



## **INSTRUCTION BOOKLET**

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

#### **Ferrovanadium from China and South Africa Investigation Nos. 731-TA-986-987 (Review)**

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

*Edward Petronzio, investigator (202-205-3176; E-mail [edward.petronzio@USITC.GOV](mailto:edward.petronzio@USITC.GOV))  
regarding general questions and trade and related information;*

*John Ascienzo, auditor (202-205-3175; E-mail [john.ascienzo@USITC.GOV](mailto:john.ascienzo@USITC.GOV))  
regarding financial information; and*

*Amelia Preece, economist (202-205-3250; E-mail [amelia.preece@USITC.GOV](mailto:amelia.preece@USITC.GOV))  
regarding pricing, market, and related information.*

## **GENERAL INFORMATION**

**Background.**-- On January 28, 2003, the Department of Commerce issued antidumping duty orders on imports of ferrovanadium from China and South Africa (68 FR 4168 and 4169). On December 3, 2007, the Commission instituted reviews pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. § 1675(c)) (the Act) to determine whether revocation of the orders would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time (72 FR 67962). If the Commission makes affirmative determinations, the orders will remain in place. If the Commission makes negative determinations, the Department of Commerce will revoke the orders.

Questionnaires and other information pertinent to this review are available at **[http://www.usitc.gov/trade\\_remedy/731\\_ad\\_701\\_cvd/investigations/2008/ferrovanadium/viewphase.htm](http://www.usitc.gov/trade_remedy/731_ad_701_cvd/investigations/2008/ferrovanadium/viewphase.htm)**. Address all correspondence to the United States International Trade Commission, Washington, DC 20436. Hearing-impaired individuals can obtain information regarding this review via the Commission's TDD terminal (202-205-1810).

**Due date of questionnaire(s).**--Return the completed questionnaire(s) to the United States International Trade Commission by no later than **July 25, 2008**. Although the enclosed postpaid envelope may be used to return the completed questionnaire, use of an overnight mail service may be necessary to ensure that your response actually reaches the Commission by **July 25, 2008**. If you do not use the enclosed envelope, please make sure the completed questionnaire is sent to the attention of **Edward Petronzio**. **Return only one copy of the completed questionnaire(s), but please keep a copy for your records so that you can refer to it if the Commission staff contacts you with any questions during the course of the review.**

**Service of questionnaire response(s).**--In the event that your firm is a party to this review, you are required to serve a copy of the questionnaire(s), once completed, on parties to the proceeding that are subject to administrative protective order (see 19 CFR § 207.7). A list of such parties is maintained by the Commission's Secretary and may be obtained by calling 202-205-1803. A certificate of service must accompany the copy of the completed questionnaire(s) you submit (see 19 CFR § 207.7).

**Confidentiality.**--The commercial and financial data furnished in response to the enclosed questionnaire(s) that reveal the individual operations of your firm will be treated as confidential by the Commission to the extent that such data are not otherwise available to the public and will not be disclosed except as may be required by law (see 19 U.S.C. § 1677f). Such confidential information will not be published in a manner that will reveal the individual operations of your firm; however, nonnumerical characterizations of numerical business proprietary information (such as discussion of trends) will be treated as confidential business information only at the request of the submitter for good cause shown.

## **GENERAL INFORMATION--Continued**

**Verification.**--The information submitted in the enclosed questionnaire(s) is subject to audit and verification by the Commission. To facilitate possible verification of data, please keep all your workpapers and supporting documents used in the preparation of the questionnaire response(s).

**Release of information.**--The information provided by your firm in response to the questionnaire(s), as well as any other business proprietary information submitted by your firm to the Commission in connection with the review, may become subject to, and released under, the administrative protective order provisions of the Tariff Act of 1930 (19 U.S.C. § 1677f) and section 207.7 of the Commission's Rules of Practice and Procedure (19 CFR § 207.7). This means that certain lawyers and other authorized individuals may temporarily be given access to the information for use in connection with this review or other import-injury investigations or reviews conducted by the Commission on the same or similar merchandise; those individuals would be subject to severe penalties if the information were divulged to unauthorized individuals.

## **INSTRUCTIONS**

**Answer all questions.**--Do not leave any question or section blank unless a questionnaire expressly directs you to skip over certain questions or sections. If the answer to any question is "none," write "none." **If information is not readily available from your records in exactly the form requested, furnish carefully prepared estimates--designated as such by the letter "E"--and explain the basis of your estimates.** Answers to questions and any necessary comments or explanations should be supplied in the space provided or on separate sheets attached to the appropriate page of the questionnaire(s). If your firm is completing more than one questionnaire in connection with this review (i.e., a producer, importer, and/or purchaser questionnaire), you need not respond to duplicated questions in the questionnaires.

**Consolidate all U.S. establishments.**--Report the requested data for your establishment(s) located in the United States. **Firms operating more than one establishment should combine the data for all establishments into a single report.**

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

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

- **Overnight mail service.**—Mail to the following address:  
**United States International Trade Commission  
Office of Investigations, Room 615  
500 E Street SW  
Washington, DC 20024**

## **INSTRUCTIONS--Continued**

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

### **OPTIONS FOR FILING ELECTRONICALLY**

This questionnaire is available as a “fillable” form in MS Word format on the Commission’s website at:  
[http://www.usitc.gov/trade\\_remedy/731\\_ad\\_701\\_cvd/investigations/2008/ferrovanadium/reviewphase.htm](http://www.usitc.gov/trade_remedy/731_ad_701_cvd/investigations/2008/ferrovanadium/reviewphase.htm) ***Please do not attempt to modify the format or permissions of the questionnaire document.*** You may complete the questionnaire electronically, print it out, and submit it in paper form as described above, or you may submit it electronically through one of the following means:

- **By means of the Commission’s Electronic Document Information System (EDIS).**—Follow the step-by-step instructions on the next page.
- **Compact disc (CD).**—Copy your questionnaire onto a CD, include a signed certification page (page 1) (either in paper form or scanned PDF copied onto CD), and mail to the address above. *It is strongly recommended that you use an **overnight mail service**. U.S. mail sent to government offices undergoes additional processing which not only results in substantial delays in delivery but may also damage CDs.*
- **E-mail.**—E-mail your questionnaire to the investigator identified on page 1 of the Instruction Booklet; include a scanned PDF of the signed certification page (page 1). Type the following in the e-mail subject line: BPI Questionnaire, **INV. NOS. 731-986-987**. *Please note that submitting your questionnaire by e-mail may subject your firm’s business proprietary information to transmission over an unsecure environment and to possible disclosure. If you choose this option, the Commission warns you that any risk involving possible disclosure of such information is assumed by the submitter and not by the Commission.*

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

## **INSTRUCTIONS--Continued**

### **INSTRUCTIONS FOR FILING VIA EDIS**

#### **STEP 1: REGISTER AS A NEW USER IN EDIS** (current registered users may skip this step)

- The authorized official whose name appears under the Certification at the bottom of page 1 of the questionnaire should be the person who completes the registration in EDIS
- Go to <https://eofpub.usitc.gov/edis-efile/app>
- Click on Register
- Read and accept the Terms of Use Agreement
- Complete the EDIS Online User Registration form
  - In the **Firm/Organization** field, select **Questionnaire Respondent**
- Click **Submit Registration**

#### **STEP 2: ELECTRONICALLY SUBMIT YOUR QUESTIONNAIRE(S) IN EDIS**

- Click on E-File Documents
- Under **Submitter Information**, type the name of your firm in the **Filed On Behalf Of** field
- Under **Investigation Information**, click on **Find Investigation**
  - For **Investigation Phase**, select “**Review**” and for **Investigation Number**, type “**731-986-987**”; Click on **Find Investigation**
  - Click in the circle to the left of the investigation number that appears, then click on **Select** and confirm by clicking **OK**
- Under **Document Filing Information**—
  - For **Document Type**, select **Questionnaire – Foreign Producer**, **Questionnaire – Importer**, **Questionnaire – Purchaser**, or **Questionnaire – U.S. Producer**, as appropriate
  - Leave **Document Title** field blank
- Under **Add Document Attachments for Electronic Submission**—
  - In the **Attach File** field, click on **Browse**, locate your MS Word questionnaire file, and double-click the file
  - The **Attachment Title** field is optional
  - Click on **Attach Files** (note that your file will be listed below under **Attachments**)
  - You must attach a scanned PDF of the signed certification page (page 1). If you wish to attach any other files, i.e., supporting documents, do so at this time (unlike the questionnaire itself, these additional documents **must** be PDFs). **Only one questionnaire may be filed at a time.**
  - When you have attached all relevant files, click on **Submit Document w/attachments**. An **EDIS Document Submission Confirmation** screen will appear. Confirm the information and click on **Accept Information**. An **EDIS Notice of Receipt of Electronic Documents** will appear, which completes the process. If you wish to electronically file another questionnaire, repeat Step 2.

## **DEFINITIONS**

### **DEFINITIONS**

**Ferrovanadium**--The merchandise covered by these investigations consists of all ferrovanadium, regardless of grade, chemistry, form, shape or size. Ferrovanadium is an alloy of iron and vanadium that is used chiefly as an additive in the manufacture of steel. The merchandise is commercially and scientifically identified as ferrovanadium. The scope of these investigations specifically excludes vanadium additives other than ferrovanadium, such as nitrided vanadium, vanadium-aluminum master alloys, vanadium chemicals, vanadium oxides, vanadium waste and scrap, and vanadium-bearing raw materials such as slag, boiler residues and fly ash. Merchandise classified in Harmonized Tariff Schedule of the United States (HTS) subheadings 2850.00.20, 8112.40.30 and 8112.40.60 is specifically excluded. Ferrovanadium is classified in HTS subheading 7202.92.00.

**Nitrided vanadium**--Includes compounds containing vanadium as the predominant element, by weight and at least 5 percent, by weight, of nitrogen.

**Vanadium pentoxide**--A compound of vanadium and oxygen that may be used as an input in the production of ferrovanadium.

**Firm**--An individual proprietorship, partnership, joint venture, association, corporation (including any subsidiary corporation), business trust, cooperative, trustee in bankruptcy, or receiver under decree of any court.

**Related firm**--A firm that your firm solely or jointly owned, managed, or otherwise controlled; a firm that solely or jointly owned, managed, or otherwise controlled your firm; and/or a firm that was solely or jointly owned, managed, or otherwise controlled by a firm that also solely or jointly owned, managed, or otherwise controlled your firm.

**Establishment**--Each facility of a firm in the United States involved in the production (including toll production on its behalf), importation, and/or purchase of ferrovanadium (as defined above), including auxiliary facilities operated in conjunction with (whether or not physically separate from) such facilities.

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

**Importer**--Any person or firm engaged, either directly or through a parent company or subsidiary, in importing ferrovanadium (as defined above) into the United States from a foreign manufacturer or through its selling agent.

**Imports**--Those products identified for Customs purposes as imports for consumption for which your firm was the importer of record (i.e., was responsible for paying any import duty) or consignee (i.e., to which the merchandise was first delivered).

## **DEFINITIONS--Continued**

**Import quantities.**--Quantities reported should be net of returns.

**Import values.**--Values reported should be landed, duty-paid values at the U.S. port of entry, including ocean freight and insurance costs, brokerage charges, and import duties (i.e., all charges except inland freight in the United States).

**Purchaser.**--Any person or firm engaged, either directly or through a parent company or subsidiary, in purchasing ferrovanadium (as defined above) from another firm that produces, imports, or otherwise distributes ferrovanadium.

**Purchases.**--Purchases from all sources, NOT including direct imports from foreign producers (which should be reported in an importer questionnaire).

**Purchase quantities.**--Quantities reported should be net of returns.

**Purchase values.**--Values reported should be net values (i.e., gross purchase values less all discounts, allowances, rebates, and the value of returned goods), delivered to your U.S. receiving point.

**Shipments.**--Shipments of products produced in or imported by your U.S. establishment(s), or produced on your firm's behalf under a toll agreement. Report shipments to the contracting firm of product produced by your firm under a toll agreement on table II-1 1a of the producers' questionnaire.

**Shipment quantities.**--Quantities reported should be net of returns.

**Shipment values.**--Values reported should be net values (i.e., gross sales values less all discounts, allowances, rebates, prepaid freight, and the value of returned goods), f.o.b. your U.S. producing establishment(s) (for PRODUCER QUESTIONNAIRES) or U.S. point of shipment (for IMPORTER QUESTIONNAIRES). The value of domestic shipments to the contracting firm under a toll agreement is the conversion fee (including profit).

## **DEFINITIONS--Continued**

### **Types of shipments:**

**U.S. shipments.**--Commercial shipments, internal consumption, transfers to related firms within the United States, and transfers to unrelated and related firms under a toll agreement.

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

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

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

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

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

**The following definitions apply only to the PRODUCER QUESTIONNAIRE.**

**Average production capacity.**--The level of production that your establishment(s) could reasonably have expected to attain during the specified periods. Assume normal operating conditions (i.e., using equipment and machinery in place and ready to operate; normal operating levels (hours per week/weeks per year) and time for downtime, maintenance, repair, and cleanup; and a typical or representative product mix).

**Toll agreement.**--Agreement between two firms whereby the first firm furnishes the raw materials and the second firm uses the raw materials to produce a product that it then returns to the first firm with a charge for processing costs, overhead, etc.

**Production.**--All production in your U.S. establishment(s), including production consumed internally within your firm and production for another firm under a toll agreement.

**PRWs.**--Production and related workers, including working supervisors and all nonsupervisory workers (including group leaders and trainees) engaged in fabricating, processing, assembling, inspecting, receiving, storage, handling, packing, warehousing, shipping, trucking, hauling, maintenance, repair, janitorial and guard services, product development, auxiliary production for plant's own use (e.g., power plant), recordkeeping, and other services closely associated with the above production operations.

**Average number employed.**--Add the number of employees, both full-time and part-time, for the 12 pay periods ending closest to the 15th of the month and divide that total by 12. For the January-June periods, calculate similarly and divide by 6.



## **DEFINITIONS**--*Continued*

**Hours worked.**--Include time paid for sick leave, holidays, and vacation time. Include overtime hours actually worked; do not convert overtime pay to its equivalent in straight-time hours.

**Wages paid.**--Total wages paid before deductions of any kind (e.g., withholding taxes, old-age and unemployment insurance, group insurance, union dues, bonds, etc.). Include wages paid directly by your firm for overtime, holidays, vacations, and sick leave.

**Fiscal year.**--The 12-month period between settlement of your firm's financial accounts.

**Continued Dumping and Subsidy Offset Act (Byrd Amendment) funds received.**--Funds disbursed by the Bureau of Customs and Border Protection under the Continued Dumping and Subsidy Offset Act of 2000 (the "Byrd Amendment"). The Byrd Amendment provides for the annual distribution of the duties collected pursuant to antidumping and countervailing duty orders. The distribution is available to "affected domestic producers for qualifying expenditures."

**Purchases other than direct imports.**--Purchases from U.S. producers, U.S. importers, and other U.S. sources.