exhibited the same trend. ***.

[18] U.S. producers' questionnaire response of ***, section III-10a and 10b.
[19] ***. Email from ***, August 6, 2024.

Variance analysis

A variance analysis for the operations of U.S. producers of silicomanganese is presented in table III-13.[20] The information for this variance analysis is derived from table III-10. The analysis shows that the decline in operating income from 2021 to 2023 is primarily attributable to ***. Between the comparable interim periods, the lower operating income in January-March 2024 than in January-March 2023 was primarily attributable to ***.

Table III-13
Silicomanganese: Variance analysis on the operations of U.S. producers between comparison periods

Values in 1,000 dollars

Item	2021-23	2021-22	2022-23	Jan-Mar 2023-24
Net sales price variance	***	***	***	***
Net sales volume variance	***	***	***	***
Net sales total variance	***	***	***	***
COGS cost variance	***	***	***	***
COGS volume variance	***	***	***	***
COGS total variance	***	***	***	***
Gross profit variance	***	***	***	***
SG&A cost variance	***	***	***	***
SG&A volume variance	***	***	***	***
SG&A total variance	***	***	***	***
Operating income price variance	***	***	***	***
Operating income cost variance	***	***	***	***
Operating income volume variance	***	***	***	***
Operating income total variance	***	***	***	***

Source: Compiled from data submitted in response to Commission questionnaires.

[20] The Commission's variance analysis is calculated in three parts: Sales variance, cost of sales variance (COGS variance), and SG&A expense variance. Each part consists of a price variance (in the case of the sales variance) or a cost or expense variance (in the case of the COGS and SG&A expense variance), and a volume variance. The sales or cost/expense variance is calculated as the change in unit price or per-unit cost/expense times the new volume, while the volume variance is calculated as the change in volume times the old unit price or per-unit cost/expense. Summarized at the bottom of the table, the price variance is from sales; the cost/expense variance is the sum of those items from COGS and SG&A expense variances, respectively, and the volume variance is the sum of the volume components of the net sales, COGS, and SG&A expense variances. The overall volume component of the variance analysis is generally small.

Capital expenditures and research and development expenses

Table III-14 presents capital expenditures, by firm, and table III-16 presents R&D expenses, by firm. Tables III-15 and III-17 present the firms' narrative explanations of the nature, focus, and significance of their capital expenditures and R&D expenses, respectively.

Table III-14
Silicomanganese: U.S. producers' capital expenditures, by firm and period

Value in 1,000 dollars

Firm	2021	2022	2023	Jan-Mar 2023	Jan-Mar 2024
Eramet	***	***	***	***	***
Felman	***	***	***	***	***
All firms	***	***	***	***	***

Source: Compiled from data submitted in response to Commission questionnaires.

Table III-15
Silicomanganese: U.S. producers' narrative descriptions of their capital expenditures, by firm

Firm	Narrative on capital expenditures
Eramet	***
Felman	***

Source: Compiled from data submitted in response to Commission questionnaires.

Table III-16
Silicomanganese: U.S. producers' R&D expenses, by firm and period

Value in 1,000 dollars

Firm	2021	2022	2023	Jan-Mar 2023	Jan-Mar 2024
***	***	***	***	***	***
All firms	***	***	***	***	***

Source: Compiled from data submitted in response to Commission questionnaires.

Note: Zeroes, null values, and undefined calculations are suppressed and shown as "---".

Table III-17
Silicomanganese: Narrative descriptions of U.S. producers' R&D expenses, by firm

Firm	Narrative on R&D expenses
***	***

Source: Compiled from data submitted in response to Commission questionnaires.

Assets and return on assets

Table III-18 presents data on the U.S. producers' total assets, while table III-19 presents their operating ROA.[21] Table III-20 presents U.S. producers' narrative responses explaining their major asset categories and any significant changes in asset levels over time.

Table III-18
Silicomanganese: U.S. producers' total net assets, by firm and period

Value in 1,000 dollars

Firm	2021	2022	2023
Eramet	***	***	***
Felman	***	***	***
All firms	***	***	***

Source: Compiled from data submitted in response to Commission questionnaires.

Table III-19
Silicomanganese: U.S. producers' ROA, by firm and period

Ratio in percent

Firm	2021	2022	2023
Eramet	***	***	***
Felman	***	***	***
All firms	***	***	***

Source: Compiled from data submitted in response to Commission questionnaires.

Table III-20
Silicomanganese: Narrative descriptions of U.S. producers' total net assets, by firm

Firm	Narrative on assets
Eramet	***
Felman	***

Source: Compiled from data submitted in response to Commission questionnaires.

[21] The operating ROA is calculated as operating income divided by total assets. With respect to a firm's overall operations, the total asset value reflects an aggregation of a number of assets which are generally not product specific. Thus, high-level allocations are generally required in order to report a total asset value on a product-specific basis.

The Commission's U.S. producers' questionnaire requested companies to describe the effect of the COVID-19 pandemic or government actions to contain the spread of the COVID-19 virus on the firm's financial performance. Industry responses are in table III-21.

Table III-21
Silicomanganese: Firms' narrative responses relating to COVID-19 pandemic effects on U.S. producers' financial performance

Firm	Narrative on COVID-19
Eramet	***
Felman	***

Source: Compiled from data submitted in response to Commission questionnaires.

Part IV: U.S. imports and the foreign industries

U.S. imports

Overview

The Commission issued questionnaires to 31 potential importers of silicomanganese between January 2018 and March 2024. Fourteen firms provided data and information in response to the questionnaires.[1] [2] Based on official Commerce statistics for imports of silicomanganese, importers' questionnaire data accounted for virtually all U.S. imports of silicomanganese during 2023. Staff believe there were no U.S. imports of silicomanganese from China and Ukraine during the period for which data were collected.[3] Import data in this report are based on official Commerce statistics for silicomanganese using HTS statistical reporting number 7202.30.0000, adjusted to remove imports from China, which staff believe were out-of-scope product.

[1] An additional firm (***) submitted a questionnaire response but was ultimately not included in the importer dataset because it was not the importer of record.

[2] Four additional firms certified that they had not imported silicomanganese from any country at any time since January 1, 2018.

[3] Official Commerce statistics for HTS statistical reporting number 7202.30.0000 show that there were zero imports from Ukraine during the period for which data were collected and small amounts of imports from China in 2022 (18 short tons) and 2023 (23 short tons). Based on a combination of proprietary, Census-edited Customs' import records, research, and outreach, staff believe that *** is the only firm to have entered product from China under this HTS number, which it identified as out-of-scope ***. *** importer questionnaire response, p. 1; and email from ***, July 29, 2024.

Imports from subject and nonsubject countries

Table IV-1 and figure IV-1 present information on U.S. imports of silicomanganese from China, Ukraine, and all other sources. Table IV-2 presents information on U.S. imports of silicomanganese from nonsubject countries. Since 2021, there have not been any imports of silicomanganese from China or Ukraine. The quantity of total U.S. imports of silicomanganese increased by 34.1 percent from 2021 to 2022, but decreased by 38.7 percent from 2022 to 2023, resulting in an overall decrease of 17.8 percent from 2021 to 2023. Decreased U.S. imports in 2023 were due in part to decreased imports from Georgia.[4] The decline in imports from Georgia coincided with reports of production disruptions in Georgia in 2023. Georgian Manganese, the leading silicomanganese producer in Georgia, halted production at its Chiatura manganese mine in February 2023, citing global economic conditions that made exporting its products unprofitable as the reason for the action.[5] U.S. imports were 3.4 percent higher in January-March 2024 than in January-March 2023. In 2023, the largest sources for U.S. imports of silicomanganese were South Africa, Australia, and Mexico.

[4] One purchaser *** reported it preferred U.S.-produced silicomanganese and shifted from imports from Georgia to U.S.-produced product in 2023. The main supplier *** for that purchaser *** *** imported from Georgia during the period for which data were collected and reported decreased imports from nonsubject countries in 2023.

[5] Manganese ore from the Chiatura mine fed the company's silicomanganese-producing plant in Zestaponi. The company attempted to restart the manganese mine in May 2023, but labor relations issues led to an 18-day strike at the mine in June, with operations resuming on July 1, 2023 after the strike ended. Eurasianet, "Georgian Miners Strike as Company Cites Global Market Crisis," June 16, 2023, https://eurasianet.org/georgian-miners-strike-as-company-cites-global-market-crisis; IMnI Annual Review 2023, January 4, 2024, p. 11, https://www.manganese.org/wp-content/uploads/2024/01/2023-Annual-Review.pdf.

Table IV-1
Silicomanganese: U.S. imports, by source and period

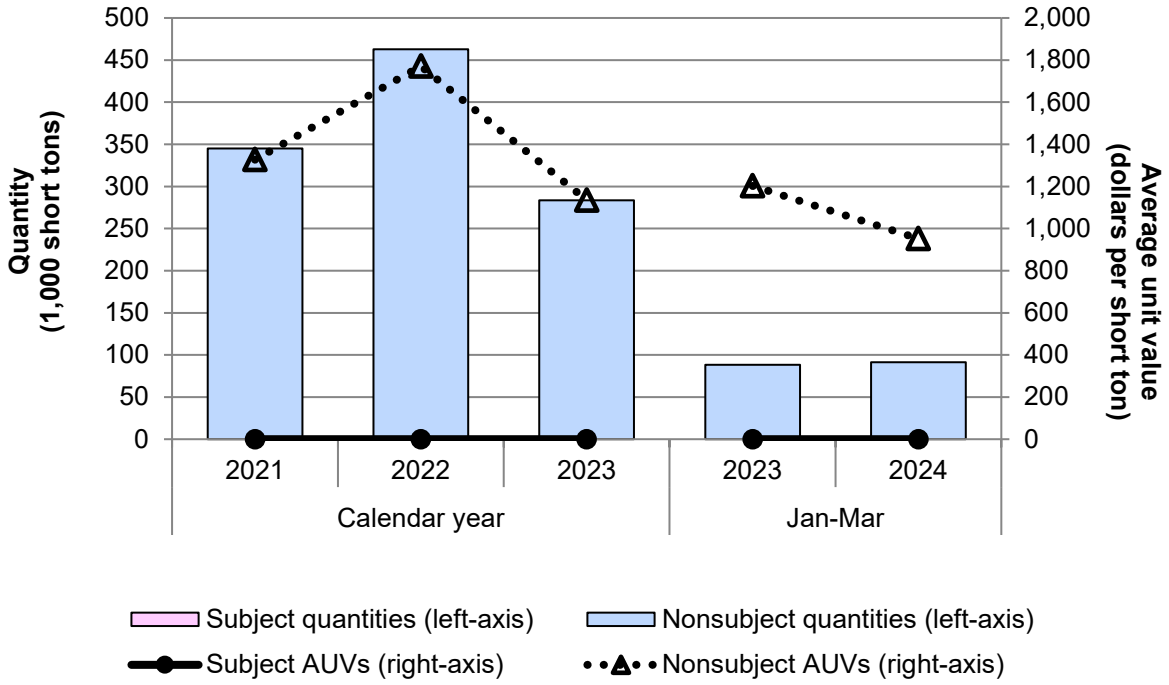
Quantity in short tons; value in 1,000 dollars; unit value in dollars per short tons; share and ratio in percent

Source	Measure	2021	2022	2023	Jan-Mar 2023	Jan-Mar 2024
China	Quantity	---	---	---	---	---
Ukraine	Quantity	---	---	---	---	---
Subject sources	Quantity	---	---	---	---	---
Nonsubject sources	Quantity	345,147	463,003	283,679	88,202	91,200
All import sources	Quantity	345,147	463,003	283,679	88,202	91,200
China	Value	---	---	---	---	---
Ukraine	Value	---	---	---	---	---
Subject sources	Value	---	---	---	---	---
Nonsubject sources	Value	458,078	819,971	322,121	106,089	86,861
All import sources	Value	458,078	819,971	322,121	106,089	86,861
China	Unit value	---	---	---	---	---
Ukraine	Unit value	---	---	---	---	---
Subject sources	Unit value	---	---	---	---	---
Nonsubject sources	Unit value	1,327	1,771	1,136	1,203	952
All import sources	Unit value	1,327	1,771	1,136	1,203	952
China	Share of quantity	---	---	---	---	---
Ukraine	Share of quantity	---	---	---	---	---
Subject sources	Share of quantity	---	---	---	---	---
Nonsubject sources	Share of quantity	100.0	100.0	100.0	100.0	100.0
All import sources	Share of quantity	100.0	100.0	100.0	100.0	100.0
China	Share of value	---	---	---	---	---
Ukraine	Share of value	---	---	---	---	---
Subject sources	Share of value	---	---	---	---	---
Nonsubject sources	Share of value	100.0	100.0	100.0	100.0	100.0
All import sources	Share of value	100.0	100.0	100.0	100.0	100.0
China	Ratio	---	---	---	---	---
Ukraine	Ratio	---	---	---	---	---
Subject sources	Ratio	---	---	---	---	---
Nonsubject sources	Ratio	***	***	***	***	***
All import sources	Ratio	***	***	***	***	***

Source: Compiled from official U.S. imports statistics of the U.S. Department of Commerce using HTS statistical reporting number 7202.30.0000, accessed August 15, 2024.

Note: Zeroes, null values, and undefined calculations are suppressed and shown as "---". As discussed on page IV-1, footnote 3, U.S. imports do not include limited entries from China, which are believed to be a product other than silicomanganese.

Figure IV-1
Silicomanganese: U.S. import quantities and average unit values, by source and period



Source: Compiled from official U.S. imports statistics of the U.S. Department of Commerce using HTS statistical reporting number 7202.30.0000, accessed August 15, 2024.

Note: As discussed on page IV-1, footnote 3, U.S. imports do not include limited entries from China, which are believed to be a product other than silicomanganese.

Table IV-2
Silicomanganese: U.S. nonsubject imports, by source and period

Quantity in short tons; value in 1,000 dollars; unit value in dollars per short ton

Source	Measure	2021	2022	2023	Jan-Mar 2023	Jan-Mar 2024
South Africa	Quantity	90,385	98,963	94,557	45,834	18,629
Australia	Quantity	62,417	69,331	55,525	17,229	17,436
Mexico	Quantity	15,919	35,618	42,941	14,366	2,064
Georgia	Quantity	96,815	125,612	40,522	742	24,223
Malaysia	Quantity	29,378	50,899	33,795	7,520	22,879
Norway	Quantity	31,283	27,134	11,970	1,849	2,175
India	Quantity	551	37,135	3,580	606	2,833
Russia	Quantity	17,014	9,091	---	---	---
Other sources	Quantity	1,386	9,221	788	55	962
Nonsubject sources	Quantity	345,147	463,003	283,679	88,202	91,200
South Africa	Value	88,947	101,601	96,788	47,378	16,195
Australia	Value	89,145	160,755	65,759	25,489	17,545
Mexico	Value	19,354	47,382	45,625	16,330	2,165
Georgia	Value	131,767	260,829	47,075	994	23,937
Malaysia	Value	38,294	103,272	39,748	12,273	19,828
Norway	Value	54,017	56,970	20,853	2,613	3,296
India	Value	811	54,128	5,394	947	2,807
Russia	Value	34,089	20,123	---	---	---
Other sources	Value	1,654	14,911	878	64	1,087
Nonsubject sources	Value	458,078	819,971	322,121	106,089	86,861
South Africa	Unit value	984	1,027	1,024	1,034	869
Georgia	Unit value	1,428	2,319	1,184	1,479	1,006
Australia	Unit value	1,216	1,330	1,063	1,137	1,049
Malaysia	Unit value	1,361	2,076	1,162	1,340	988
Mexico	Unit value	1,303	2,029	1,176	1,632	867
Norway	Unit value	1,727	2,100	1,742	1,413	1,515
India	Unit value	1,472	1,458	1,507	1,561	991
Russia	Unit value	2,004	2,214	---	---	---
Other sources	Unit value	1,193	1,617	1,113	1,165	1,131
Nonsubject sources	Unit value	1,327	1,771	1,136	1,203	952

Table continued.

Table IV-2 Continued
Silicomanganese: U.S. nonsubject imports, by source and period

Share in percent

Source	Measure	2021	2022	2023	Jan-Mar 2023	Jan-Mar 2024
South Africa	Share of quantity	26.2	21.4	33.3	52.0	20.4
Australia	Share of quantity	18.1	15.0	19.6	19.5	19.1
Mexico	Share of quantity	4.6	7.7	15.1	16.3	2.3
Georgia	Share of quantity	28.1	27.1	14.3	0.8	26.6
Malaysia	Share of quantity	8.5	11.0	11.9	8.5	25.1
Norway	Share of quantity	9.1	5.9	4.2	2.1	2.4
India	Share of quantity	0.2	8.0	1.3	0.7	3.1
Russia	Share of quantity	4.9	2.0	---	---	---
Other sources	Share of quantity	0.4	2.0	0.3	0.1	1.1
Nonsubject sources	Share of quantity	100.0	100.0	100.0	100.0	100.0
South Africa	Share of value	19.4	12.4	30.0	44.7	18.6
Australia	Share of value	19.5	19.6	20.4	24.0	20.2
Mexico	Share of value	4.2	5.8	14.2	15.4	2.5
Georgia	Share of value	28.8	31.8	14.6	0.9	27.6
Malaysia	Share of value	8.4	12.6	12.3	11.6	22.8
Norway	Share of value	11.8	6.9	6.5	2.5	3.8
India	Share of value	0.2	6.6	1.7	0.9	3.2
Russia	Share of value	7.4	2.5	---	---	---
Other sources	Share of value	0.4	1.8	0.3	0.1	1.3
Nonsubject sources	Share of value	100.0	100.0	100.0	100.0	100.0

Source: Compiled from official U.S. imports statistics of the U.S. Department of Commerce using HTS statistical reporting numbers 7202.30.0000, accessed September 9, 2024.

Note: Zeroes, null values, and undefined calculations are suppressed and shown as "---".

Cumulation considerations

In assessing whether U.S. imports from the subject countries are likely to compete with each other and with the domestic like product, the Commission 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. Information regarding channels of distribution, market areas, and interchangeability appear in Part II. Additional information concerning fungibility, geographical markets, and simultaneous presence in the market is presented below.

Fungibility

Table IV-3 presents data on U.S. producers' and U.S. importers' U.S. shipments by ASTM grade. U.S. producers produced and shipped *** percent ASTM B grade silicomanganese in 2023. In 2023, U.S. importers shipped *** percent ASTM B silicomanganese, *** percent ASTM C silicomanganese, *** percent high phosphorus silicomanganese not meeting ASTM standards, and *** percent silicomanganese categorized as other. In 2023, high phosphorus silicomanganese was sourced from *** and silicomanganese categorized as other was sourced from ***.[6]

Table IV-3
Silicomanganese: U.S. producers' and U.S. importers' U.S. shipments, by grade, 2023

Quantity in short tons

Source	ASTM A	ASTM B	ASTM C	High phosphorus not meeting ASTM standard	Other	All grades
U.S. producers	***	***	***	***	***	***
China	***	***	***	***	***	***
Ukraine	***	***	***	***	***	***
Subject sources	***	***	***	***	***	***
Nonsubject sources	***	***	***	***	***	***
All import sources	***	***	***	***	***	***
All sources	***	***	***	***	***	***

Table continued.

Table IV-3 Continued
Silicomanganese: U.S. producers' and U.S. importers' U.S. shipments, by grade, 2023

Share across in percent

Source	ASTM A	ASTM B	ASTM C	High phosphorus not meeting ASTM standard	Other	All grades
U.S. producers	***	***	***	***	***	100.0
China	***	***	***	***	***	---
Ukraine	***	***	***	***	***	---
Subject sources	***	***	***	***	***	---
Nonsubject sources	***	***	***	***	***	100.0
All import sources	***	***	***	***	***	100.0
All sources	***	***	***	***	***	100.0

Table continued.

[6] Compiled from data submitted in response to Commission questionnaires.

Table IV-3 Continued
Silicomanganese: U.S. producers' and U.S. importers' U.S. shipments, by grade, 2023

Share down in percent

Source	ASTM A	ASTM B	ASTM C	High phosphorus not meeting ASTM standard	Other	All grades
U.S. producers	***	***	***	***	***	***
China	***	***	***	***	***	***
Ukraine	***	***	***	***	***	***
Subject sources	***	***	***	***	***	***
Nonsubject sources	***	***	***	***	***	***
All import sources	***	***	***	***	***	***
All sources	---	100.0	100.0	100.0	100.0	100.0

Source: Compiled from data submitted in response to Commission questionnaires.

Note: Zeroes, null values, and undefined calculations are suppressed and shown as "---".

Table IV-4 presents U.S. producers' U.S. shipments and foreign producers' total shipments by grade. Foreign producers in Ukraine shipped *** percent high phosphorus silicomanganese that does not meet ASTM standards, *** percent ASTM B silicomanganese, and *** percent silicomanganese categorized as other. No Ukrainian producer reported exports of silicomanganese to the United States in 2023.

Table IV-4
Silicomanganese: U.S. producers' U.S. shipments and foreign producers' total shipments, by grade, 2023

Quantity in short tons, share across in percent

Source	ASTM A	ASTM B	ASTM C	High phosphorus not meeting ASTM standard	Other	All grades
U.S. producers	***	***	***	***	***	***
Foreign producers: Ukraine	***	***	***	***	***	***
U.S. producers	***	***	***	***	***	100.0
Foreign producers: Ukraine	***	***	***	***	***	100.0

Source: Compiled from data submitted in response to Commission questionnaires.

Note: Zeroes, null values, and undefined calculations are suppressed and shown as "---".

Geographical markets

There were no U.S. imports from China or Ukraine during 2023. Imports from nonsubject sources in 2023 entered through multiple U.S. ports of entry. Table IV-5 presents data on U.S. imports of silicomanganese by source and by border of entry in 2023, based on official statistics. During 2023, the largest share of imports of silicomanganese entered via the Southern border of entry.

Table IV-5
Silicomanganese: U.S. imports, by source and border of entry, 2023

Quantity in short tons

Source	East	North	South	West	All borders
China	---	---	---	---	---
Ukraine	---	---	---	---	---
Subject sources	---	---	---	---	---
Nonsubject sources	21,069	5,454	224,083	33,074	283,679
All import sources	21,069	5,454	224,083	33,074	283,679

Table continued.

Table IV-5 Continued
Silicomanganese: U.S. imports, by source and border of entry, 2023

Share across in percent

Source	East	North	South	West	All borders
China	---	---	---	---	---
Ukraine	---	---	---	---	---
Subject sources	---	---	---	---	---
Nonsubject sources	7.4	1.9	79.0	11.7	100.0
All import sources	7.4	1.9	79.0	11.7	100.0

Table continued.

Table IV-5 Continued
Silicomanganese: U.S. imports, by source and border of entry, 2023

Share down in percent

Source	East	North	South	West	All borders
China	---	---	---	---	---
Ukraine	---	---	---	---	---
Subject sources	---	---	---	---	---
Nonsubject sources	100.0	100.0	100.0	100.0	100.0
All import sources	100.0	100.0	100.0	100.0	100.0

Source: Compiled from official U.S. imports statistics of the U.S. Department of Commerce using HTS statistical reporting numbers 7202.30.0000, accessed September 9, 2024.

Note: Zeroes, null values, and undefined calculations are suppressed and shown as "---". As discussed on page IV-1, footnote 3, U.S. imports do not include limited entries from China, which are believed to be a product other than silicomanganese.

Presence in the market

Table IV-6 presents monthly data for U.S. imports of silicomanganese from subject and nonsubject sources between January 2021 and July 2024. Imports from China and Ukraine were reported in zero months during this period.

Table IV-6
Silicomanganese: U.S. imports, by source and month

Quantity in short tons

Year	Month	China	Ukraine	Subject sources	Nonsubject sources	All import sources
2021	January	---	---	---	2,896	2,896
2021	February	---	---	---	25,569	25,569
2021	March	---	---	---	44,739	44,739
2021	April	---	---	---	11,549	11,549
2021	May	---	---	---	32,570	32,570
2021	June	---	---	---	27,438	27,438
2021	July	---	---	---	23,184	23,184
2021	August	---	---	---	33,865	33,865
2021	September	---	---	---	28,432	28,432
2021	October	---	---	---	45,724	45,724
2021	November	---	---	---	14,615	14,615
2021	December	---	---	---	54,567	54,567
2022	January	---	---	---	32,645	32,645
2022	February	---	---	---	54,270	54,270
2022	March	---	---	---	19,885	19,885
2022	April	---	---	---	67,875	67,875
2022	May	---	---	---	16,011	16,011
2022	June	---	---	---	24,168	24,168
2022	July	---	---	---	40,188	40,188
2022	August	---	---	---	53,370	53,370
2022	September	---	---	---	38,367	38,367
2022	October	---	---	---	37,776	37,776
2022	November	---	---	---	17,788	17,788
2022	December	---	---	---	60,660	60,660

Table continued.

Table IV-6 Continued
Silicomanganese: U.S. imports, by source and month

Quantity in short tons

Year	Month	China	Ukraine	Subject sources	Nonsubject sources	All import sources
2023	January	---	---	---	40,168	40,168
2023	February	---	---	---	4,989	4,989
2023	March	---	---	---	43,046	43,046
2023	April	---	---	---	15,226	15,226
2023	May	---	---	---	17,262	17,262
2023	June	---	---	---	17,179	17,179
2023	July	---	---	---	16,260	16,260
2023	August	---	---	---	28,977	28,977
2023	September	---	---	---	32,546	32,546
2023	October	---	---	---	32,907	32,907
2023	November	---	---	---	11,302	11,302
2023	December	---	---	---	23,818	23,818
2024	January	---	---	---	35,854	35,854
2024	February	---	---	---	16,956	16,956
2024	March	---	---	---	38,391	38,391
2024	April	---	---	---	37,856	37,856
2024	May	---	---	---	18,785	18,785
2024	June	---	---	---	58,539	58,539
2024	July	---	---	---	12,230	12,230

Source: Compiled from official U.S. imports statistics of the U.S. Department of Commerce using HTS statistical reporting numbers 7202.30.0000, accessed September 9, 2024.

Note: Zeroes, null values, and undefined calculations are suppressed and shown as "---". As discussed on page IV-1, footnote 3, U.S. imports do not include limited entries from China, which are believed to be a product other than silicomanganese.

U.S. inventories of imported merchandise

Table IV-7 presents data for U.S. importers' inventories of U.S. imports of silicomanganese from China, Ukraine, and all other sources held in the United States. There were no inventories from China or Ukraine during the period for which data were collected. Inventories from nonsubject countries increased by *** percent from 2021 to 2023. Inventories were *** percent lower in January-March 2024 than in January-March 2023. The ratio of inventories to total shipments increased from *** percent in 2021 to *** percent in 2023.

Table IV-7
Silicomanganese: U.S. importers' end-of-period inventories of imports, by source and period

Quantity in short tons; ratio in percent

Measure	Source	2021	2022	2023	Jan-Mar 2023	Jan-Mar 2024
Inventories quantity	China	***	***	***	***	***
Ratio to imports	China	***	***	***	***	***
Ratio to U.S. shipments of imports	China	***	***	***	***	***
Ratio to total shipments of imports	China	***	***	***	***	***
Inventories quantity	Ukraine	***	***	***	***	***
Ratio to imports	Ukraine	***	***	***	***	***
Ratio to U.S. shipments of imports	Ukraine	***	***	***	***	***
Ratio to total shipments of imports	Ukraine	***	***	***	***	***
Inventories quantity	Subject sources	***	***	***	***	***
Ratio to imports	Subject sources	***	***	***	***	***
Ratio to U.S. shipments of imports	Subject sources	***	***	***	***	***
Ratio to total shipments of imports	Subject sources	***	***	***	***	***
Inventories quantity	Nonsubject sources	***	***	***	***	***
Ratio to imports	Nonsubject sources	***	***	***	***	***
Ratio to U.S. shipments of imports	Nonsubject sources	***	***	***	***	***
Ratio to total shipments of imports	Nonsubject sources	***	***	***	***	***
Inventories quantity	All	***	***	***	***	***
Ratio to imports	All	***	***	***	***	***
Ratio to U.S. shipments of imports	All	***	***	***	***	***
Ratio to total shipments of imports	All	***	***	***	***	***

Source: Compiled from data submitted in response to Commissioner questionnaires.

Note: Zeroes, null values, and undefined calculations are suppressed and shown as "---".

U.S. importers' imports subsequent to March 31, 2024

The Commission requested importers to indicate whether they had imported or arranged for the importation of silicomanganese from China, Ukraine, or other sources for delivery after March 31, 2024; such imports are presented in table IV-8. There were no arranged imports of subject merchandise for delivery after March 31, 2024.

Seven firms reported arranged imports of silicomanganese from all other sources for delivery after March 31, 2024. The leading importer of arranged imports from all other sources, ***, accounted for *** percent of all arranged imports. *** reported that it imports silicomanganese from ***.

Table IV-8
Silicomanganese: U.S. importers' arranged imports, by source and period

Quantity in short tons

Source	Apr-Jun 2024	Jul-Sep 2024	Oct-Dec 2024	Jan-Mar 2025	Total
China	***	***	***	***	***
Ukraine	***	***	***	***	***
Subject sources	***	***	***	***	***
Nonsubject sources	***	***	***	***	***
All import sources	***	***	***	***	***

Source: Compiled from data submitted in response to Commission questionnaires.

Note: Zeroes, null values, and undefined calculations are suppressed and shown as "---".

Subject country producers

The silicomanganese industry in China is larger than the industry in Ukraine. In 2022, Chinese producers reportedly had capacity of *** short tons compared to a capacity of *** short tons for Ukrainian producers. Similarly, China produced more silicomanganese than Ukraine in 2022, *** short tons compared to *** short tons.[7]

According to GTA data, in 2023, China exported 53,059 short tons of silicomanganese and Ukraine exported 365,141 short tons of silicomanganese. Most of the top export destinations for Chinese silicomanganese were in Asia, whereas most of the top export destinations for Ukrainian silicomanganese were in Europe.

[7] Capacity and production data for the silicomanganese industry in China is provided in the domestic interested party's response to the notice of institution, December 1, 2023, table 4, p. 18. Capacity and production data for the silicomanganese industry in Ukraine is compiled from data submitted in response to Commission questionnaires.

The industry in China

Overview

No Chinese producer of silicomanganese provided a questionnaire response in the current fifth five-year reviews. According to the domestic interested party's response to the Commission's notice of institution for these reviews, Chinese silicomanganese producers *** capacity to *** short tons during the period of review. Capacity utilization was *** percent in 2017; however, utilization rates have decreased in 2021 and 2022 following the *** and *** production rates.

Table IV-9 presents information on the silicomanganese capacity, production, and capacity utilization of producers in China.[8]

Table IV-9
Silicomanganese: Chinese producers' capacity, production, and capacity utilization, by period

Capacity and production in short tons; capacity utilization in percent

Measure	2017	2018	2019	2020	2021	2022
Capacity	***	***	***	***	***	***
Production	***	***	***	***	***	***
Capacity utilization	***	***	***	***	***	***

Source: Domestic interested party's response to the notice of institution, December 1, 2023, table 4, p. 18 (***).

Table IV-10 presents events in China's industry since January 1, 2021.

[8] Staff notes that production levels shown in tables IV-8 and IV-20 are according to different sources.

Table IV-10
Silicomanganese: Developments in China's industry

Item	Firm	Event
Industry conference	China Ferroalloy Industry Association	On July 22, 2022, the Manganese Professional Committee ("MFP") of the China Ferroalloy Industry Association ("CFIA") convened an emergency videoconference of more than 40 manganese member units across China to discuss market conditions, China's national plan curb growth in crude steel production. The MFP urged producing members to reduce manganese ferroalloy production (including silicomanganese) by more than 60 percent and minimize the procurement of foreign ore currently trading at high costs. If successful, this would potentially weaken demand for ore from its foreign suppliers.
Proposed production curtailment	China Ferroalloy Industry Association	According to industry reports, in October 2022, the MFP again proposed that its member companies reduce manganese ferroalloy production by 50 percent and 40 member companies agreed to this plan in late October. The reasons cited for the proposed reduction were higher prices of imported manganese ore, coke and coking coal, freight rates, as well as weak demand in the domestic market that led to a rapid increase in the cost of manganese alloys production in China. It was unclear if production had been reduced following the proposal.
Production curtailment	International Manganese Institute	In September 2023, the International Manganese Institute (IMnI) reported that energy consumption control measures instituted in Shizuishan, Ningxia, led to silicomanganese production cuts of about 44,000–99,000 short tons per month.
Transition to green production	Various	From 2022 to 2023, various Chinese government departments and the Chinese ferroalloys industry association launched a series of guides on energy savings and carbon emission reductions. They also announced plans to require certifications for "green" ferroalloys smelters. Adoption of renewable energy sources (e.g., wind and solar generated electricity) was the main priority for smelters in their efforts to achieve green certification. Other measures that the Chinese ferroalloys industry is looking to incorporate in green ferroalloy production include upgraded smelter technologies and substitutes for coke as reductants in ferroalloy production.
Supply chain disruptions	Various	In April 2024, silicomanganese prices in China rose by more than 5 percent owing to fears of a reduced supply of manganese ore, a raw material input used to make silicomanganese. The supply shortage was caused by a disruption of imports from a major global manganese ore producer in Australia. In March 2024, a cyclone damaged South32's Gemco manganese operations and export wharf in Australia's Northern Territory. It was reported that the South32 mining operations and port would not restart it operations until the first quarter of 2025. China imported 34.6 million short tons of manganese ore in 2023, with 16 percent coming from Australia.

Source: Project Blue, "Appeal for Chinese Manganese Alloy Producers to Cut Production," July 26, 2022, https://projectblue.com/blue/news-analysis/123/appeal-for-chinese-manganese-alloy-producers-to-cut-production, retrieved January 3, 2024; Halina Yermolenko, "The World Ferroalloys Market Sees a Decline in Demand," GMK Center, November 7, 2022, https://gmk.center/en/news/the-world-ferroalloys-market-sees-a-decline-in-demand/, retrieved January 3, 2024; International Manganese Institute (IMnI) Annual Review 2023, January 4, 2024, p.12, https://www.manganese.org/wp-content/uploads/2024/01/2023-Annual-Review.pdf; Fastmarkets, "Green Ferro-alloys to Create New Opportunities for China: 2024 Preview, January 10, 2024, https://www.fastmarkets.com/insights/green-ferro-alloys-to-create-new-opportunities-for-china-2024-preview/#:~:text=%E2%80%9CWe%20will%20see%20a%20new,out%20under%20the%20fierce%20competition.%E2%80%9D; Mining.com, "China's Silico-manganese Futures Near 7-month High after South32 Export Suspension," April 24, 2024, https://www.mining.com/web/chinas-silico-manganese-futures-near-7-mth-high-after-south32-export-suspension/.

Exports

Table IV-11 presents export data for silicomanganese from China (by export destination in descending order of quantity for 2023). Indonesia, Chile, and the Philippines were the leading export destinations in 2023, accounting for 85.9 percent, 3.8 percent, and 2.1 percent, respectively, of total exports from China. The overall quantity of exports of silicomanganese from China increased by 6.1 percent from 2021 to 2022 before decreasing by 58.3 percent from 2022 to 2023, resulting in an overall decrease of 55.7 percent during the period.

Table IV-11
Silicomanganese: Exports from China, by destination market and by period

Quantity in short tons; value in 1,000 dollars

Destination market	Measure	2021	2022	2023
United States	Quantity	---	---	---
Indonesia	Quantity	51,769	66,201	45,595
Chile	Quantity	179	1,044	2,039
Philippines	Quantity	991	4,048	1,122
Algeria	Quantity	292	1,093	889
Libya	Quantity	205	247	662
Taiwan	Quantity	13,273	12,781	491
Thailand	Quantity	3,464	3,415	437
Vietnam	Quantity	9,118	3,906	318
All other destination markets	Quantity	40,568	34,459	1,505
Non-U.S. destination markets	Quantity	119,859	127,193	53,059
All destination markets	Quantity	119,859	127,193	53,059
United States	Value	---	---	---
Indonesia	Value	82,202	117,242	64,361
Chile	Value	220	1,394	2,202
Philippines	Value	1,015	4,867	1,111
Algeria	Value	326	1,321	1,041
Libya	Value	282	346	747
Taiwan	Value	14,489	12,931	828
Thailand	Value	4,064	4,561	385
Vietnam	Value	11,802	6,532	434
All other destination markets	Value	46,689	46,817	1,846
Non-U.S. destination markets	Value	161,088	196,011	72,955
All destination markets	Value	161,088	196,011	72,955

Table continued.

Table IV-11 Continued
Silicomanganese: Exports from China, by destination market and by period

Unit value in dollars per short ton; share in percent

Destination market	Measure	2021	2022	2023
United States	Unit value	---	---	---
Indonesia	Unit value	1,588	1,771	1,412
Chile	Unit value	1,234	1,335	1,080
Philippines	Unit value	1,024	1,202	990
Algeria	Unit value	1,116	1,209	1,171
Libya	Unit value	1,372	1,403	1,128
Taiwan	Unit value	1,092	1,012	1,688
Thailand	Unit value	1,173	1,336	882
Vietnam	Unit value	1,294	1,672	1,364
All other destination markets	Unit value	1,151	1,359	1,226
Non-U.S. destination markets	Unit value	1,344	1,541	1,375
All destination markets	Unit value	1,344	1,541	1,375
United States	Share of quantity	---	---	---
Indonesia	Share of quantity	43.2	52.0	85.9
Chile	Share of quantity	0.1	0.8	3.8
Philippines	Share of quantity	0.8	3.2	2.1
Algeria	Share of quantity	0.2	0.9	1.7
Libya	Share of quantity	0.2	0.2	1.2
Taiwan	Share of quantity	11.1	10.0	0.9
Thailand	Share of quantity	2.9	2.7	0.8
Vietnam	Share of quantity	7.6	3.1	0.6
All other destination markets	Share of quantity	33.8	27.1	2.8
Non-U.S. destination markets	Share of quantity	100.0	100.0	100.0
All destination markets	Share of quantity	100.0	100.0	100.0

Source: Official exports statistics under HS subheading 7202.30, as reported by China Customs in the Global Trade Atlas Suite database, accessed June 18, 2024.

Note: Zeroes, null values, and undefined calculations are suppressed and shown as "---". United States is shown at the top. All remaining top export destinations are shown in descending order of 2023 data.

The industry in Ukraine

Overview

The two firms that reportedly produced all known silicomanganese in Ukraine during the period for which data were collected submitted foreign producer questionnaires. Public Joint Stock Company NFP was privatized between 2003 and 2005, and Public Joint Stock Company ZFP was privatized in 2000.[9] Management control in both firms is exercised according to the Ukrainian corporate governance legislation.[10]

Table IV-12 presents information on the silicomanganese operations of the responding producers and exporters in Ukraine.

Table IV-12
Silicomanganese: Summary data for producers in Ukraine, 2023

Firm	Production (short tons)	Share of reported production (percent)	Exports to the United States (short tons)	Share of reported exports to the United States (percent)	Total shipments (short tons)	Share of firm's total shipments exported to the United States (percent)
NFP	***	***	***	***	***	***
ZFP	***	***	***	***	***	***
All firms	***	***	***	***	***	***

Source: Compiled from data submitted in response to Commission questionnaires.

Note: Zeroes, null values, and undefined calculations are suppressed and shown as "---".

A third Ukrainian plant that produces silicomanganese and other ferroalloys, Public Joint Stock Company Stakhanov Ferroalloy Plant, is located in the Alchevsk district in the Luhansk region. This region has been occupied by Russia since 2014 and was still declared occupied territory by order number 309 of the Ministry of Reintegration of the Temporarily Occupied Territories of Ukraine in 2022.[11] Ukraine "does not have any access to the enterprise, its capacity, products, or documentation" in this district.[12] In 2018, the plant came under

[9] Fourth review publication, p. IV-17.

[10] Ibid.

[11] Written submission of the Ministry of Economy of Ukraine, November 30, 2023, pp. 34-35; and respondent interested party's response to the notice of institution, December 1, 2023, p. 6.

[12] Written submission of the Ministry of Economy of Ukraine, November 30, 2023, p. 35; and respondent interested party's response to the notice of institution, December 1, 2023, p. 6.

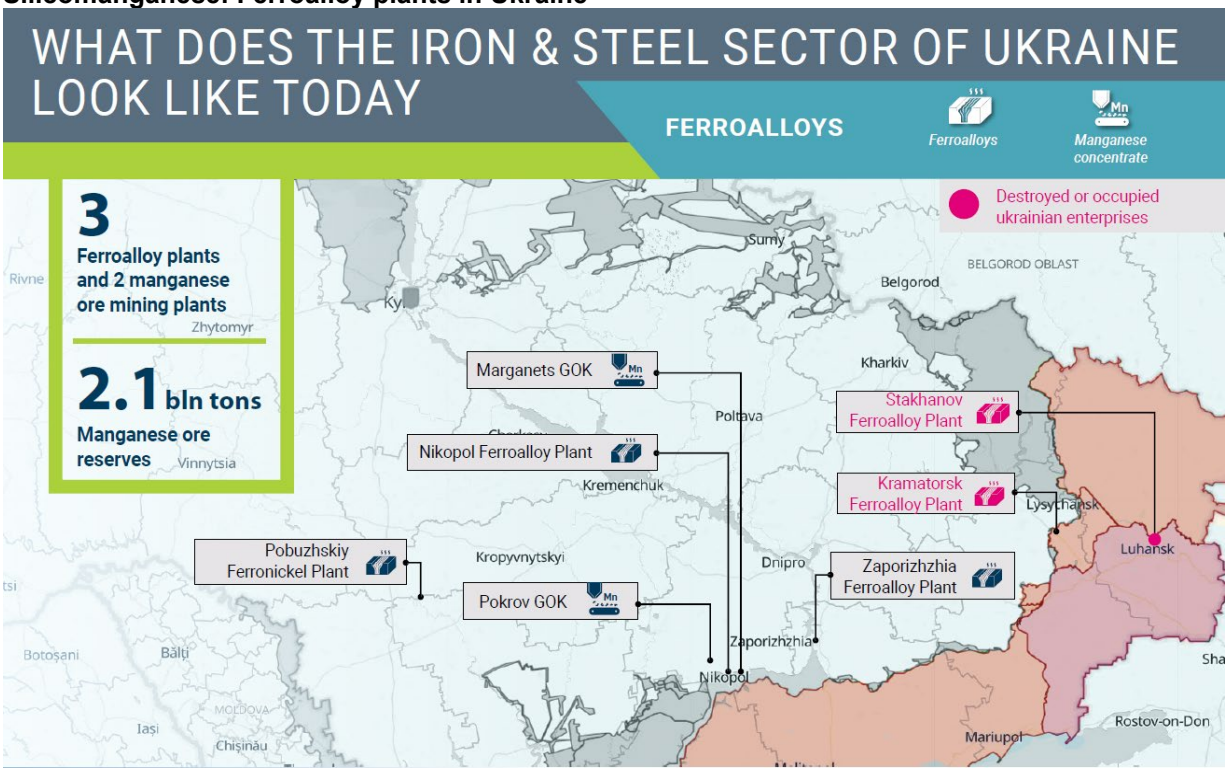
management of the South Ossetian Company Vneshtorgservice CJSC, which has financial ties with Russia.[13]

According to Ukrainian respondent interested party UkrFA, Russia's invasion of Ukraine has curtailed production of silicomanganese in Ukraine. Following a cessation in the conflict, Ukrainian silicomanganese producers would need time to resume production that would approach pre-war levels. The two Ukrainian silicomanganese producers, NFP and ZFP, are both in areas where combat has occurred, including artillery shelling and bombardment that have damaged the plants and killed, wounded, and endangered the workers. UkrFA stated that the steady electricity supply needed to power furnaces and operate silicomanganese plants in Ukraine has been decimated by Russian attacks that specifically targeted Ukraine's power grid (e.g., the Zaporizhzhia nuclear power plant and the Kakhovka hydroelectric power plant ("HPP")). UkrFA also stated that even if the war were to end, it would still take a substantial amount of time to repair or replace the power plants that have been damaged and Ukrainian silicomanganese production would be compromised and limited by the reduced electricity supply until it is restored. Furthermore, UkrFA stated that the war with Russia has destroyed supply chains so that Ukrainian silicomanganese producers are either unable to source or have great difficulty sourcing raw material inputs such as coke or manganese ore owing to closed or blockaded ports and limited rail access.[14] Figure IV-2 illustrates the locations of the silicomanganese plants and their proximity to areas that have sustained damage from the war or are occupied by Russia.

[13] Written submission of the Ministry of Economy of Ukraine, November 30, 2023, p. 35; and respondent interested party's response to the notice of institution, December 1, 2023, p. 6.

[14] Respondent interested party's response to the notice of institution, December 1, 2023, pp. 3-4, 11-12.

Figure IV-2
Silicomanganese: Ferroalloy plants in Ukraine



Source: GMK Center, Economic Impact of Iron and Steel Industry of Ukraine 2023, May 30, 2024, p. 16, https://gmk.center/wp-content/uploads/2024/05/2024_Econ_Steel-impact.pdf.

Table IV-13 presents events in Ukraine's industry since January 1, 2021.

Table IV-13
Silicomanganese: Developments in Ukraine's industry since January 1, 2021

Item	Firm	Event
Temporary idling	ZFP	In November 2022, ZFP suspended production operations owing to the destruction of critical infrastructure (e.g., power plants) in the Zaporizhzhia Oblast region that affected the supply of electricity available to ZFP. This shutdown lasted until March 2023, when ZFP partially resumed ferroalloy production operations on its four furnaces.
Production curtailment	NFP	In June 2023, it was reported that NFP was reducing production volumes of ferroalloys due to the need to reduce its consumption of water for production processes as a result of the impact of the Ukraine conflict on the Kakhovka HPP. The hydroelectric plant was heavily damaged by Russian troops, thereby reducing water available to NFP and other industrial facilities in the region.
Temporary idling	ZFP	In early November 2023, ZFP suspended operations of furnace units at its ferroalloys plant. According to company officials, the decision to stop production was based on experience from the previous winter when there were restrictions on the supply of electricity caused by the destruction of critical infrastructure facilities and the need for residents in the region to use the available electricity for heat. The company's temporary closure was intended to reduce its load on the electrical power grid in the region. According to the company, the idling would also allow it to prepare its production equipment for stable operations at the end of the winter heating season, with "maximum efficient production." The shutdown was anticipated to last until spring.
Temporary idling	NFP	In early November 2023, NFP suspended ferroalloy production operations during the winter months. According to the company, NFP is located five kilometers (about three miles) from the occupied city of Enerhodar (in the Zaporizhzhia Oblast) and has been adversely impacted by shelling from Russian artillery during the conflict. In order to preserve its workforce and equipment, the company's administration decided to suspend production of ferroalloys, as the combat intensifies in the winter, especially impacting the energy infrastructure. During the closure, the company will continue to perform construction and repair work at the plant related to the modernization of equipment that was repeatedly damaged by shelling.
Restart	ZFP	On May 1, 2024, ZFP reportedly restarted some ferroalloy production at its plant, which had been idle since November 2023. According to a high-ranking company official, ZFP restarted two furnaces which accounted for 7 percent of the total ferroalloy production capacity at the plant. There were no plans for increasing production capacity as of June 2024.
Status	NFP	In June 2024, the executive director of UkrFA, Serhii Kudryavtsev, indicated that NFP was considering the possibility of restarting production at its ferroalloys plant after shutting it down in 2023. No definitive plans for a restart date were reported.

Source: Vadim Kolisnichenko, "NFP Suspends the Production of Ferroalloy Products in the Winter Period," GMK Center,,November 7, 2023, https://gmk.center/en/news/nfp-suspends-the-production-of-ferroalloy-products-in-the-winter-period/#:~:text=Nikopol, retrieved December 8, 2023; Vadim Kolisnichenko, "NFP Reduces Production Due To the Explosion of the Kakhovska HPP," GMK Center,,June 7, 2023 https://gmk.center/en/news/nfp-reduces-production-due-to-the-explosion-of-the-kakhovska-hpp/, retrieved December 8, 2023; Vadim Kolisnichenko, "Zaporizhzhia Ferroalloy Plant Stops Furnace Units for the Winter Period," GMK Center, November 6, 2023, https://gmk.center/en/news/zaporizhzhia-ferroalloy-plant-stops-furnace-units-for-the-winter-period/, retrieved December 8, 2023; Yuriy Grigorenko, "Winter Shutdown of Ferroalloy Plants in Ukraine Threatens the Future of the Industry," GMK Center, November 28, 2023, https://gmk.center/en/posts/winter-shutdown-of-ferroalloy-plants-in-ukraine-threatens-the-future-of-the-industry/#:~:text=By%20early%20November%202023%2C%20the,and%20ZFP%20%E2%80%93%20has%20also%20stopped, retrieved December 8, 2023; The Odessa Times, "The Ferroalloy Plant in Zaporizhzhia has Resumed Production," June 19, 2024, https://odessa-journal.com/the-ferroalloy-plant-in-zaporizhzhia-has-resumed-production.

Representatives from both producers in Ukraine testified that silicomanganese production continued to be impacted by Russia's invasion of Ukraine into 2024. Representatives noted that impacts from the war were greater in the second half of 2023 and first half of 2024 than previously experienced. ZFP ceased silicomanganese production in November 2023 due to inconsistent access to electricity and water; production minimally resumed in May 2024.[15] The representative from ZFP also noted that shipping lanes had reopened in the Black Sea, but that these lanes were now more costly and prioritized other goods, such as grain.[16] NFP also ceased silicomanganese production in November 2023 before resuming minimal production in June 2024.[17] Furthermore, *** NFP furnace transformers were destroyed, and *** furnaces failed as a result of Russian shelling on July 14, 2024.[18]

The Ukrainian respondents stated that a considerable share of industrial production facilities, including steel mills, have been destroyed or damaged or are in territories that are temporarily under Russian control.[19] Some Ukrainian steel mills that produce rebar were temporarily idled or curtailed following Russia's invasion in February 2022.[20] According to an industry report, Ukrainian production of long steel products (includes rebar and other long products) was 1.94 million short tons in 2023, an increase of 30.7 percent from 2022 (1.49 million short tons) but 53.6 percent less than production in 2021 (4.19 million short tons).[21] Similarly, Ukrainian respondents stated the market for silicomanganese in Ukraine decreased 50 percent from a pre-war volume of 143-145 thousand short tons to a current volume of 71.5-77 thousand short tons.[22]

[15] Hearing transcript, p. 124 (Mischenko).
[16] Hearing transcript, p. 127 (Mischenko).
[17] Hearing transcript, p. 131 (Oleksander).
[18] UkrFA's posthearing brief, p. Q-1.
[19] Hearing transcript, p. 8 (Muzylov).
[20] Hunder, Max, ArcelorMittal plant in Ukraine aims to resume production as soon as possible, November 25, 2022, https://www.reuters.com/markets/commodities/arcelormittal-plant-ukraine-aims-resume-production-soon-possible-2022-11-25/. Metinvest, Kamet Steel resumes production after blackout, December 28, 2022, https://metinvestholding.com/en/media/news/kametstalj-vdnovila-viplavku-stal-pslya-blekautu.
[21] GMK Center, Economic Impact of Iron and Steel Industry of Ukraine 2023, May 30, 2024, p. 4, https://gmk.center/wp-content/uploads/2024/05/2024_Econ_Steel-impact.pdf.
[22] UkrFA's posthearing brief, p. Q-5.

Changes in operations

Producers in Ukraine were asked to report any change in the character of their operations or organization relating to the production of silicomanganese since 2018. Both producers indicated in their questionnaires that they had experienced such changes. Table IV-14 presents the changes identified by these producers.

Table IV-14
Silicomanganese: Ukrainian producers' reported changes in operations, since January 1, 2018

Item	Firm name and narrative on changes in operations
Prolonged shutdowns	***
Prolonged shutdowns	***
Production curtailments	***

Item	Firm name and narrative on changes in operations
Weather related or force majeure events	***
Weather related or force majeure events	***

Source: Compiled from data submitted in response to Commission questionnaires.

Operations on silicomanganese

Table IV-15 presents data on Ukraine producers' installed capacity, practical capacity, and production on the same equipment. Ukrainian capacity to produce silicomanganese decreased by *** percent and overall production decreased by *** percent from 2021 to 2023.

Table IV-15
Silicomanganese: Ukraine producers' overall capacity and production on the same equipment as in-scope production, by period

Capacity and production in short tons; utilization in percent

Item	Measure	2021	2022	2023	Jan-Mar 2023	Jan-Mar 2024
Installed overall	Capacity	***	***	***	***	***
Installed overall	Production	***	***	***	***	***
Installed overall	Utilization	***	***	***	***	***
Practical overall	Capacity	***	***	***	***	***
Practical overall	Production	***	***	***	***	***
Practical overall	Utilization	***	***	***	***	***
Practical silicomanganese	Capacity	***	***	***	***	***
Practical silicomanganese	Production	***	***	***	***	***
Practical silicomanganese	Utilization	***	***	***	***	***

Source: Compiled from data submitted in response to Commission questionnaires.

Producers in Ukraine were asked to report any capacity constraints relating to the production of silicomanganese since 2018. Both producers indicated in their questionnaires that they had experienced such constraints. Table IV-16 presents Ukrainian producers' reported narratives regarding practical capacity constraints.

Table IV-16
Silicomanganese: Ukrainian producers' reported capacity constraints, since January 1, 2018

Item	Firm name and narrative on changes in operations
Production bottlenecks	***
Existing labor force	***
Existing labor force	***
Supply of material inputs	***

Item	Firm name and narrative on changes in operations
Fuel or energy	***
Fuel or energy	***
Logistics/transportation	***

Item	Firm name and narrative on changes in operations
Logistics/transportation	***

Item	Firm name and narrative on changes in operations
Other constraints	***

Source: Compiled from data submitted in response to Commission questionnaires.

Table IV-17 presents data on the industry in Ukraine. From 2021 to 2023, production in Ukraine decreased by *** percent. In their responses NFP and ZFP reported various reasons for decreased production, as presented above. Capacity utilization, *** percent in 2021, decreased to *** percent in 2023. The share of home shipments in Ukraine was *** percent in 2021 and *** percent in 2023 and the share of internal consumption was *** percent in 2021 and *** percent in 2023. The primary destinations for Ukrainian exports were Poland and Turkey, with shares of quantities of 10.8 percent and 27.3 percent in 2021 and 55.6 percent and 13.2 percent in 2023, respectively (table IV-20). The inventory to production ratio in Ukraine increased from *** percent in 2021 to *** percent in 2023.[23]

[23] *** production in 2023 is the primary reason for the increase in this ratio.

Table IV-17
Silicomanganese: Data on industry in Ukraine, by period

Quantity in short tons; value in 1,000 dollars; unit value in dollars per short ton; ratio and share in percent

Item	Measure	2021	2022	2023	Jan-Mar 2023	Jan-Mar 2024
Capacity	Quantity	***	***	***	***	***
Production	Quantity	***	***	***	***	***
End-of-period inventories	Quantity	***	***	***	***	***
Internal consumption and transfers	Quantity	***	***	***	***	***
Commercial home market shipments	Quantity	***	***	***	***	***
Home market shipments	Quantity	***	***	***	***	***
Export shipments	Quantity	***	***	***	***	***
Total shipments	Quantity	***	***	***	***	***
Internal consumption and transfers	Value	***	***	***	***	***
Commercial home market shipments	Value	***	***	***	***	***
Home market shipments	Value	***	***	***	***	***
Export shipments	Value	***	***	***	***	***
Total shipments	Value	***	***	***	***	***
Internal consumption and transfers	Unit value	***	***	***	***	***
Commercial home market shipments	Unit value	***	***	***	***	***
Home market shipments	Unit value	***	***	***	***	***
Export shipments	Unit value	***	***	***	***	***
Total shipments	Unit value	***	***	***	***	***
Capacity utilization ratio	Ratio	***	***	***	***	***
Inventory ratio to production	Ratio	***	***	***	***	***
Inventory ratio to total shipments	Ratio	***	***	***	***	***
Internal consumption and transfers	Share	***	***	***	***	***
Commercial home market shipments	Share	***	***	***	***	***
Home market shipments	Share	***	***	***	***	***
Export shipments	Share	***	***	***	***	***
Total shipments	Share	100.0	100.0	100.0	100.0	100.0

Source: Compiled from data submitted in response to Commission questionnaires.

Note: Zeroes, null values, and undefined calculations are suppressed and shown as "---".

Table IV-18 presents data for Ukrainian producers' exports of silicomanganese. Exports to the European Union decreased by *** percent from *** short tons in 2021 to *** short tons in 2023 and accounted for *** percent of total exports in 2023. Exports to Asia, the second largest destination for Ukrainian silicomanganese, decreased by *** percent between 2021 and 2023.

Table IV-18
Silicomanganese: Producers' exports from Ukraine, by destination market and period

Quantity in short tons; value in 1,000 dollars

Destination market	Measure	2021	2022	2023	Jan-Mar 2023	Jan-Mar 2024
United States	Quantity	***	***	***	***	***
Other USCMA countries	Quantity	***	***	***	***	***
European Union	Quantity	***	***	***	***	***
Asia	Quantity	***	***	***	***	***
All other destination markets	Quantity	***	***	***	***	***
Non-U.S. destination markets	Quantity	***	***	***	***	***
All destination markets	Quantity	***	***	***	***	***
United States	Value	***	***	***	***	***
Other USCMA countries	Value	***	***	***	***	***
European Union	Value	***	***	***	***	***
Asia	Value	***	***	***	***	***
All other destination markets	Value	***	***	***	***	***
Non-U.S. destination markets	Value	***	***	***	***	***
All destination markets	Value	***	***	***	***	***

Table continued.

Table IV-18
Silicomanganese: Producers' exports from Ukraine, by destination market and period

Unit values in dollars per short ton; share and ratio in percent

Destination market	Measure	2021	2022	2023	Jan-Mar 2023	Jan-Mar 2024
United States	Unit value	***	***	***	***	***
Other USCMA countries	Unit value	***	***	***	***	***
European Union	Unit value	***	***	***	***	***
Asia	Unit value	***	***	***	***	***
All other destination markets	Unit value	***	***	***	***	***
Non-U.S. destination markets	Unit value	***	***	***	***	***
All destination markets	Unit value	***	***	***	***	***
United States	Share of quantity	***	***	***	***	***
Other USCMA countries	Share of quantity	***	***	***	***	***
European Union	Share of quantity	***	***	***	***	***
Asia	Share of quantity	***	***	***	***	***
All other destination markets	Share of quantity	***	***	***	***	***
Non-U.S. destination markets	Share of quantity	***	***	***	***	***
All destination markets	Share of quantity	100.0	100.0	100.0	100.0	100.0
United States	Ratio	***	***	***	***	***
Other USCMA countries	Ratio	***	***	***	***	***
European Union	Ratio	***	***	***	***	***
Asia	Ratio	***	***	***	***	***
All other destination markets	Ratio	***	***	***	***	***
Non-U.S. destination markets	Ratio	***	***	***	***	***
All destination markets	Ratio	***	***	***	***	***

Source: Compiled from data submitted in response to Commission questionnaires.

Note: Zeroes, null values, and undefined calculations are suppressed and shown as "---".

Alternative products

As shown in table IV-19, both responding firms produced other products on the same equipment and machinery used to produce silicomanganese. Silicomanganese accounted for *** percent of overall production during 2023, with out-of-scope ferromanganese, ferrosilicon, and other products accounting for the balance.

Table IV-19
Silicomanganese: Overall production on the same equipment as in-scope production in Ukraine, by product type and period

Quantity in short tons; share in percent

Product type	Measure	2021	2022	2023	Jan-Mar 2023	Jan-Mar 2024
Silicomanganese	Quantity	***	***	***	***	***
Ferromanganese	Quantity	***	***	***	***	***
Ferrosilicon	Quantity	***	***	***	***	***
Other products	Quantity	***	***	***	***	***
All products	Quantity	***	***	***	***	***
Silicomanganese	Share	***	***	***	***	***
Ferromanganese	Share	***	***	***	***	***
Ferrosilicon	Share	***	***	***	***	***
Other products	Share	***	***	***	***	***
All products	Share	100.0	100.0	100.0	100.0	100.0

Source: Compiled from data submitted in response to Commission questionnaires.

Note: Zeroes, null values, and undefined calculations are suppressed and shown as "---".

Exports

Table IV-20 presents export data for silicomanganese from Ukraine (by export destination in descending order of quantity for 2023). Neighboring Poland, with which Ukraine shares a land border, was the leading destination for exports of silicomanganese in 2023, accounting for 55.6 percent of total exports from Ukraine. Turkey and the Netherlands were the second and third leading export destinations in 2023, accounting for 13.2 percent and 9.6 percent, respectively, of total exports from Ukraine. Exports in 2023 were 15.4 percent more than the level of exports in 2022, however, from 2021 to 2023, the overall quantity of exports of silicomanganese from Ukraine decreased by 34.9 percent. According to the respondent interested party, the Russian blockade of Black Sea seaports adversely affected sales and shipments of silicomanganese from Ukraine.[24] They contend that, due to the Russian blockade. they can no longer export silicomanganese (or import low phosphorus manganese ore) using ocean container ships. Their ability to export is limited to using rail or truck routes, limiting them to nearby export markets such as Poland, Turkey, and Romania.[25] They also stated that shipping capacities of rail and truck are lower than ocean ship, limiting export volume.[26] In August 2023, Ukraine opened an alternative shipping corridor to the Black Sea through

[24] UkrFA's prehearing brief, pp. 6-7.
[25] Hearing transcript, pp. 121, 127 (Kudriavtsev).
[26] Hearing transcript, pp. 121, 127 (Kudriavtsev).

Romanian and Bulgarian territorial waters.[27] The Ukrainian respondents stated that while it can be used for exporting silicomanganese, this route is a river port that the Ukrainian government primarily uses for shipping grain and it cannot carry larger vessels that operate in the Black Sea's seaports.[28]

Table IV-20
Silicomanganese: Exports from Ukraine, by destination market and by period

Quantity in short tons

Destination market	Measure	2021	2022	2023
United States	Quantity	---	---	---
Poland	Quantity	60,463	212,482	203,025
Turkey	Quantity	153,184	21,636	48,131
Netherlands	Quantity	64,214	8,711	35,020
Italy	Quantity	76,327	9,594	20,660
Algeria	Quantity	5,391	7,383	13,186
Spain	Quantity	22,589	5,477	9,145
Romania	Quantity	15,225	22,758	7,801
Morocco	Quantity	7,170	---	7,768
United Kingdom	Quantity	4,856	---	6,438
Peru	Quantity	14,702	1,246	6,354
Greece	Quantity	19,241	6,625	3,031
Moldova	Quantity	1,534	752	1,233
Bulgaria	Quantity	8,048	4,447	1,215
Bosnia & Herzegovina	Quantity	1,832	1,444	705
Czech Republic	Quantity	25	23	571
Austria	Quantity	3,115	283	564
Cote d Ivoire	Quantity	828	---	295
Egypt	Quantity	23,698	---	---
Indonesia	Quantity	19,126	2,917	---
Portugal	Quantity	12,954	---	---
Finland	Quantity	7,365	644	---
All other destination markets	Quantity	39,258	10,010	---
Non-U.S. destination markets	Quantity	561,144	316,432	365,141
All destination markets	Quantity	561,144	316,432	365,141

Table continued.

[27] Hearing transcript, pp. 66–67 (Levy).
[28] Hearing transcript, p. 158 (Kravchenko).

Table IV-20 Continued
Silicomanganese: Exports from Ukraine, by destination market and by period

Value in 1,000 dollars

Destination market	Measure	2021	2022	2023
United States	Value	---	---	---
Poland	Value	76,378	254,486	146,414
Turkey	Value	193,498	23,545	41,069
Netherlands	Value	78,681	12,332	23,136
Italy	Value	93,044	14,658	17,320
Algeria	Value	10,044	13,356	11,346
Spain	Value	25,707	5,320	6,708
Romania	Value	19,127	30,342	5,965
Morocco	Value	9,415	---	6,545
United Kingdom	Value	5,222	---	4,362
Peru	Value	17,510	1,778	4,934
Greece	Value	24,236	9,763	2,732
Moldova	Value	2,215	1,276	1,346
Bulgaria	Value	10,545	5,881	1,241
Bosnia & Herzegovina	Value	2,363	1,472	621
Czech Republic	Value	27	29	440
Austria	Value	3,823	489	563
Cote d Ivoire	Value	1,184	---	251
Egypt	Value	31,090	---	---
Indonesia	Value	19,583	3,398	---
Portugal	Value	14,027	---	---
Finland	Value	9,727	995	---
All other destination markets	Value	48,334	14,402	---
Non-U.S. destination markets	Value	695,781	393,523	274,992
All destination markets	Value	695,781	393,523	274,992

Table continued.

Table IV-20 Continued
Silicomanganese: Exports from Ukraine, by destination market and by period

Unit value in dollars per short ton

Destination market	Measure	2021	2022	2023
United States	Unit value	---	---	---
Poland	Unit value	1,263	1,198	721
Turkey	Unit value	1,263	1,088	853
Netherlands	Unit value	1,225	1,416	661
Italy	Unit value	1,219	1,528	838
Algeria	Unit value	1,863	1,809	860
Spain	Unit value	1,138	971	733
Romania	Unit value	1,256	1,333	765
Morocco	Unit value	1,313	---	843
United Kingdom	Unit value	1,075	---	678
Peru	Unit value	1,191	1,427	777
Greece	Unit value	1,260	1,474	901
Moldova	Unit value	1,444	1,698	1,092
Bulgaria	Unit value	1,310	1,322	1,021
Bosnia & Herzegovina	Unit value	1,290	1,020	881
Czech Republic	Unit value	1,075	1,262	771
Austria	Unit value	1,228	1,729	998
Cote d Ivoire	Unit value	1,429	---	853
Egypt	Unit value	1,312	---	---
Indonesia	Unit value	1,024	1,165	---
Portugal	Unit value	1,083	---	---
Finland	Unit value	1,321	1,546	---
All other destination markets	Unit value	1,231	1,439	---
Non-U.S. destination markets	Unit value	1,240	1,244	753
All destination markets	Unit value	1,240	1,244	753

Table continued.

Table IV-20 Continued
Silicomanganese: Exports from Ukraine, by destination market and by period

Share in percent

Destination market	Measure	2021	2022	2023
United States	Share of quantity	---	---	---
Poland	Share of quantity	10.8	67.1	55.6
Turkey	Share of quantity	27.3	6.8	13.2
Netherlands	Share of quantity	11.4	2.8	9.6
Italy	Share of quantity	13.6	3.0	5.7
Algeria	Share of quantity	1.0	2.3	3.6
Spain	Share of quantity	4.0	1.7	2.5
Romania	Share of quantity	2.7	7.2	2.1
Morocco	Share of quantity	1.3	---	2.1
United Kingdom	Share of quantity	0.9	---	1.8
Peru	Share of quantity	2.6	0.4	1.7
Greece	Share of quantity	3.4	2.1	0.8
Moldova	Share of quantity	0.3	0.2	0.3
Bulgaria	Share of quantity	1.4	1.4	0.3
Bosnia & Herzegovina	Share of quantity	0.3	0.5	0.2
Czech Republic	Share of quantity	0.0	0.0	0.2
Austria	Share of quantity	0.6	0.1	0.2
Cote d Ivoire	Share of quantity	0.1	---	0.1
Egypt	Share of quantity	4.2	---	---
Indonesia	Share of quantity	3.4	0.9	---
Portugal	Share of quantity	2.3	---	---
Finland	Share of quantity	1.3	0.2	---
All other destination markets	Share of quantity	7.0	3.2	---
Non-U.S. destination markets	Share of quantity	100.0	100.0	100.0
All destination markets	Share of quantity	100.0	100.0	100.0

Source: Official exports statistics under HS subheading 7202.30, as reported by the State Customs Committee of the Ukraine in the Global Trade Atlas Suite database, accessed June 18, 2024.

Note: Zeroes, null values, and undefined calculations are suppressed and shown as "---". United States is shown at the top. All remaining top export destinations are shown in descending order of 2023 data.

Third-country trade actions

The following section presents information on current and historical third-country antidumping duty orders on exports of silicomanganese from China and Ukraine. No country has imposed a trade remedy other than an antidumping duty order.

In September 2003, Mexico imposed antidumping duties of 16.59 percent on imports of "ferro-silico-manganese" from Ukraine. The antidumping duties were extended in 2014 and most recently were extended in August 2019.[29] On 22 September 2023, the Mexican authorities announced the initiation of a sunset review of the definitive duty imposed on imports of ferro-silico-manganese from Ukraine.[30] On March 21, 2024, the Ministry of Economy published its preliminary decision to extend the 16.59 percent duties on imported ferro-silico-manganese originating in Ukraine. Interested parties had 20 business days from the publication to appeal the decision.[31] A final determination had not been published as of September 18, 2024.

On December 26, 2014, Russia— on behalf of the Eurasian Economic Union ("EEU") between Armenia, Belarus, Kazakhstan, the Kyrgyz Republic, and the Russian Federation— initiated both antidumping and countervailing duty investigations of imports of "ferrosilicon manganese" from Ukraine. The EEU imposed antidumping duties on June 2, 2016, of 26.35 percent on ferrosilicon manganese from Ukraine. The antidumping duties were extended for five more years in December 2022.[32]

On December 7, 2016, South Korea initiated an antidumping investigation on imports of "ferro-silico-manganese" from Ukraine. South Korea imposed antidumping duties of 19.06

[29] World Trade Organization ("WTO"), Committee on Anti-Dumping Practices, Semi-Annual Report Under Article 16.4 of the Agreement, Mexico, Document G/ADP/N/384/MEX, August 28, 2023.

[30] Global Trade Alert, "Mexico: Extension of Definitive Antidumping Duty on Imports of Ferrosilicomanganese from Ukraine," no date, https://www.globaltradealert.org/intervention/18115/anti-dumping/mexico-extension-of-definitive-antidumping-duty-on-imports-of-ferrosilicomanganese-from-ukraine, retrieved January 2, 2024.

[31] SMPS Legal, "Newsletter International Trade: March-April – 2024,"June 17, 2024, https://smpslegal.com/en/international-trade-newsletter-march-april-2024/.

[32] WTO, Committee on Anti-Dumping Practices, Semi-Annual Report Under Article 16.4 of the Agreement, Russian Federation, Document G/ADP/N/384/RUS, September 14, 2023; Global Trade Alert, "Eurasian Economic Union: Extension of Definitive Antidumping on Imports of Ferrosilicon Manganese from Ukraine (AD20)," December 26, 2014, https://www.globaltradealert.org/intervention/20133/anti-dumping/eurasian-economic-union-imposed-anti-dumping-investigation-ad-20-on-imports-of-ferrosilicon-manganese-from-ukraine, retrieved January 2, 2024; Eurasian Economic Commission ("EEC"), "Anti-dumping Duty on Ferrosilicomanganese from Ukraine Extended for Five Years," news release, December 7, 2022, https://eec.eaeunion.org/news/antidempingovaya-poshlina-na-ferrosilikomarganets-iz-ukrainy-prodlena-na-pyat-let/, retrieved January 4, 2024.

percent in imports from Ukraine in November 2017.[33] On July 22, 2022, the Korean authorities announced the initiation of a sunset review of the definitive duty imposed on imports of "ferro-silico-manganese" from India, Vietnam and Ukraine.[34] In May 2023, the Korea Trade Commission announced plans to cancel the antidumping duties after it determined that it is "unlikely for Ukrainian ferro silico manganese dumping to recur, or incur injury on domestic industries, as Ukraine's shipments of the alloy are concentrated in Europe and normalization of Ukraine's production facilities will require much time amidst the ongoing war."[35] On July 7, 2023, South Korea terminated the antidumping duties on ferro-silico-manganese from Ukraine citing the reasons stated above.[36]

Global market

Table IV-21 presents global export data for silicomanganese. India, Ukraine, Malaysia, Norway, and Poland were the leading exporters in 2023, by quantity, accounting for 36.3 percent, 10.5 percent, 9.0 percent, 8.9 percent, and 5.1 percent, respectively, of total global exports. These top five exporters accounted for a combined 69.7 percent of global exports in 2023. Subject country Ukraine was the second leading exporter of silicomanganese, while China was the eleventh leading exporter in 2023. Overall silicomanganese exports in 2023 were 9.3 percent lower than the level in 2022.

[33] WTO, Committee on Anti-Dumping Practices, Semi-Annual Report Under Article 16.4 of the Agreement, Republic of Korea, Document G/ADP/N/314/KOR/Rev.1, October 22, 2018; WTO, Committee on Anti-Dumping Practices, Semi-Annual Report Under Article 16.4 of the Agreement, Republic of Korea, Document G/ADP/N/384/KOR, October 6, 2023.

[34] Global Trade Alert, "Republic of Korea: Definitive Antidumping Duty on Imports of Ferro-Silico-Manganese from India, Viet Nam and Ukraine," no date, https://www.globaltradealert.org/intervention/56400/anti-dumping/republic-of-korea-definitive-antidumping-duty-on-imports-of-ferro-silico-manganese-from-india-viet-nam-and-ukraine, retrieved January 2, 2024.

[35] South Korean Ministry of Trade, Industry and Energy, "436th Korea Trade Commission gives final determination on anti-dumping investigations," May 16, 2023, https://english.motie.go.kr/en/tp/tradeinvestrment/bbs/bbsView.do?bbs_seq_n=1283&bbs_cd_n=2, retrieved January 19, 2024; Yieh Corp., " South Korea makes final ruling of AD sunset review on ferro-silico-manganese from 3 countries," May 31, 2023, https://yieh.com/en/NewsItem/141432, retrieved January 19, 2024.

[36] WTO, Committee on Anti-Dumping Practices, Semi-Annual Report Under Article 16.4 of the Agreement, Republic of Korea, Document G/ADP/N/391/KOR/, August 4, 2024.

Table IV-21
Silicomanganese: Global exports, by exporting country and period

Quantity in short tons; value in 1,000 dollars

Exporting country	Measure	2021	2022	2023
United States	Quantity	21,597	15,938	14,308
China	Quantity	119,859	127,193	53,059
Ukraine	Quantity	561,144	316,432	365,141
Subject exporters	Quantity	681,004	443,625	418,200
India	Quantity	1,127,967	1,358,502	1,268,658
Malaysia	Quantity	331,220	309,067	313,718
Norway	Quantity	337,869	350,869	309,592
Poland	Quantity	34,946	69,600	178,325
Kazakhstan	Quantity	32,363	112,960	172,531
Georgia	Quantity	329,694	251,963	171,899
Netherlands	Quantity	143,738	187,018	136,718
Zambia	Quantity	116,666	159,281	123,716
Italy	Quantity	128,773	159,587	112,946
All other exporters	Quantity	1,010,633	433,079	273,146
All reporting exporters	Quantity	4,296,469	3,851,489	3,493,758
United States	Value	30,852	29,001	17,393
China	Value	161,088	196,011	72,955
Ukraine	Value	695,781	393,523	274,992
Subject exporters	Value	856,869	589,534	347,947
India	Value	1,273,778	1,613,407	1,078,169
Malaysia	Value	358,608	409,455	267,990
Norway	Value	372,705	474,303	328,350
Poland	Value	44,562	90,597	158,921
Kazakhstan	Value	35,364	147,658	132,570
Georgia	Value	477,066	453,011	178,503
Netherlands	Value	192,682	314,905	147,036
Zambia	Value	118,947	171,640	103,711
Italy	Value	171,515	249,056	119,654
All other exporters	Value	861,285	574,557	278,414
All reporting exporters	Value	4,794,235	5,117,124	3,158,659

Table continued.

Table IV-21 Continued
Silicomanganese: Global exports, by exporting country and period

Unit value in dollars per short ton; share in percent

Exporting country	Measure	2021	2022	2023
United States	Unit value	1,428	1,820	1,216
China	Unit value	1,344	1,541	1,375
Ukraine	Unit value	1,240	1,244	753
Subject exporters	Unit value	1,258	1,329	832
India	Unit value	1,129	1,188	850
Malaysia	Unit value	1,083	1,325	854
Norway	Unit value	1,103	1,352	1,061
Poland	Unit value	1,275	1,302	891
Kazakhstan	Unit value	1,093	1,307	768
Georgia	Unit value	1,447	1,798	1,038
Netherlands	Unit value	1,341	1,684	1,075
Zambia	Unit value	1,020	1,078	838
Italy	Unit value	1,332	1,561	1,059
All other exporters	Unit value	852	1,327	1,019
All reporting exporters	Unit value	1,116	1,329	904
United States	Share of quantity	0.5	0.4	0.4
China	Share of quantity	2.8	3.3	1.5
Ukraine	Share of quantity	13.1	8.2	10.5
Subject exporters	Share of quantity	15.9	11.5	12.0
India	Share of quantity	26.3	35.3	36.3
Malaysia	Share of quantity	7.7	8.0	9.0
Norway	Share of quantity	7.9	9.1	8.9
Poland	Share of quantity	0.8	1.8	5.1
Kazakhstan	Share of quantity	0.8	2.9	4.9
Georgia	Share of quantity	7.7	6.5	4.9
Netherlands	Share of quantity	3.3	4.9	3.9
Zambia	Share of quantity	2.7	4.1	3.5
Italy	Share of quantity	3.0	4.1	3.2
All other exporters	Share of quantity	23.5	11.2	7.8
All reporting exporters	Share of quantity	100.0	100.0	100.0

Source: Official exports statistics under HS subheading 7202.30, as reported by various national statistical authorities in the Global Trade Atlas Suite database, accessed June 18, 2024.

Note: Shares and ratios shown as "0.0" represent values greater than zero, but less than "0.05" percent. Zeroes, null values, and undefined calculations are suppressed and shown as “---“. United States is shown at the top followed by the countries under order, all remaining top exporting countries in descending order of 2023 data.

Production

Table IV-22 presents global production of silicomanganese (by country in descending order of quantity for 2022). China, India, Ukraine, Russia, and Georgia were the leading producers in 2022, accounting for 63.8 percent, 16.4 percent, 3.0 percent, 2.9 percent, and 2.5 percent, respectively, of total silicomanganese production. China and India accounted for a combined 80.1 percent of global production in 2022. Overall silicomanganese production in 2022 was 3.1 percent lower than the level in 2021. The decline was attributed to a slowdown in global steel production and higher energy prices.[37] In 2022, silicomanganese production in China declined by 6.0 percent from the level in 2021, while silicomanganese production in Ukraine declined by 29.7 percent during the same time frame.

According to the International Manganese Institute, global silicomanganese production increased by 11 percent in 2023, primarily owing to production increases in Chinese, India, Malaysia, and South Korea.[38] China's production increase in 2023 was partially attributed to steelmakers restocking inventory. Silicomanganese production in Ukraine declined substantially owing to the Russian invasion.[39]

[37] International Manganese Institute (IMnI) Annual Review 2022, January 11, 2023, p.20, https://www.manganese.org/wp-content/uploads/2023/01/AR_2022-EN.pdf.

[38] International Manganese Institute (IMnI) Annual Review 2023, January 4, 2024, p.20, https://www.manganese.org/wp-content/uploads/2024/01/2023-Annual-Review.pdf.

[39] International Manganese Institute (IMnI) Annual Review 2023, January 4, 2024, p.20, https://www.manganese.org/wp-content/uploads/2024/01/2023-Annual-Review.pdf

Table IV-22
Silicomanganese: Global production, by country and period

Quantity in short tons, gross weight

Country	2018	2019	2020	2021	2022
China	10,416,830	13,889,106	12,544,288	11,739,602	11,034,123
India	2,351,227	2,082,264	1,951,089	2,508,858	2,830,732
Ukraine	947,590	887,007	617,161	730,501	513,676
Russia	47,768	57,071	---	447,538	501,551
Georgia	369,274	321,434	239,752	392,753	438,389
Norway	363,762	316,363	288,805	338,409	378,092
Malaysia	312,410	343,921	332,898	370,376	361,558
Brazil	252,087	238,099	227,076	223,769	225,974
Kazakhstan	151,799	136,096	135,301	145,636	216,053
Mexico	167,551	169,756	163,142	188,495	194,007
South Africa	180,999	189,597	120,152	166,449	147,710
South Korea	180,779	151,956	164,460	161,256	138,891
Australia	124,451	104,719	112,436	110,231	104,719
Others	447,661	403,036	409,707	333,549	220,792
Total	16,314,188	19,290,425	17,306,267	17,857,422	17,306,267

Source: U.S. Geological Survey, Minerals Yearbook 2022: Manganese, Tables-only release, February 16, 2024.

Note: Zeroes, null values, and undefined calculations are suppressed and shown as "---". Because of rounding, figures may not add to total shown.

Prices

Figure IV-3 and table IV-23 present prices of silicomanganese in different countries and regions from January 2018 through June 2024. Global silicomanganese price movements reflect the price of manganese ore used for silicomanganese production and demand from the steel industry. The domestic interested party stated that any decreases in global demand of steel can result in excess silicomanganese capacities and downward pressures on global silicomanganese prices.[40] Prices trended slightly downward from 2018 through most of 2020. Global prices increased substantially in 2021, coinciding with increased global production of steel owing to demand growth following the downturn in 2020 during the global COVID-19 pandemic.[41] Prices returned to closer to pre-pandemic levels in 2023. Published prices series for silicomanganese in the United States were higher than those in other regions throughout January 2018 through August 2024 while prices in China and India were the lowest, followed by the European Union.

[40] Domestic interested party's response to the notice of institution, December 1, 2023, p. 12.
[41] U.S. Geological Survey, Mineral Commodity Summaries 2022, "Manganese," January 2022, p. 107.

Figure IV-3
Silicomanganese: Global prices, by country and period

* * * * * * *

Source: ***, retrieved September 10, 2024.

Note: Minimum 65 percent manganese content.

Table IV-23
Silicomanganese: Global prices, by country and period

Price in dollars per short ton

Year	Month	United States	India	China	European Union
2018	January	***	***	***	***
2018	February	***	***	***	***
2018	March	***	***	***	***
2018	April	***	***	***	***
2018	May	***	***	***	***
2018	June	***	***	***	***
2018	July	***	***	***	***
2018	August	***	***	***	***
2018	September	***	***	***	***
2018	October	***	***	***	***
2018	November	***	***	***	***
2018	December	***	***	***	***
2019	January	***	***	***	***
2019	February	***	***	***	***
2019	March	***	***	***	***
2019	April	***	***	***	***
2019	May	***	***	***	***
2019	June	***	***	***	***
2019	July	***	***	***	***
2019	August	***	***	***	***
2019	September	***	***	***	***
2019	October	***	***	***	***
2019	November	***	***	***	***
2019	December	***	***	***	***
2020	January	***	***	***	***
2020	February	***	***	***	***
2020	March	***	***	***	***
2020	April	***	***	***	***
2020	May	***	***	***	***
2020	June	***	***	***	***
2020	July	***	***	***	***
2020	August	***	***	***	***
2020	September	***	***	***	***
2020	October	***	***	***	***
2020	November	***	***	***	***
2020	December	***	***	***	***
2021	January	***	***	***	***
2021	February	***	***	***	***
2021	March	***	***	***	***
2021	April	***	***	***	***
2021	May	***	***	***	***
2021	June	***	***	***	***

Table continued.

Table IV-23 Continued
Silicomanganese: Global prices, by country and period

Price in dollars per short ton

Year	Month	United States	India	China	European Union
2021	July	***	***	***	***
2021	August	***	***	***	***
2021	September	***	***	***	***
2021	October	***	***	***	***
2021	November	***	***	***	***
2021	December	***	***	***	***
2022	January	***	***	***	***
2022	February	***	***	***	***
2022	March	***	***	***	***
2022	April	***	***	***	***
2022	May	***	***	***	***
2022	June	***	***	***	***
2022	July	***	***	***	***
2022	August	***	***	***	***
2022	September	***	***	***	***
2022	October	***	***	***	***
2022	November	***	***	***	***
2022	December	***	***	***	***
2023	January	***	***	***	***
2023	February	***	***	***	***
2023	March	***	***	***	***
2023	April	***	***	***	***
2023	May	***	***	***	***
2023	June	***	***	***	***
2023	July	***	***	***	***
2023	August	***	***	***	***
2023	September	***	***	***	***
2023	October	***	***	***	***
2023	November	***	***	***	***
2023	December	***	***	***	***
2024	January	***	***	***	***
2024	February	***	***	***	***
2024	March	***	***	***	***
2024	April	***	***	***	***
2024	May	***	***	***	***
2024	June	***	***	***	***
2024	July	***	***	***	***
2024	August	***	***	***	***

Source: ***, retrieved September 10, 2024.

Note: Minimum 65 percent manganese content.

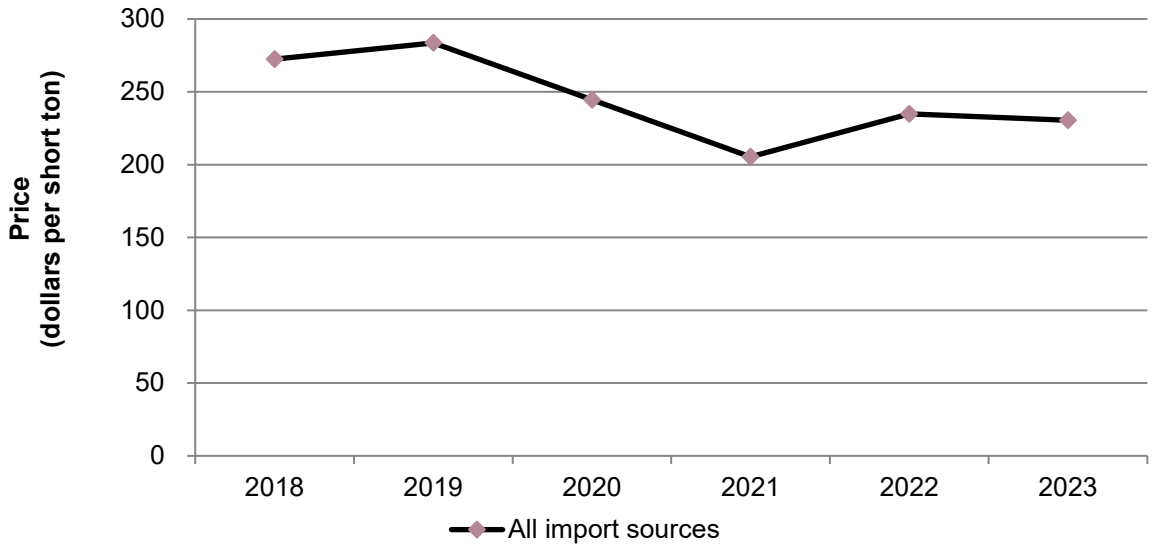
Part V: Pricing data

Factors affecting prices

Raw material costs

The principal raw materials used in the production of silicomanganese include manganese ore, silicon, and coke.[1] Unit values for manganese ore fluctuated during 2018 to 2023, increasing 4.1 percent between 2018 and 2019, decreasing by 27.6 percent between 2019 and 2021, increasing by 14.4 percent between 2021 and 2022, then decreasing by 1.9 percent between 2022 and 2023 (figure V-1 and table V-1). U.S. producers use quartz gravel and silicon dross, a byproduct of silicon and ferrosilicon production that contains less silicon than silicon metal, as a source of silicon.[2] U.S. producers' total raw material costs accounted for *** percent to *** percent of the cost of goods sold during 2021 to 2023.

Figure V-1
Manganese ore: Annual average unit values of manganese ore imports into the United States, by year, 2018 to 2023



Source: Compiled from official U.S. imports statistics of the U.S. Department of Commerce using HTS statistical reporting numbers 2602.00.0040 and 2606.00.0060, accessed August 6, 2024.

[1] Domestic production of manganese ore containing 20 percent or more manganese ended in 1970. "Manganese" in U.S. Geological Survey, Mineral Commodity Summaries, January 2023, https://pubs.usgs.gov/periodicals/mcs2023/mcs2023-manganese.pdf, retrieved on August 5, 2024.
[2] Ibid.

Table V-1
Manganese ore: Annual average unit values of manganese ore imports into the United States, by year, 2018 to 2023

Price in dollars per short ton

Item	2018	2019	2020	2021	2022	2023
Price	272	284	244	205	235	230

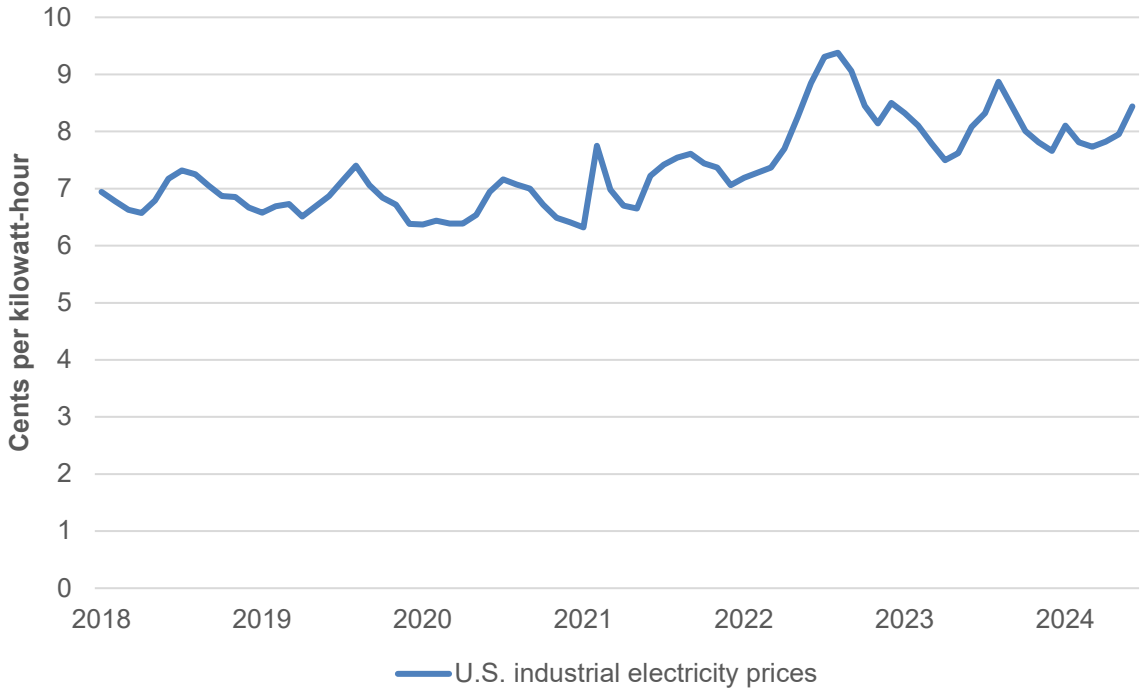
Source: Compiled from official U.S. imports statistics of the U.S. Department of Commerce using HTS statistical reporting numbers 2602.00.0040 and 2606.00.0060, accessed August 6, 2024.

Most responding firms, *** U.S. producers and 10 importers, indicated that the price of raw materials used to produce silicomanganese had either increased steadily or fluctuated upward in 2018 to 2023. *** indicated that raw material prices had either fluctuated downward or steadily decreased. *** noted that the rising price of coal since 2021 (reportedly around 200 percent) has increased the cost of producing silicomanganese, and *** noted manganese and silicon ore prices were near peak levels in the second quarter of 2022. Four importers noted manganese ore specifically as causing rising raw material costs, with importer *** pointing to supply issues from Australia being one reason for increased manganese prices. *** U.S. producers and 6 of 13 responding importers anticipate increasing raw material costs, 4 importers anticipate no change in raw material costs, and 3 anticipate decreasing raw material costs.

Energy costs

Electricity is also a major input cost in the production of silicomanganese. Average national industrial electricity prices fluctuated slightly downward between January 2018 and January 2021, but fluctuated upward until August 2022, peaking at 9.38 cents per kilowatt-hour, or 35.2 percent higher than in January 2018 (figure V-2 and table V-2). Industrial electricity prices fluctuated downward since that peak and were around 8 cents per kilowatt-hour in 2024.

Figure V-2
Electricity: U.S. industrial electricity prices, monthly, January 2018 to June 2024



Source: U.S. Energy Information Administration, https://www.eia.gov/electricity/data/browser/, retrieved September 10, 2024.

Table V-2
Electricity: U.S. industrial electricity prices, monthly, January 2018 to June 2024

Price in cents per kilowatt-hour

	2018	2019	2020	2021	2022	2023	2024
January	6.94	6.58	6.37	6.32	7.19	8.32	8.10
February	6.78	6.69	6.44	7.75	7.28	8.10	7.81
March	6.63	6.73	6.39	6.98	7.37	7.79	7.73
April	6.57	6.51	6.39	6.70	7.70	7.50	7.82
May	6.79	6.69	6.54	6.65	8.25	7.62	7.95
June	7.17	6.87	6.94	7.22	8.85	8.08	8.44
July	7.32	7.14	7.16	7.42	9.31	8.32	---
August	7.25	7.40	7.07	7.54	9.38	8.87	---
September	7.05	7.06	7.00	7.61	9.06	8.44	---
October	6.87	6.84	6.72	7.44	8.45	8.01	---
November	6.85	6.72	6.49	7.37	8.14	7.81	---
December	6.67	6.38	6.41	7.06	8.50	7.66	---

Source: U.S. Energy Information Administration, https://www.eia.gov/electricity/data/browser/, retrieved September 10, 2024.

Transportation costs to the U.S. market

There have been no imports of silicomanganese from either China or Ukraine since before January 2018. Transportation costs for silicomanganese shipped from nonsubject countries to the United States averaged 4.5 percent during 2023. These estimates were derived from official import data and represent the transportation and other charges on imports.[3]

U.S. inland transportation costs

*** responding U.S. producers and 12 of 14 responding importers reported that they typically arrange transportation to their customers. U.S. producers reported that their U.S. inland transportation costs ranged between *** and *** percent. The only responding importer reported inland transportation costs of 7.5 percent.[4]

Pricing practices

*** reported that contracts are indexed to raw material costs.[5] *** stated that for its contracts, "price is based on a formula not indexed to raw materials costs."[6] Four of 10 purchasers indicated that they are familiar with the prices of raw materials used to produce silicomanganese. In addition, two purchasers noted that raw material prices do affect their contracts. Purchaser *** stated, "{the price of} raw materials have increased for SiMn production, but it hasn't affected our negotiations," while purchaser *** stated that raw material costs have "an effect on understanding of discounts being offered and prices for spot deals." All 10 responding purchasers indicated that their purchases involve negotiations with suppliers. All include pricing in negotiations, with three purchasers each noting that index pricing or discounts are negotiated, and one also negotiating

[3] The estimated transportation costs were obtained by subtracting the customs value from the c.i.f. value of the imports for 2023 and then dividing by the customs value based on the HTS statistical reporting number 7202.30.0000.

[4] Although this question asked for transportation costs for imports of silicomanganese from China and Ukraine, the responding importer reported only nonsubject imports.

[5] In the fourth reviews, *** reported that their contracts were indexed to raw material costs while 5 of 6 importers indicated their contracts were not indexed to raw material prices. Silicomanganese from China and Ukraine, Investigation Nos. 731-TA-672-673 (Fourth Review), INV-QQ-116, October 22, 2018, p. V-3.

[6] Email from ***, July 22, 2024.

quarterly pricing and fixed pricing. In addition to pricing issues, multiple purchasers reported negotiating payment terms (six), issues related to delivery/reliability/availability/logistics (seven), and quantity (three).

Silicomanganese spot prices are published in industry publications such as ***. As shown in figure V-3 and table V-3, U.S. silicomanganese prices published by this source fluctuated during the period, fluctuating slowly downward from more than $*** per short ton in the first half of 2018 to less than $*** per short ton in the middle of 2020 before increasing irregularly by more than *** percent (to more than $*** per short ton) in April 2022. Prices then decreased until the end of 2023, with the sharpest decline from November 2022 to January 2023. Between January and June 2024, silicomanganese prices increased by *** percent.

Figure V-3
Silicomanganese: U.S. spot prices, monthly, January 2018 to August 2024

* * * * * * *

Source: ***, retrieved September 19, 2024.

Table V-3
Silicomanganese: U.S. prices, monthly, January 2018 to August 2024

Price in dollars per short ton

Month	2018	2019	2020	2021	2022	2023	2024
January	***	***	***	***	***	***	***
February	***	***	***	***	***	***	***
March	***	***	***	***	***	***	***
April	***	***	***	***	***	***	***
May	***	***	***	***	***	***	***
June	***	***	***	***	***	***	***
July	***	***	***	***	***	***	***
August	***	***	***	***	***	***	***
September	***	***	***	***	***	***	---
October	***	***	***	***	***	***	---
November	***	***	***	***	***	***	---
December	***	***	***	***	***	***	---

Source: ***, retrieved September 19, 2024.

Pricing methods

U.S. producers and importers reported mainly using transaction-by-transaction negotiations and contracts for their sales of silicomanganese (table V-4). As presented in table V-5, annual contracts accounted for slightly more than *** of U.S. producers' sales of silicomanganese in 2023, although *** was sold pursuant to long-term contracts. Both U.S. producers reported offering price renegotiation on annual contracts. U.S. producer Felman indicated that its contracts ***. U.S. producer Eramet ***.[7] Eramet reported that its contracts are based upon published prices in sources such as CRU, Fastmarkets, and Platt's, which are based upon reported spot market prices.[8]

[7] During the fourth reviews, *** reported indexing contracts to raw material prices. Silicomanganese from China and Ukraine, Investigation Nos. 731-TA-672-673 (Fourth Review), INV-QQ-116, October 22, 2018, p. V-6.

[8] Eramet's posthearing brief, Answers to hearing questions, p. II-21 and hearing transcript, p. 26 (Rochussen).

Table V-4
Silicomanganese: Count of U.S. producers' and importers' reported price setting methods

Method	U.S. producers	Importers
Transaction-by-transaction	***	13
Contract	***	11
Set price list	***	1
Other	***	0
Responding firms	2	14

Source: Compiled from data submitted in response to Commission questionnaires.

Note: The sum of responses down may not add up to the total number of responding firms as each firm was instructed to check all applicable price setting methods employed.
Note: Since there were no imports from subject sources during 2018 to 2024, no importers responded to questions regarding contract characteristics for subject imports.

Table V-5
Silicomanganese: U.S. producers' and importers' shares of commercial U.S. shipments by type of sale, 2023

Shares in percent

Type of sale	U.S. producers
Long-term contracts	***
Annual contracts	***
Short-term contracts	***
Spot sales	***
Total	100.0

Source: Compiled from data submitted in response to Commission questionnaires.

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

Six purchasers reported that they purchase product annually, two purchase weekly, two purchase on an as-needed basis on the spot market, and two do not currently purchase silicomanganese domestically. On average, purchasers contact between 4 and 8 suppliers. Two purchasers reported contacting as few as one supplier, and three contact as few as two suppliers. Two purchasers contact at least five and one contacts at least 10 before making a purchase.

Sales terms and discounts

U.S. producers and importers typically quote prices on a delivered basis. One U.S. producer offers quantity and volume discounts, and the vast majority of importers (10 of 14) do not offer discounts. Four importers noted that they offer discounts from published prices such as CRU and Platts.

Price leadership

Only one purchaser (***) reported that there was a price leader in the silicomanganese market (Eramet). Four purchasers indicated that instead of price leaders, prices are set by publications that track known transactions, with discounts or premia based on those prices.

Price data

The Commission requested U.S. producers and importers to provide quarterly data for the total quantity and f.o.b. value of the following silicomanganese products shipped to unrelated U.S. customers during January 2021 to March 2024.

Product 1.-- ASTM grade B bulk silicomanganese sold to steel producers under contracts.

Product 2.-- ASTM grade B bulk silicomanganese sold to distributors under contracts.

Product 3.-- ASTM grade B bulk silicomanganese sold to steel producers as spot sales.

Product 4.-- ASTM grade B bulk silicomanganese sold to distributors as spot sales.

Both U.S. producers provided usable pricing data for sales of the requested products, but since there were no imports of silicomanganese from subject countries, there are no data for imports.[9] Producers submitted pricing data for two pricing products, products 1 and 3, corresponding to silicomanganese sold to steel producers, with nearly *** percent being product 1. These accounted for *** percent of U.S. producers' commercial shipments in the period reviewed. Price data are presented in table V-6 and figure V-4.

[9] Per-unit pricing data are calculated from total quantity and total value data provided by U.S. producers. The precision and variation of these figures may be affected by rounding, limited quantities, and producer estimates.

Table V-6
Silicomanganese: Weighted-average f.o.b. prices and quantities of domestic products 1 and 3, by quarter

Price in dollars per short ton, quantity in short tons.

Period	Product 1 price	Product 1 quantity	Product 3 price	Product 3 quantity
2021 Q1	***	***	---	---
2021 Q2	***	***	---	---
2021 Q3	***	***	***	***
2021 Q4	***	***	***	***
2022 Q1	***	***	---	---
2022 Q2	***	***	***	***
2022 Q3	***	***	---	---
2022 Q4	***	***	---	---
2023 Q1	***	***	---	---
2023 Q2	***	***	---	---
2023 Q3	***	***	---	---
2023 Q4	***	***	---	---
2024 Q1	***	***	---	---

Source: Compiled from data submitted in response to Commission questionnaires.

Note: Product 1.-- ASTM grade B bulk silicomanganese sold to steel producers under contracts. Product 3.-- ASTM grade B bulk silicomanganese sold to steel producers as spot sales.

Only small amounts of silicomanganese that would meet ASTM grade B requirements for phosphorus content were produced by *** since 2021. However, Ukrainian producers "NFP and ZFP do not provide any discount to its customers for {silicomanganese with} the higher phosphorus content."[10] A witness for producer Eramet stated at the hearing that there is no differentiation between ASTM and high-phosphorus silicomanganese prices in publications such as CRU and Platt's.[11]

[10] UkrFA's posthearing brief, Responses to Commissioner questions, p. Q-23.
[11] Hearing transcript, p. 78 (Rochussen).

Figure V-4
Silicomanganese: Weighted-average prices and quantities of domestic products 1 and 3, by quarter

Price of products 1 and 3

* * * * * * *

Volume of products 1 and 3

* * * * * * *

Source: Compiled from data submitted in response to Commission questionnaires.

Note: Product 1.-- ASTM grade B bulk silicomanganese sold to steel producers under contracts. Product 3.-- ASTM grade B bulk silicomanganese sold to steel producers as spot sales.

Price trends

In general, prices increased until the second quarter of 2022 then decreased through the fourth quarter of 2023. The price of product 1 was slightly higher in the first quarter of 2024 than the prior quarter. Overall, the price of product 1 was *** percent higher in the first quarter of 2024 than in the first quarter of 2021. Respondent interested party UkrFA described worldwide silicomanganese pricing dynamics during the period in its posthearing brief: "After Russia invaded Ukraine, there was an immediate shock to silicomanganese market prices and customers feared that Ukraine (and Russia) would not be able to supply contracted volumes and sought replacement supply. This significantly increased demand in the face of fears of significantly reduced supply resulted in panic buying conditions that drove silicomanganese prices in all markets significantly higher in first half 2022. After the initial shock of the war, by the end of 2022 the silicomanganese market had begun to adjust to the reduced supply conditions and prices returned to more normal levels through 2023."[12] Table V-7 summarizes the price trends by product. Contract prices (product 1) were below spot prices (product 3) in all three available comparisons.

Table V-7
Silicomanganese: Summary of price data, by product and source, January 2021 to March 2024

Quantity in short tons, price in dollars per short ton

Product	Source	Number of quarters	Quantity of shipments	Low price	High price	First quarter price	Last quarter price	Percent change in price over period
Product 1	United States	13	***	***	***	***	***	***
Product 3	United States	3	***	***	***	---	---	---

Source: Compiled from data submitted in response to Commission questionnaires.

[12] UkrFA's posthearing brief, Responses to Commissioner questions, p. Q-29.

Price comparisons

As there were no price data for subject imports, price comparisons are not available. *** noted that U.S. prices for silicomanganese are typically higher than either in Europe, or in any other market.

In the original investigations, price data showed a mixed pattern of underselling and overselling by subject imports.[13] During the first reviews, no subject product price data was reported for China, and only one data point was received for Ukraine in the second quarter of 2000 for product 1.[14] During the second reviews, the Commission determined to conduct expedited reviews and no price data was gathered.[15] During the third and the fourth reviews, no subject product price data was reported.[16]

Published prices in various markets were presented in Part IV.

[13] Original publication, pp. I-16, I-39, I-44, and I-78.
[14] First review publication, pp. V-4 to V-5.
[15] Second review publication, p. 1.
[16] Third review publication, p. V-5 and fourth review publication, p. V-6.

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
88 FR 74977, November 1, 2023	Initiation of Five-Year (Sunset) Reviews	https://www.govinfo.gov/content/pkg/FR-2023-11-01/pdf/2023-24101.pdf
88 FR 75029, November 1, 2023	Silicomanganese from China and Ukraine; Institution of Five-Year Reviews	https://www.govinfo.gov/content/pkg/FR-2023-11-01/pdf/2023-24018.pdf
89 FR 13375, February 22, 2024	Silicomanganese from China and Ukraine; Notice of Commission Determination To Conduct Full Five-Year Reviews	https://www.govinfo.gov/content/pkg/FR-2024-02-22/pdf/2024-03557.pdf
89 FR 16533, March 7, 2024	Silicomanganese from the People's Republic of China and Ukraine: Final Results of the Expedited Fifth Sunset Reviews of the Antidumping Duty Orders	https://www.govinfo.gov/content/pkg/FR-2024-03-07/pdf/2024-04823.pdf
89 FR 35240, May 1, 2024	Silicomanganese from China and Ukraine; Scheduling of Full Five-Year Reviews	https://www.govinfo.gov/content/pkg/FR-2024-05-01/pdf/2024-09358.pdf

APPENDIX B

LIST OF HEARING WITNESSES

CALENDAR OF PUBLIC HEARING

Those listed below appeared as witnesses at the United States International Trade Commission's hearing:

Subject: Silicomanganese from China and Ukraine

Inv. Nos.: 731-TA-672-673 (Fifth Review)

Date and Time: September 5, 2024 - 9:30 a.m.

Sessions were held in connection with these reviews in the Main Hearing Room (Room 101), 500 E Street, SW., Washington, DC.

FOREIGN GOVERNMENT APPEARANCE:

Ministry of Economy of Ukraine
Kyiv, UA
Volodymyr Muzylov, First Secretary, Embassy of Ukraine

OPENING REMARKS:

In Support of Continuation (**Noah Meyer**, Rock Creek Trade LLP)
In Opposition to Continuation (**Adams Lee**, Harris Sliwoski LLP)

In Support of the Continuation of the Antidumping Duty Orders:

Rock Creek Trade LLP
Washington, DC
on behalf of

Eramet Marietta, Inc. ("Eramet Marietta")

Peter Rochussen, Mn Alloy Sales Director, Eramet Marietta Inc.

Nicholas Fell, Corporate Counsel, Eramet Marietta Inc.

Traci Harper (remote witness), HR Manager, Eramet Marietta Inc.

Jeremy Brooks (remote witness), President, USW Local 0639

In Support of the Continuation of the
Antidumping Duty Orders (continued):

Roy Houseman, Jr., Legislative Director, USW

Carl P. Moyer, Director of Economic Analysis, Rock Creek Trade LLP

Jack Levy)
Daniel Calhoun) – OF COUNSEL
Noah Meyer)

In Opposition to the Continuation of the
Antidumping Duty Orders:

Harris Sliwoski, LLP
Seattle, WA
on behalf of

Ukrainian Association of Ferroalloys ("UkrFA")

Sergii Kudriavtsev (remote witness), Executive Director, UkrFA

Lina Heracymchuk (remote witness), Interpreter for Sergii Kudriavtsev

Vitaliy Kravchenko (remote witness), General Consultant, UkrFA

Zagorodniy Oleksandr (remote witness), JSC Nikopol Ferroalloy Plant

Velichko Andriy (remote witness), JSC Nikopol Ferroalloy Plant

Dmitriy Mischenko (remote witness), Commercial Director, JSC Zaporozhsky Ferroalloy Plant

Mikola Kisil (remote witness), Interpreter for Dmitriy Mischenko

Adams Lee) – OF COUNSEL

REBUTTAL/CLOSING REMARKS:

In Support of Continuation (**Jack Levy**, Rock Creek Trade LLP)
In Opposition to Continuation (**Adams Lee**, Harris Sliwoski LLP)

APPENDIX C

SUMMARY DATA

SUMMARY DATA COMPILED IN THE CURRENT PROCEEDING

Table C-1
Silicomanganese: Summary data concerning the U.S. market, by item and period
Quantity=short tons; Value=1,000 dollars; Unit values, unit labor costs, and unit expenses=dollars per short ton; Period changes=percent--exceptions noted

Item	Reported data: Calendar year 2021	Calendar year 2022	Calendar year 2023	Jan-Mar 2023	Jan-Mar 2024	Period changes: Calendar year 2021-23	Calendar year 2021-22	Calendar year 2022-23	Jan-Mar 2023-24
U.S. consumption quantity:									
Amount	***	***	***	***	***	▼***	▲***	▼***	▼***
Producers' share (fn1)	***	***	***	***	***	▲***	▼***	▲***	▼***
Importers' share (fn1):									
China (fn3)	***	***	***	***	***	***	***	***	***
Ukraine	***	***	***	***	***	***	***	***	***
Subject sources	***	***	***	***	***	***	***	***	***
Nonsubject sources	***	***	***	***	***	▼***	▲***	▼***	▲***
All import sources	***	***	***	***	***	▼***	▲***	▼***	▲***
U.S. consumption value:									
Amount	***	***	***	***	***	▼***	▲***	▼***	▼***
Producers' share (fn1)	***	***	***	***	***	▲***	▼***	▲***	▼***
Importers' share (fn1):									
China (fn3)	***	***	***	***	***	***	***	***	***
Ukraine	***	***	***	***	***	***	***	***	***
Subject sources	***	***	***	***	***	***	***	***	***
Nonsubject sources	***	***	***	***	***	▼***	▲***	▼***	▲***
All import sources	***	***	***	***	***	▼***	▲***	▼***	▲***
U.S. imports from:									
China: (fn3)									
Quantity	---	---	---	---	---	---	---	---	---
Value	---	---	---	---	---	---	---	---	---
Unit value	---	---	---	---	---	---	---	---	---
Ending inventory quantity	***	***	***	***	***	***	***	***	***
Ukraine:									
Quantity	---	---	---	---	---	---	---	---	---
Value	---	---	---	---	---	---	---	---	---
Unit value	---	---	---	---	---	---	---	---	---
Ending inventory quantity	***	***	***	***	***	***	***	***	***
Subject sources:									
Quantity	---	---	---	---	---	---	---	---	---
Value	---	---	---	---	---	---	---	---	---
Unit value	---	---	---	---	---	---	---	---	---
Ending inventory quantity	***	***	***	***	***	***	***	***	***
Nonsubject sources:									
Quantity	345,147	463,003	283,679	88,202	91,200	▼(17.8)	▲34.1	▼(38.7)	▲3.4
Value	458,078	819,971	322,121	106,089	86,861	▼(29.7)	▲79.0	▼(60.7)	▼(18.1)
Unit value	$1,327	$1,771	$1,136	$1,203	$952	▼(14.4)	▲33.4	▼(35.9)	▼(20.8)
Ending inventory quantity	***	***	***	***	***	▲***	▲***	▼***	▼***
All import sources:									
Quantity	345,147	463,003	283,679	88,202	91,200	▼(17.8)	▲34.1	▼(38.7)	▲3.4
Value	458,078	819,971	322,121	106,089	86,861	▼(29.7)	▲79.0	▼(60.7)	▼(18.1)
Unit value	$1,327	$1,771	$1,136	$1,203	$952	▼(14.4)	▲33.4	▼(35.9)	▼(20.8)
Ending inventory quantity	***	***	***	***	***	▲***	▲***	▼***	▼***

Table continued.

Table C-1 Continued
Silicomanganese: Summary data concerning the U.S. market, by item and period
Quantity=short tons; Value=1,000 dollars; Unit values, unit labor costs, and unit expenses=dollars per short ton; Period changes=percent--exceptions noted

Item	Reported data					Period changes			
	Calendar year			Jan-Mar		Calendar year			Jan-Mar
	2021	2022	2023	2023	2024	2021-23	2021-22	2022-23	2023-24
U.S. producers':									
Practical capacity quantity	***	***	***	***	***	▼***	▼***	▼***	▼***
Production quantity	***	***	***	***	***	▼***	▲***	▼***	▼***
Capacity utilization (fn1)	***	***	***	***	***	▲***	▲***	▼***	▼***
U.S. shipments:									
Quantity	***	***	***	***	***	▼***	▼***	▼***	▼***
Value	***	***	***	***	***	▲***	▲***	▼***	▼***
Unit value	***	***	***	***	***	▲***	▲***	▼***	▼***
Export shipments:									
Quantity	***	***	***	***	***	▲***	▼***	▲***	▲***
Value	***	***	***	***	***	▼***	▼***	▲***	▲***
Unit value	***	***	***	***	***	▼***	▲***	▼***	▼***
Ending inventory quantity	***	***	***	***	***	▲***	▲***	▲***	▼***
Inventories/total shipments (fn1)	***	***	***	***	***	▲***	▲***	▲***	▼***
Production workers	***	***	***	***	***	▲***	▼***	▲***	▼***
Hours worked (1,000s)	***	***	***	***	***	▼***	▲***	▼***	▼***
Wages paid ($1,000)	***	***	***	***	***	▲***	▲***	▲***	▼***
Hourly wages (dollars per hour)	***	***	***	***	***	▲***	▼***	▲***	▲***
Productivity (short tons per 1,000 hours)	***	***	***	***	***	▼***	▲***	▼***	▼***
Unit labor costs	***	***	***	***	***	▲***	▼***	▲***	▲***
Net sales:									
Quantity	***	***	***	***	***	▼***	▼***	▼***	▼***
Value	***	***	***	***	***	▼***	▲***	▼***	▼***
Unit value	***	***	***	***	***	▲***	▲***	▼***	▼***
Cost of goods sold (COGS)	***	***	***	***	***	▲***	▲***	▲***	▼***
Gross profit or (loss) (fn2)	***	***	***	***	***	▼***	▲***	▼***	▼***
SG&A expenses	***	***	***	***	***	▲***	▲***	▼***	▲***
Operating income or (loss) (fn2)	***	***	***	***	***	▼***	▲***	▼***	▼***
Net income or (loss) (fn2)	***	***	***	***	***	▼***	▲***	▼***	▼***
Unit COGS	***	***	***	***	***	▲***	▲***	▲***	▲***
Unit SG&A expenses	***	***	***	***	***	▲***	▲***	▼***	▲***
Unit operating income or (loss) (fn2)	***	***	***	***	***	▼***	▲***	▼***	▼***
Unit net income or (loss) (fn2)	***	***	***	***	***	▼***	▲***	▼***	▼***
COGS/sales (fn1)	***	***	***	***	***	▲***	▼***	▲***	▲***
Operating income or (loss)/sales (fn1)	***	***	***	***	***	▼***	▲***	▼***	▼***
Net income or (loss)/sales (fn1)	***	***	***	***	***	▼***	▲***	▼***	▼***
Capital expenditures	***	***	***	***	***	▲***	▲***	▲***	▲***
Research and development expenses	***	***	***	***	***	▲***	▲***	▼***	▼***
Total assets	***	***	***	***	***	▲***	▲***	▲***	▲***

Source: Compiled from data submitted in response to Commission questionnaires and from official U.S. imports statistics of the U.S. Department of Commerce using HTS statistical reporting number 7202.30.0000, accessed July 9, 2024.

fn1.--Reported data are in percent and period changes are in percentage points.
fn2.--Percent changes only calculated when both comparison values represent profits; The directional change in profitability provided when one or both comparison values represent a loss.
fn3.--Official Commerce statistics for HTS statistical reporting number 7202.30.0000 show that there were zero imports from Ukraine during the period for which data were collected and small amounts of imports from China in 2022 (18 short tons) and 2023 (23 short tons). Based on a combination of proprietary, Census-edited Customs' import records, research, and outreach, staff believe that *** is the only firm to have entered product from China under this HTS number, which it classified as out-of-scope ***. *** importer questionnaire response, p. 1; and email from ***, July 29, 2024.

Note.--Shares and ratios shown as "0.0" percent represent non-zero values less than "0.05" percent (if positive) and greater than "(0.05)" percent (if negative). Zeroes, null values, and undefined calculations are suppressed and shown as "---". Period changes preceded by a "▲" represent an increase, while period changes preceded by a "▼" represent a decrease. 508 compliant tables for these data are contained in Parts I, III, and IV of this report.

SUMMARY DATA COMPILED IN THE PRIOR PROCEEDINGS

Table C-1
Silicomanganese: Summary data concerning the U.S. market, 2015-17, January to June 2017, and January to June 2018

(Quantity=short tons; Value=1,000 dollars; Unit values, unit labor costs, and unit expenses=dollars per short ton; Period changes=percent--exceptions noted)

	Reported data					Period changes			
	Calendar year			January to June		Comparison years			Jan-Jun
	2015	2016	2017	2017	2018	2015-17	2015-16	2016-17	2017-18
U.S. consumption quantity:									
Amount	***	***	***	***	***	***	***	***	***
Producers' share (fn1)	***	***	***	***	***	***	***	***	***
Importers' share (fn1):									
China	***	***	***	***	***	***	***	***	***
Ukraine	***	***	***	***	***	***	***	***	***
Subect sources	***	***	***	***	***	***	***	***	***
Nonsubject sources	***	***	***	***	***	***	***	***	***
All import sources	***	***	***	***	***	***	***	***	***
U.S. consumption value:									
Amount	***	***	***	***	***	***	***	***	***
Producers' share (fn1)	***	***	***	***	***	***	***	***	***
Importers' share (fn1):									
China	***	***	***	***	***	***	***	***	***
Ukraine	***	***	***	***	***	***	***	***	***
Subect sources	***	***	***	***	***	***	***	***	***
Nonsubject sources	***	***	***	***	***	***	***	***	***
All import sources	***	***	***	***	***	***	***	***	***
U.S. imports from:									
China:									
Quantity	11	---	---	---	---	(100.0)	(100.0)	fn2	fn2
Value	24	---	---	---	---	(100.0)	(100.0)	fn2	fn2
Unit value	$2,216	---	---	---	---	(100.0)	(100.0)	fn2	fn2
Ending inventory quantity	---	---	---	---	---	fn2	fn2	fn2	fn2
Ukraine:									
Quantity	22	---	---	---	---	(100.0)	(100.0)	fn2	fn2
Value	20	---	---	---	---	(100.0)	(100.0)	fn2	fn2
Unit value	$892	---	---	---	---	(100.0)	(100.0)	fn2	fn2
Ending inventory quantity	---	---	---	---	---	fn2	fn2	fn2	fn2
Subject sources:									
Quantity	33	---	---	---	---	(100.0)	(100.0)	fn2	fn2
Value	44	---	---	---	---	(100.0)	(100.0)	fn2	fn2
Unit value	$1,333	---	---	---	---	(100.0)	(100.0)	fn2	fn2
Ending inventory quantity	---	---	---	---	---	fn2	fn2	fn2	fn2
Nonsubject sources:									
Quantity	331,428	291,188	387,199	188,639	221,484	16.8	(12.1)	33.0	17.4
Value	318,770	203,929	421,111	198,826	199,690	32.1	(36.0)	106.5	0.4
Unit value	$962	$700	$1,088	$1,054	$902	13.1	(27.2)	55.3	(14.5)
Ending inventory quantity	145,454	119,744	104,999	97,260	103,174	27.8	17.7	12.3	6.1
All import sources:									
Quantity	331,461	291,188	387,199	188,639	221,484	16.8	(12.2)	33.0	17.4
Value	318,814	203,929	421,111	198,826	199,690	32.1	(36.0)	106.5	0.4
Unit value	$962	$700	$1,088	$1,054	$902	13.1	(27.2)	55.3	(14.5)
Ending inventory quantity	145,454	119,744	104,999	97,260	103,174	27.8	17.7	12.3	6.1
U.S. producers':									
Average capacity quantity	***	***	***	***	***	***	***	***	***
Production quantity	***	***	***	***	***	***	***	***	***
Capacity utilization (fn1)	***	***	***	***	***	***	***	***	***
U.S. shipments:									
Quantity	***	***	***	***	***	***	***	***	***
Value	***	***	***	***	***	***	***	***	***
Unit value	***	***	***	***	***	***	***	***	***
Export shipments:									
Quantity	***	***	***	***	***	***	***	***	***
Value	***	***	***	***	***	***	***	***	***
Unit value	***	***	***	***	***	***	***	***	***
Ending inventory quantity	***	***	***	***	***	***	***	***	***
Inventories/total shipments (fn1)	***	***	***	***	***	***	***	***	***
Production workers	***	***	***	***	***	***	***	***	***
Hours worked (1,000s)	***	***	***	***	***	***	***	***	***
Wages paid ($1,000)	***	***	***	***	***	***	***	***	***
Hourly wages	***	***	***	***	***	***	***	***	***
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)	***	***	***	***	***	***	***	***	***
Net income or (loss)	***	***	***	***	***	***	***	***	***
Capital expenditures	***	***	***	***	***	***	***	***	***
Unit COGS	***	***	***	***	***	***	***	***	***
Unit SG&A expenses	***	***	***	***	***	***	***	***	***
Unit operating income or (loss)	***	***	***	***	***	***	***	***	***
Unit net income or (loss)	***	***	***	***	***	***	***	***	***
COGS/sales (fn1)	***	***	***	***	***	***	***	***	***
Operating income or (loss)/sales (fn1)	***	***	***	***	***	***	***	***	***
Net income or (loss)/sales (fn1)	***	***	***	***	***	***	***	***	***

Note.--Shares and ratios shown as "0.0" represent values greater than zero, but less than "0.05" percent.

fn1.--Reported data are in percent and period changes are in percentage points.
fn2.--Undefined.

Source: Compiled from data submitted in response to Commission questionnaires, and from official U.S. import statistics using HTS statistical reporting numbers 7202.30.0000, accessed July 23, 2018.

Table C-2
Silicomanganese: Summary data from the original investigations and subsequent five-year reviews, 1991-1993, 1997-1999, 2005-2011, January to March 2011, and January to March 2012

Item	Calendar year						
	Original investigations			First reviews			Second reviews
	1991	1992	1993	1997	1998	1999	2005
	Quantity (*short tons*)						
Apparent U.S. consumption	***	***	***	***	***	***	***
	Share of quantity (*percent*)						
Share of apparent U.S. consumption.--							
U.S. producers	***	***	***	***	***	***	***
U.S. imports from.--[1]							
Brazil	***	***	***	***	***	***	***
China	***	***	***	***	***	***	***
Ukraine	***	***	***	***	***	***	***
Subject sources	***	***	***	***	***	***	***
Nonsubject sources	***	***	***	***	***	***	***
All sources	***	***	***	***	***	***	***
	Value (*1,000 dollars*)						
Apparent U.S. consumption	***	***	***	***	***	***	***
	Share of value (*percent*)						
Share of apparent U.S. consumption.--							
U.S. producers	***	***	***	***	***	***	***
U.S. imports from.--[1]							
Brazil	***	***	***	***	***	***	***
China	***	***	***	***	***	***	***
Ukraine	***	***	***	***	***	***	***
Subject sources	***	***	***	***	***	***	***
Nonsubject sources	***	***	***	***	***	***	***
All sources	***	***	***	***	***	***	***

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Table C-2--*Continued*
Silicomanganese: Summary data from the original investigations and subsequent five-year reviews, 1991-1993, 1997-1999, 2005-2011, January to March 2011, and January to March 2012

Item	Calendar year						January to March	
	Third (current) reviews							
	2006	2007	2008	2009	2010	2011	2011	2012
Quantity (*short tons*)								
Apparent U.S. consumption	***	***	***	***	***	***	***	***
Share of quantity (*percent*)								
Share of apparent U.S. consumption.--								
U.S. producers	***	***	***	***	***	***	***	***
U.S. imports from.--[1]								
Brazil	***	***	***	***	***	***	***	***
China	***	***	***	***	***	***	***	***
Ukraine	***	***	***	***	***	***	***	***
Subject sources	***	***	***	***	***	***	***	***
Nonsubject sources	***	***	***	***	***	***	***	***
All sources	***	***	***	***	***	***	***	***
Value (*1,000 dollars*)								
Apparent U.S. consumption	***	***	***	***	***	***	***	***
Share of value (*percent*)								
Share of apparent U.S. consumption.--								
U.S. producers	***	***	***	***	***	***	***	***
U.S. imports from.--[1]								
Brazil	***	***	***	***	***	***	***	***
China	***	***	***	***	***	***	***	***
Ukraine	***	***	***	***	***	***	***	***
Subject sources	***	***	***	***	***	***	***	***
Nonsubject sources	***	***	***	***	***	***	***	***
All sources	***	***	***	***	***	***	***	***

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Table C-2--*Continued*
Silicomanganese: Summary data from the original investigations and subsequent five-year reviews, 1991-1993, 1997-1999, 2005-2011, January to March 2011, and January to March 2012

Item	Calendar year						
	Original investigations			First reviews			Second reviews
	1991	1992	1993	1997	1998	1999	2005
	Quantity (*short tons*)						
U.S. imports from.--[3]							
Brazil	47,613	55,494	63,614	0	0	22	0
China	6,064	3,670	24,092	0	0	0	0
Ukraine	0	0	29,468	8,259	0	9,025	0
Subject sources	53,677	59,164	117,174	8,259	0	9,047	0
Nonsubject sources	180,577	203,555	201,286	328,653	381,886	322,301	360,920
All sources	234,254	262,719	318,460	336,911	381,886	331,348	360,920
	Value (*1,000 dollars*)						
U.S. imports from.--[3]							
Brazil	25,183	26,578	29,750	0	0	20	0
China	2,923	1,760	10,637	0	0	0	0
Ukraine	0	0	14,253	4,570	0	3,317	0
Subject sources	28,106	28,338	54,640	4,570	0	3,337	0
Nonsubject sources	102,134	103,592	93,831	157,543	171,976	128,789	249,364
All sources	130,240	131,930	148,471	162,114	171,976	132,126	249,364
	Unit value (*dollars per short ton*)						
U.S. imports from.--[3]							
Brazil	$529	$479	$468	([4])	([4])	909	([4])
China	482	480	442	([4])	([4])	([4])	([4])
Ukraine	([4])	([4])	484	553	([4])	368	([4])
Subject sources	524	479	466	553	([4])	369	([4])
Nonsubject sources	566	509	466	479	450	400	691
All sources	556	502	466	481	450	399	691

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Table C-2--*Continued*
Silicomanganese: Summary data from the original investigations and subsequent five-year reviews, 1991-1993, 1997-1999, 2005-2011, January to March 2011, and January to March 2012

Item	Calendar year						January to March	
	Third (current) reviews							
	2006	2007	2008	2009	2010	2011	2011	2012
	Quantity (*short tons*)							
U.S. importers' U.S. shipments of U.S. imports from.--								
Brazil	0	0	0	0	0	0	0	0
China	0	38	2	591	38	1	0	0
Ukraine	0	0	0	0	22	0	0	0
Subject sources	0	38	2	591	60	1	0	0
Nonsubject sources	442,300	457,204	368,123	204,323	316,524	347,497	87,064	105,363
All sources	442,300	457,242	368,125	204,915	316,584	347,498	87,064	105,363
	Value (*1,000 dollars*)							
U.S. importers' U.S. shipments of U.S. imports from.--								
Brazil	0	0	0	0	0	0	0	0
China	0	120	7	999	56	3	0	0
Ukraine	0	0	0	0	24	0	0	0
Subject sources	0	120	7	999	80	3	0	0
Nonsubject sources	345,131	587,059	730,524	217,327	406,542	426,712	107,090	123,716
All sources	345,131	587,179	730,531	218,326	406,622	426,715	107,090	123,716
	Unit value (*dollars per short ton*)							
U.S. importers' U.S. shipments of U.S. imports from.--								
Brazil	([4])	([4])	([4])	([4])	([4])	([4])	([4])	([4])
China	([4])	3,170	3,134	1,690	1,467	2,196	([4])	([4])
Ukraine	([4])	([4])	([4])	([4])	1,082	([4])	([4])	([4])
Subject sources	([4])	3,170	3,134	1,690	1,326	2,196	([4])	([4])
Nonsubject sources	780	1,284	1,984	1,064	1,284	1,228	1,230	1,174
All sources	780	1,284	1,984	1,065	1,284	1,228	1,230	1,174

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Table C-2--*Continued*
Silicomanganese: Summary data from the original investigations and subsequent five-year reviews, 1991-1993, 1997-1999, 2005-2011, January to March 2011, and January to March 2012

Item	Calendar year						
	Original investigations			First reviews			Second reviews
	1991	1992	1993	1997	1998	1999	2005
	Quantity (*short tons*)						
U.S. producers' capacity (*quantity*)	***	***	***	***	***	***	([4])
Production (*quantity*)	***	***	***	***	***	***	***
Capacity utilization (*ratio*)	***	***	***	***	***	***	([4])
U.S. shipments (*quantity*)	***	***	***	***	***	***	***
(*value*)	***	***	***	***	***	***	***
(*unit value*)	***	***	***	***	***	***	***
Ending inventories (*quantity*)	***	***	***	***	***	***	([4])
Ending inventories to total shipments (*ratio*)	***	***	***	***	***	***	([4])
Production-related workers (*individuals*)	***	***	***	***	***	***	([4])
Hours worked (*1,000 hours*)	***	***	***	***	***	***	([4])
Wages paid (*value*)	***	***	***	***	***	***	([4])
Hourly wages (*dollars*)	***	***	***	***	***	***	([4])
Productivity (*short tons per 1,000 hours*)	***	***	***	***	***	***	([4])

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Table C-2--*Continued*
Silicomanganese: Summary data from the original investigations and subsequent five-year reviews, 1991-1993, 1997-1999, 2005-2011, January to March 2011, and January to March 2012

Item	Calendar year						January to March	
	Third (current) reviews							
	2006	2007	2008	2009	2010	2011	2011	2012
	Quantity (*short tons*); Value (*1,000 dollars*); Unit value (*dollars per short ton*); and Ratio (*percent*)							
U.S. producers' Capacity (*quantity*)	***	***	***	***	***	***	***	***
Production (*quantity*)	***	***	***	***	***	***	***	***
Capacity utilization (*ratio*)	***	***	***	***	***	***	***	***
U.S. shipments (*quantity*)	***	***	***	***	***	***	***	***
(*value*)	***	***	***	***	***	***	***	***
(*unit value*)	***	***	***	***	***	***	***	***
Ending inventories (*quantity*)	***	***	***	***	***	***	***	***
Ending inventories to total shipments (*ratio*)	***	***	***	***	***	***	***	***
Production-related workers (*individuals*)	***	***	***	***	***	***	***	***
Hours worked (*1,000 hours*)	***	***	***	***	***	***	***	***
Wages paid (*value*)	***	***	***	***	***	***	***	***
Hourly wages (*dollars*)	***	***	***	***	***	***	***	***
Productivity (*short tons per 1,000 hours*)	***	***	***	***	***	***	***	***

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Table C-2--*Continued*
Silicomanganese: Summary data from the original investigations and subsequent five-year reviews, 1991-1993, 1997-1999, 2005-2011, January to March 2011, and January to March 2012

Item	Calendar year						
	Original investigations			First reviews			Second reviews
	1991	1992	1993	1997	1998	1999	2005
	Quantity (*short tons*); Value (*1,000 dollars*); Unit value (*dollars per short ton*); and Ratio (*percent*)						
U.S. producers' Net sales: (*quantity*)	***	***	***	***	***	***	([4])
(*value*)	***	***	***	***	***	***	([4])
(*unit value*)	***	***	***	***	***	***	([4])
Cost of goods sold ("COGS") (*value*)	***	***	***	***	***	***	([4])
Gross profit (or loss) (*value*)	***	***	***	***	***	***	([4])
Operating income (or loss) (*value*)	***	***	***	***	***	***	([4])
Unit COGS (*unit value*)	***	***	***	***	***	***	([4])
Unit operating income (or loss) (*unit value*)	***	***	***	***	***	***	([4])
COGS to net sales (*ratio*)	***	***	***	***	***	***	([4])
Operating income (or loss) to net sales (*ratio*)	***	***	***	***	***	***	([4])

Table continued next page. Footnotes at the end of the table.

Table C-2--*Continued*
Silicomanganese: Summary data from the original investigations and subsequent five-year reviews, 1991-1993, 1997-1999, 2005-2011, January to March 2011, and January to March 2012

Item	Calendar year						January to March	
	Third (current) reviews							
	2006	2007	2008	2009	2010	2011	2011	2012
	Quantity (*short tons*); Value (*1,000 dollars*); Unit value (*dollars per short ton*); and Ratio (*percent*)							
U.S. Producers' Net sales: (*quantity*)	***	***	***	***	***	***	***	***
(*value*)	***	***	***	***	***	***	***	***
(*unit value*)	***	***	***	***	***	***	***	***
Cost of goods sold ("COGS") (*value*)	***	***	***	***	***	***	***	***
Gross profit (or loss) (*value*)	***	***	***	***	***	***	***	***
Operating income (or loss) (*value*)	***	***	***	***	***	***	***	***
Unit COGS (*unit value*)	***	***	***	***	***	***	***	***
Unit operating income (or loss) (*unit value*)	***	***	***	***	***	***	***	***
COGS to net sales (*ratio*)	***	***	***	***	***	***	***	***
Operating income (or loss) to net sales (*ratio*)	***	***	***	***	***	***	***	***

[1] Share of apparent U.S. consumption was calculated using U.S. importers' U.S. shipments of imports in both the original investigations (*i.e.*, 1991-1993) and in these third five-year reviews (*i.e.*, 2006-2011), while U.S. imports were used for the first and second five-year reviews (*i.e.*, 1997-1999 and 2005). Also note that data relating to Venezuela from the original investigations (*i.e.*, 1991-1993) presented here are reclassified as "nonsubject" to reflect the Commission's negative final determination.

[2] Less than 0.05 percent.

[3] For the original investigations (*i.e.*, 1991-1993), the data labeled U.S. imports actually represent U.S. importers' U.S. shipments of imports from the specified source. Data relating to Venezuela from the original investigations (*i.e.*, 1991-1993) presented here are reclassified as "nonsubject" to reflect the Commission's negative final determination.

[4] Not applicable.

Source: *Investigations Nos. 731-TA-671 through 674 (Final): Silicomanganese from Brazil, the People's Republic of China, Ukraine, and Venezuela--Staff Report*, Office of Investigation Memo INV-R-187, November 29, 1994; ; *Investigation Nos. 731-TA-671-673 (Second Review): Silicomanganese from Brazil, China, and Ukraine --Staff Report*, Office of Investigation Memo INV-DD-074, June 1, 2006; and information compiled from responses to Commission questionnaires.

APPENDIX D

COMMENTS ON EFFECTS OF ORDERS AND LIKELY EFFECTS OF REVOCATION

Table D-1
Silicomanganese: Firms' narratives on the impact of the orders and the likely impact of revocation

Response type	Firm type	Firm name and narrative on impact or likely impact
Effect of order	U.S. producers	***
Effect of order	U.S. producers	***
Likely impact of revocation	U.S. producers	***
Likely impact of revocation	U.S. producers	***
Effect of order	Importers	***
Effect of order	Importers	***

Response type	Firm type	Firm name and narrative on impact or likely impact
Effect of order	Importers	***
Effect of order	Importers	***
Effect of order	Importers	***
Effect of order	Importers	***
Effect of order	Importers	***
Effect of order	Importers	***
Effect of order	Importers	***
Effect of order	Importers	***
Effect of order	Importers	***

Response type	Firm type	Firm name and narrative on impact or likely impact
Effect of order	Importers	***
Likely impact of revocation	Importers	***
Likely impact of revocation	Importers	***
Likely impact of revocation	Importers	***
Likely impact of revocation	Importers	***
Likely impact of revocation	Importers	***
Likely impact of revocation	Importers	***
Likely impact of revocation	Importers	***
Effect of order	Purchasers	***
Effect of order	Purchasers	***
Effect of order	Purchasers	***
Effect of order	Purchasers	***
Effect of order	Purchasers	***

Response type	Firm type	Firm name and narrative on impact or likely impact
Effect of order	Purchasers	***
Effect of order	Purchasers	***
Effect of order	Purchasers	***
Likely impact of revocation	Purchasers	***
Likely impact of revocation	Purchasers	***
Likely impact of revocation	Purchasers	***
Likely impact of revocation	Purchasers	***
Likely impact of revocation	Purchasers	***
Likely impact of revocation	Purchasers	***
Likely impact of revocation	Purchasers	***
Likely impact of revocation	Purchasers	***
Likely impact of revocation	Purchasers	***
Effect of order	Foreign producers	***

Response type	Firm type	Firm name and narrative on impact or likely impact
Effect of order	Foreign producers	***

Response type	Firm type	Firm name and narrative on impact or likely impact
Likely impact of revocation	Foreign producers	***

Response type	Firm type	Firm name and narrative on impact or likely impact
Likely impact of revocation	Foreign producers	***

Source: Compiled from data submitted in response to Commission questionnaires.

APPENDIX E

SHIPMENTS BY GRADE

Table E-1
Silicomanganese: U.S. producers' U.S. shipments, by grade and period

Quantity in short tons; value in 1,000 dollars; unit value in dollars per short ton; share in percent

Grade	Measure	2021	2022	2023	Jan-Mar 2023	Jan-Mar 2024
ASTM A	Quantity	***	***	***	***	***
ASTM B	Quantity	***	***	***	***	***
ASTM C	Quantity	***	***	***	***	***
High phosphorus not meeting ASTM standard	Quantity	***	***	***	***	***
Other	Quantity	***	***	***	***	***
All grades	Quantity	***	***	***	***	***
ASTM A	Value	***	***	***	***	***
ASTM B	Value	***	***	***	***	***
ASTM C	Value	***	***	***	***	***
High phosphorus not meeting ASTM standard	Value	***	***	***	***	***
Other	Value	***	***	***	***	***
All grades	Value	***	***	***	***	***
ASTM A	Unit value	***	***	***	***	***
ASTM B	Unit value	***	***	***	***	***
ASTM C	Unit value	***	***	***	***	***
High phosphorus not meeting ASTM standard	Unit value	***	***	***	***	***
Other	Unit value	***	***	***	***	***
All grades	Unit value	***	***	***	***	***
ASTM A	Share of quantity	***	***	***	***	***
ASTM B	Share of quantity	***	***	***	***	***
ASTM C	Share of quantity	***	***	***	***	***
High phosphorus not meeting ASTM standard	Share of quantity	***	***	***	***	***
Other	Share of quantity	***	***	***	***	***
All grades	Share of quantity	100.0	100.0	100.0	100.0	100.0
ASTM A	Share of value	***	***	***	***	***
ASTM B	Share of value	***	***	***	***	***
ASTM C	Share of value	***	***	***	***	***
High phosphorus not meeting ASTM standard	Share of value	***	***	***	***	***
Other	Share of value	***	***	***	***	***
All grades	Share of value	100.0	100.0	100.0	100.0	100.0

Source: Compiled from data submitted in response to Commission questionnaires.

Note: Zeroes, null values, and undefined calculations are suppressed and shown as "---".

Table E-2
Silicomanganese: Nonsubject importers' U.S. shipments, by grade and period

Quantity in short tons; value in 1,000 dollars; unit value in dollars per short ton; share in percent

Grade	Measure	2021	2022	2023	Jan-Mar 2023	Jan-Mar 2024
ASTM A	Quantity	***	***	***	***	***
ASTM B	Quantity	***	***	***	***	***
ASTM C	Quantity	***	***	***	***	***
High phosphorus not meeting ASTM standard	Quantity	***	***	***	***	***
Other	Quantity	***	***	***	***	***
All grades	Quantity	***	***	***	***	***
ASTM A	Value	***	***	***	***	***
ASTM B	Value	***	***	***	***	***
ASTM C	Value	***	***	***	***	***
High phosphorus not meeting ASTM standard	Value	***	***	***	***	***
Other	Value	***	***	***	***	***
All grades	Value	***	***	***	***	***
ASTM A	Unit value	***	***	***	***	***
ASTM B	Unit value	***	***	***	***	***
ASTM C	Unit value	***	***	***	***	***
High phosphorus not meeting ASTM standard	Unit value	***	***	***	***	***
Other	Unit value	***	***	***	***	***
All grades	Unit value	***	***	***	***	***
ASTM A	Share of quantity	***	***	***	***	***
ASTM B	Share of quantity	***	***	***	***	***
ASTM C	Share of quantity	***	***	***	***	***
High phosphorus not meeting ASTM standard	Share of quantity	***	***	***	***	***
Other	Share of quantity	***	***	***	***	***
All grades	Share of quantity	100.0	100.0	100.0	100.0	100.0
ASTM A	Share of value	***	***	***	***	***
ASTM B	Share of value	***	***	***	***	***
ASTM C	Share of value	***	***	***	***	***
High phosphorus not meeting ASTM standard	Share of value	***	***	***	***	***
Other	Share of value	***	***	***	***	***
All grades	Share of value	100.0	100.0	100.0	100.0	100.0

Source: Compiled from data submitted in response to Commission questionnaires.

Note: Zeroes, null values, and undefined calculations are suppressed and shown as "---".

Table E-3
Silicomanganese: Foreign producers from Ukraine's total shipments, by grade and period

Quantity in short tons; value in 1,000 dollars; unit value in dollars per short ton; share in percent

Grade	Measure	2021	2022	2023	Jan-Mar 2023	Jan-Mar 2024
ASTM A	Quantity	***	***	***	***	***
ASTM B	Quantity	***	***	***	***	***
ASTM C	Quantity	***	***	***	***	***
High phosphorus not meeting ASTM standard	Quantity	***	***	***	***	***
Other	Quantity	***	***	***	***	***
All grades	Quantity	***	***	***	***	***
ASTM A	Value	***	***	***	***	***
ASTM B	Value	***	***	***	***	***
ASTM C	Value	***	***	***	***	***
High phosphorus not meeting ASTM standard	Value	***	***	***	***	***
Other	Value	***	***	***	***	***
All grades	Value	***	***	***	***	***
ASTM A	Unit value	***	***	***	***	***
ASTM B	Unit value	***	***	***	***	***
ASTM C	Unit value	***	***	***	***	***
High phosphorus not meeting ASTM standard	Unit value	***	***	***	***	***
Other	Unit value	***	***	***	***	***
All grades	Unit value	***	***	***	***	***
ASTM A	Share of quantity	***	***	***	***	***
ASTM B	Share of quantity	***	***	***	***	***
ASTM C	Share of quantity	***	***	***	***	***
High phosphorus not meeting ASTM standard	Share of quantity	***	***	***	***	***
Other	Share of quantity	***	***	***	***	***
All grades	Share of quantity	100.0	100.0	100.0	100.0	100.0
ASTM A	Share of value	***	***	***	***	***
ASTM B	Share of value	***	***	***	***	***
ASTM C	Share of value	***	***	***	***	***
High phosphorus not meeting ASTM standard	Share of value	***	***	***	***	***
Other	Share of value	***	***	***	***	***
All grades	Share of value	100.0	100.0	100.0	100.0	100.0

Source: Compiled from data submitted in response to Commission questionnaires.

Note: Zeroes, null values, and undefined calculations are suppressed and shown as "---".