## FOREIGN PRODUCERS'/EXPORTERS' QUESTIONNAIRE

#### **ACTIVE ANODE MATERIAL FROM CHINA**

This questionnaire must be received by the Commission by <u>January 2, 2025</u>

See last page for instructions regarding how to file this questionnaire.

The information called for in this questionnaire is for use by the United States International Trade Commission in connection with its countervailing and antidumping duty investigations concerning active anode material from China (Inv. Nos. 701-TA-752 and 731-TA-1730 (Preliminary)). The information requested in the questionnaire is requested under the authority of the Tariff Act of 1930, title VII.

Name of firm

#### PART I.—GENERAL INFORMATION

<u>Background.</u>-- This proceeding was instituted in response to petitions filed on December 18, 2024, by the American Active Anode Material Producers, the members of which are Anovion Technologies, Sanborn, New York; Syrah Technologies LLC, Vidalia, Louisiana; NOVONIX Anode Materials LLC, Chattanooga, Tennessee; Epsilon Advanced Materials, Leland, North Carolina; and SKI US, Inc., Marietta, Georgia. Countervailing and/or antidumping duties may be assessed on the subject imports as a result of these proceedings if the Commission makes an affirmative determination of injury, threat, or material retardation, and if the U.S. Department of Commerce ("Commerce") makes an affirmative determination of subsidization and/or dumping. Pertinent information to this proceeding is available at:

Questionnaires: <a href="https://usitc.gov/reports/active">https://usitc.gov/reports/active</a> import injury questionnaires. Other case information: <a href="https://ids.usitc.gov/case/8249/investigation/8680">https://ids.usitc.gov/case/8249/investigation/8680</a>.

<u>Active anode material</u> covered by this proceeding is active anode material, whether synthetic, natural, or a blend of synthetic or natural; with or without coating; regardless of whether in powder, dry, liquid, or any other form. Subject merchandise typically has a maximum size of 80 microns. Subject merchandise has an energy density of 330 milliamp hours per gram or greater and a degree of graphitization of 80% or greater. Subject merchandise can be referred to as "active anode material."

Subject merchandise is covered regardless of whether it is mixed with silicon based active materials, e.g., silicon-oxide (SiOx), silicon-carbon (SiC), or silicon, or additives such as carbon black or carbon nanotubes. Subject merchandise is covered regardless of the combination of compounds that comprise the graphite material; the graphite contained in the subject merchandise has a minimum purity content of 90% carbon. Subject merchandise is covered regardless of whether it is imported independently, as part of a compound, in a battery, as a component of an anode slurry, or in a subassembly of a battery such as an electrode. Only the anode grade graphite material is covered when entered as part of a mixture with silicon based active materials, as part of a compound, in a battery, as a component of an anode slurry, or in a subassembly of a battery such as an electrode.

Active anode material subject to the investigations may be classified under the Harmonized Tariff Schedule of the United States (HTSUS) subheadings 2504.10.5000 and 3801.10.5000. Subject merchandise may also be imported under HTSUS subheading 3801.90.0000. The HTSUS subheadings are provided for convenience and customs purposes only. The written description of the scope of the investigations is dispositive.

**Reporting of information**.--If information is not readily available from your records, provide carefully prepared estimates. If your firm is completing more than one questionnaire (i.e., a producer, importer, purchaser and/or foreign producer questionnaire), you need not respond to duplicated questions.

<u>Confidentiality</u>.--The commercial and financial data furnished in response to this questionnaire 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, general 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.

<u>Verification</u>.--The information submitted in this questionnaire is subject to audit and verification by the Commission. To facilitate possible verification of data, please keep all files, worksheets, and supporting documents used in the preparation of the questionnaire response. Please also retain a copy of the final document that you submit.

Release of information.--The information provided by your firm in response to this questionnaire, as well as any other business proprietary information submitted by your firm to the Commission in connection with this proceeding, 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 proceeding or other import-injury proceedings 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.

<u>Valid number error messages.</u>—If you are completing this form in a country that uses periods (".") to delineate multiples of 1000 (e.g., one million would appear as \$1.000.000 rather than \$1,000,000), you may be unable to enter in numbers greater than 999 in numeric form fields. The solution to this data entry issue is to temporarily change your operating system's number formatting to be consistent with the U.S. number formatting system while you complete this form. Detailed instructions on how to resolve this issue are provided at the end of this questionnaire and are available upon request from Calvin Chang (202-205-3062, calvin.chang@usitc.gov).

I-1.	Reporting requirementsPlease report below the actual number of hours required and the cost
	to your firm of completing this questionnaire for use by the Office of Management and Budget.

Hours	Dollars	

Public reporting burden for this questionnaire is estimated to average 30 hours per response, including the time for reviewing instructions, gathering data, and completing and reviewing the questionnaire.

We welcome comments regarding the accuracy of this burden estimate, suggestions for reducing the burden, and any suggestions for improving this questionnaire. Please provide such comments to the Office of Investigations, <a href="mailto:import injury@usitc.gov">import injury@usitc.gov</a>.

I-2.	<b><u>Establishments covered</u></b> Provide the name and address of establishment(s) covered by this
	questionnaire.

"Establishment"Each facility of a firm in China involved in the production or export of active
anode material, including auxiliary facilities operated in conjunction with (whether or not
physically separate from) such facilities. Firms operating more than one establishment in China
should combine the data for all establishments into a single report.

"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.

I-3.	Related producersDoes your firm or any related firm produce, have the capability to produce,
	or have any plans to produce active anode material in the United States or other countries?

No	Yes	If yes, please name the firm(s) and country(ies) below and, if U.S. producer(s), ensure that they complete the Commission's U.S. producers' questionnaire.

I-4. Related U.S. importers.--Does your firm or any related firm import or have any plans to import active anode material into the United States?

No	If yes, please name the firm(s) below and ensure that they complete the Commission's importer questionnaire.

- I-5. <u>Stock symbol information.</u>— If your firm or any of the entities reported in questions I-2 through I-4 are publicly traded in the United States, please specify the stock exchange and trading symbol (including American Depository Receipts, if applicable): \_\_\_\_\_\_.
- I-6. <u>External counsel.</u>— If your firm or parent firm is represented by external counsel in relation to this proceeding, please specify the name of the law firm and the lead attorney(s).

Law firm:	
Lead attorney(s):	

I-7. <u>U.S. importers</u>.--Please provide the names, contacts, telephone numbers, and e-mail addresses of the <u>TEN</u> largest U.S. importers of your firm's active anode material since January 1, 2021.

	Importer's name	Contact person	Email	Telephone	Share of your firm's 2023 U.S. exports (%)
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					

#### PART II.--TRADE AND RELATED INFORMATION

Title Email Telephone

Further information on this part of the questionnaire can be obtained from Calvin Chang (202-205-3062, <a href="mailto:calvin.chang@usitc.gov">calvin.chang@usitc.gov</a>). **Supply all data requested on a <a href="mailto:calvin.chang@usitc.gov">calvin.chang@usitc.gov</a>**).

II-1.	Contact informationPlease identify the responsible individual and the manner by which				
	Commission staff may contact that individual regarding the confidential information submitted				
	in Part II.				
	Name				

II-2a. <u>Changes in operations.</u>—Please indicate whether your firm has experienced any of the following changes in relation to the production of active anode material since January 1, 2021.

		If checked, please describe the nature, timing / duration, and impact on operations of any such reported changes as well as the business reasons for them; leave completely blank if not applicable
	Plant openings	
	Plant closings	
	Prolonged shutdowns	
	Production curtailments	
	Relocations	
	Expansions	
	Acquisitions	
	Consolidations	
	Weather-related or force majeure events	
	Other (e.g., revised labor agreements, technology)	

II-2b.	<b>COVID-19 pandemic.</b> —Has the COVID-19 pandemic or have any government actions taken to
	contain the spread of the COVID-19 virus resulted in changes in your firm's supply chain
	arrangements, production, and shipments (including exports to the United States) relating to
	active anode material since January 1, 2021? In your response, please discuss the duration and
	timing of any such changes as they relate to your firm's operations.

No	Yes	If yes, describe these changes including the impact over time on the (a) supply chain and (b) production and shipments with respect to active anode material.

II-2c. <u>Anticipated changes in operations.</u>--Does your firm anticipate any changes in the character of its operations or organization (as noted above) relating to the production of active anode material in the future?

No	If yes, supply details as to the likely timing, nature, and significance of such anticipated changes and describe the underlying assumptions and business reasons for them.

II-3a. **Production using same machinery.--**Please report your firm's production of products using the same equipment, machinery, or employees as used to produce active anode material, and the combined capacity (both installed and practical capacity) on this shared equipment, machinery, or employees in the periods indicated.

"Installed overall capacity" – The level of production that your establishment(s) could have attained, assuming your firm's optimal product mix, and based solely on existing capital investments, i.e., machinery and equipment that is in place and ready to operate. This capacity measure does <u>not</u> take into account other constraints to production such as existing workforce constraints, availability of raw materials, or downtime for maintenance, repair, and clean-up. This capacity measure is sometimes referred to as "nameplate" or "theoretical" capacity.

"Practical overall capacity" – The level of production that your establishment(s) could reasonably have expected to attain, taking into account your firm's actual product mix over the period. This capacity measure is based on not only existing capital investments, i.e., machinery and equipment that is in place and ready to operate; but also non-capital investment constraints, such as (1) normal operating conditions, including normal downtime for maintenance, repair, and cleanup; (2) your firm's existing in place and readily available labor force; (3) availability of material inputs; and (4) any other constraints that may have limited your firm's ability to produce the reported products. Importantly, this capacity measure is the maximum "practical" production your firm could have achieved without hiring new personnel or expanding the number of shifts operated in the period.

"Practical active anode material capacity" – The level of production of active anode material that your establishment(s) could reasonably have expected to attain. The same assumptions apply to this capacity measure as for practical overall capacity, but only includes the portion of practical overall capacity allocated to the production of active anode material based on the actual product mix experienced over the period.

"Production" – All production in your establishment(s) in China, including production consumed internally within your firm and production for another firm under a toll agreement.

Takes into account	Installed overall capacity	Practical overall capacity	Practical active anode material capacity
Existing capital investments	Yes	Yes	Yes
Product mix	Yes	Yes	Yes
Normal downtime, maintenance, repair and clean-up	No	Yes	Yes
Existing labor force	No	Yes	Yes
Availability of material inputs	No	Yes	Yes
Actual number of shifts and hours operated	No	Yes	Yes
Limited to active anode material	No	No	Yes

#### II-3a. **Production using same machinery.**—**Continued**

Quantity (in 1,000 pounds)					
	Calendar year			January-September	
Item	2021	2022	2023	2023	2024
Capacity measures: Installed overall capacity <sup>1</sup>					
Practical overall capacity <sup>12</sup>					
Practical active anode material capacity <sup>3 4</sup>	0	0	0	0	0
Production of: Active anode material <sup>3 4</sup>	0	0	0	0	0
Other products <sup>5</sup>					
Total production using same machinery or workers	0	0	0	0	0

<sup>&</sup>lt;sup>1</sup> Data reported for both "installed overall" and "practical overall" capacity should each individually be greater than data reported for total production (last line). Additionally, data reported for "installed overall" capacity should be greater than "practical overall" capacity in every period.

II-3b. **Operating parameters.--**The *practical* overall capacity reported in II-3a is based on the following operating parameters:

Hours per week	Weeks per year

<sup>&</sup>lt;sup>2</sup> Please provide details in your response to the question on capacity constraints in question II-3d below that explain the differences reported between "installed" and "practical" overall production capacities.

<sup>&</sup>lt;sup>3</sup> Data entered in question II-9 for this indicator will populate here.

<sup>&</sup>lt;sup>4</sup> Data reported for practical active anode material capacity should be greater than the data reported for production of active anode material in each period, if not revise prior to submission to the Commission. Additionally, if your firm reports the production of no other products on the same machinery and using the same workers as active anode material then "practical overall" and "practical active anode material" capacity measures should be equal to each other.

firm's were l report but wa	practical overall capacity over the peoinding over different periods reported practical overall capacity. If a content of the practical overall capacity.	ase describe the constraint(s) that set the limit(s) on your riod reported in question II-3a. If different constraints ed, please specify when each constraint was limiting your estraint was not actually binding over the period reported estalled capacity level, indicate at what level it would hav
	traint ck as many as appropriate)	Description (If checked, please describe the details, timing, and dur of the constraint; leave completely blank if not applications.)
	Production bottlenecks	
	Existing labor force	
	Supply of material inputs	
	Fuel or energy	
	Storage capacity	
	Logistics/transportation	
	Other constraints (list the specific constraints in the description field)	
and th	ne additional actions that would be no	e describe and quantify the amount of time it would take eeded (e.g., hiring new workers, expanding shifts, pply, etc.) for your firm to be able to fully utilize the d in II-3a.

capacit	y, and (2) th	ald need to be brought back into production for your plant to operate at full be specific dates on which such machines or equipment were last used by your cive anode material.
	t shifting.—	
(a)	-	a able to switch production (capacity) between active anode material and other sing the same equipment and/or labor?
No	Yes	If yes—(i.e., have produced other products or are able to produce other products) Please identify other actual or potential products.
(b)	(e.g., time,	cribe the factors that affect your firm's ability to shift capacity between product cost, relative price change, etc.), and the degree to which these factors enhance such shifts.

II-5.	Capacity checklistPlease check that the capacity numbers reported in question II-3a follow the
	Commission's relevant definitions for capacity.

Item	√ if Yes
Are all three capacity measures reported based on <u>currently installed machinery</u>	
<u>and equipment</u> (i.e., the reported capacity level would not require additional capital investments in order to achieve)?	
Are practical overall capacity and practical active anode material capacity measures reported based on <u>existing labor force</u> (i.e., the reported capacity level would not require hiring additional production related workers or adding shifts)?	
Are practical overall capacity and practical active anode material capacity measures based on the actual availability of material inputs?	
Do both practical overall capacity and practical active anode material capacity measures account for <u>normal downtime</u> , <u>maintenance</u> , <u>repair and clean-up</u> activities?	
Does the difference between practical overall capacity and practical active anode material capacity equal the portion of practical overall capacity that is dedicated to the production of out-of-scope products?	

Note: If your firm is not able to answer "yes" to any of the above criteria as it relates to your firm's reported capacity levels, please revise your capacity numbers to be in conformance with the appropriate definition prior to submission to the Commission.

- II-6. <u>Share of sales</u>.--What percentage of your firm's total sales in its most recent fiscal year was represented by sales of active anode material? \_\_\_\_\_ percent.
- II-7a. <u>Firm's estimated share of production in China.</u>—Please estimate the percentage of total production of active anode material in China accounted for by your firm's production in 2023. \_\_\_\_\_ percent.
- II-7b. <u>Firm's estimated share of exports from China</u>.--Please estimate the percentage of total exports to the United States of active anode material from China accounted for by your firm's exports in 2023. \_\_\_\_\_ percent.
- II-8. <u>Third country trade actions</u>.--Is the active anode material exported by your firm subject to antidumping/countervailing duty/safeguard findings, remedies, or proceedings?

No	If yesList the products(s), countries affected, and the date of such findings/remedies/proceedings.

II-9. <u>Trade data</u>.--Report your firm's capacity, production, shipments, and inventories related to the production of active anode material in your establishment(s) in China during the specified periods. Do not include resales of active anode material that your firm did not produce in this question; those data to the degree they are exported to the United States should only be reported in question II-10.

<u>Do not submit data by manufacturing facility if they are in the same country.</u> If your firm has multiple manufacturing establishments in China, you are required to combine data for those establishments within one foreign producer questionnaire response.

"Production" – All production in your establishment(s) in China, including production consumed internally within your firm and production for another firm under a toll agreement.

"Shipments"--Shipments of products produced in your establishment(s) in China. Quantities reported should be net of returns.

"Home market commercial shipments"--Shipments, other than internal consumption and transfers to related firms, within China.

"Home market internal consumption/transfers to related firms"--Shipments made to related firms in China, including product consumed internally by your firm.

"Export shipments"--Shipments to destinations outside of the country indicated on page 1 (China), including shipments to related firms.

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

Note: As requested in Part I of this questionnaire, please keep all supporting documents/records used in the preparation of the trade data, as Commission staff may contact your firm regarding questions on the trade data. The Commission may also request that your company submit copies of the supporting documents/records (such as production and sales schedules, inventory records, etc.) used to compile these data.

### II-9. <u>Trade data</u>.--Continued.

		Quantity (i	n 1,000 pou	ınds)			
		Act	ual experie	nce		Projections <sup>1</sup> Calendar year	
	C	Calendar yea	ır	January-S	September		
ltem	2021	2022	2023	2023	2024	2025	2026
Practical active anode material capacity <sup>2</sup> (A)							
Beginning-of-period inventories (B)							
Production <sup>2</sup> (C)							
Home market shipments: Internal consumption/ transfers (D)							
Commercial shipments (E)							
Export shipments: to the United States (F)							
to all other markets (G) <sup>3</sup>							
Total exports (H)	0	0	0	0	0	0	C
Total shipments (I)	0	0	0	0	0	0	C
End-of-period inventories (J)							

<sup>&</sup>lt;sup>1</sup> Explain the basis of your firm's projections: \_\_\_\_\_.

<sup>&</sup>lt;sup>2</sup> Report your firm's practical active anode material capacity consistent with the definitions and instructions included in question II-3a.

<sup>&</sup>lt;sup>3</sup> Identify your firm's principal other export markets: \_\_\_\_\_.

II-9. **Trade data.**--Continued.

RECONCILIATION OF SHIPMENTS, PRODUCTION, AND INVENTORY.--Generally, the data reported for the end-of-period inventories (i.e., line J) should be equal to the beginning-of-period inventories (i.e., line B), plus production (i.e., line C), less total shipments (i.e., lines D, E, F, and G). Please ensure that any differences are not due to data entry errors in completing this form, but rather actually reflect your firm's records; and also provide any likely explanations for any differences (e.g., theft, loss, damage, record systems issues, etc.) if they exist.

	Actual experience					Projections	
	Calendar year			January-S	September	Calendar year	
Item	2021	2022	2023	2023	2024	2025	2026
B + C - D - E - F - G - J = should equal							
zero ("0") or provide an explanation.1	0	0	0	0	0	0	0
<sup>1</sup> Explanation if the calculated fields above are returning values other than zero (i.e., "0") but are nonetheless							
<sup>1</sup> Explanation if the calculated fields above are returning values other than zero (i.e., "0") but are nonetheless							

accurate: \_\_\_\_\_\_.

II-10. Exports to the United States not produced by your firm.--Report your firm's exports to the United States of active anode material that was produced in China but not by your firm during the specified periods. Note these data should <u>not</u> be included in question II-9.

Quantity (in 1,000 pounds)								
		Act	ual experie	nce		Proje	ctions	
	C	Calendar yea	ar	January-S	September	Calend	lar year	
Item	2021	2022	2023	2023	2024	2025	2026	
Exports of active anode material to the United States not produced by your firm <sup>1</sup>								
<sup>1</sup> List the producer(s)		•	•					

II-11. <u>Total shipments by product form</u>.—Report your firm's total shipments (i.e., home market shipments and export shipments) by product form during the specified periods.

	(	Quantity ( <i>in 1,00</i>	v pounds)					
Calendar year January-Septembe								
Item	2021	2022	2023	2023	2024			
Total shipments: Natural (K)								
Synthetic (L)								
Blended <sup>1</sup> (M)								

<u>RECONCILIATION OF TOTAL SHIPMENTS BY PRODUCT FORM.</u>—Please ensure that the quantities (i.e., lines K, L, and M) reported for total shipments by product form in each time period equal the quantities (i.e., line I) reported for total shipments in each time period in question II-9. If the calculated fields below return values other than zero (i.e., "0"), the data reported must be revised prior to submission to the Commission.

	Calendar year		January-September		
Reconciliation item	2021	2022	2023	2023	2024
K + L + M - I = zero ("0"), if not revise.	0	0	0	0	0

in Part II
es your
s with
ı

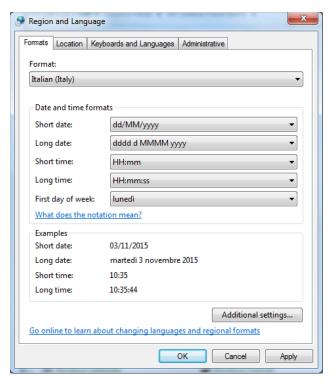
Correcting Valid number error messages.--If you are completing this questionnaire in a country that uses periods (".") to delineate multiples of 1000 (e.g., one million would appear as \$1.000.000 instead of as \$1,000,000), you may be unable to enter in numbers greater than 999 in numeric form fields. This issues stem from your computer number formatting setting (e.g., not the MS Word document itself, but the computer from which you are opening up the document). In the United States commas (,) delineate multiples of 1000 and periods (.) delineate fractions less than one. Many EU countries use the reverse where multiples of 1000 are delineated with periods (.) and fractions less than one are delineated with commas (,). This questionnaire is prepared in the United States with the U.S. number formatting. When this formatting interacts with a computer set to EU number formatting, we believe this may cause this issue.

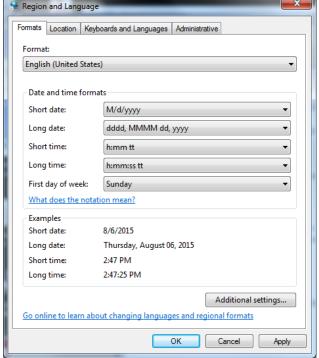
The solution to this data entry issue is to temporarily change your operating system's number formatting to be consistent with the U.S. number formatting system while you complete the questionnaire.

To temporarily change your computer's number settings to U.S. settings, please do the following (for Microsoft Windows Operating system):

- START
- Control Panel
- Region and Language (under Clock, Language, and Region category)
- Format tab
- Change the Format from your existing one (e.g., "Italian (Italy)") to "English (United States)" (see screen shots below)

When you do this the number "twelve million dollars and thirty five cents" would change from \$12.000.000,35 (Italy format) to \$12,000,000.35 (U.S. format), and then there will be no conflict with the USITC foreign producer questionnaire form. When you finish reporting the data then you can close the questionnaire and switch back to your country settings.





# **HOW TO FILE YOUR QUESTIONNAIRE RESPONSE**

This questionnaire is available as a "fillable" form in MS Word format on the Commission's website at:

https://usitc.gov/reports/active import injury questionnaires.

**Please do not attempt to modify the format or permissions of the questionnaire document**. Please submit the completed questionnaire using one of the methods noted below. If your firm is unable to complete the MS Word questionnaire or cannot use one of the electronic methods of submission, please contact the Commission for further instructions.

• <u>Upload via Commission's secure submission portal</u>.— The questionnaire must be uploaded in two formats: (1) a Microsoft Word 97-2003 document; and (2) a PDF copy of the complete questionnaire with a signature on the first page. Please include any attachments at the end of the PDF (e.g., APO certification, additional comments, etc.).

Web address: <a href="https://usitc.gov/qportal">https://usitc.gov/qportal</a> Pin: ANODE Phase: Preliminary

• E-mail.— E-mail the MS Word questionnaire to <u>calvin.chang@usitc.gov</u>; include a PDF copy of the complete questionnaire with a signature on the first page. Submitters are strongly encouraged to encrypt nonpublic documents that are electronically transmitted to the Commission to protect your sensitive information from unauthorized disclosure. The USITC secure submission portal and the Electronic Document Information System (EDIS) use Federal Information Processing Standards (FIPS) 140-2 cryptographic algorithms to encrypt data in transit. Submitting your nonpublic documents by a means that does not use these encryption algorithms (such as by email) may subject your firm's nonpublic information to unauthorized disclosure during transmission. If you choose a non-encrypted method of electronic transmission, the Commission warns you that the risk of such possible unauthorized disclosure is assumed by you and not by the Commission.

**If your firm** did not produce or export this product, please fill out page 1, print, sign, and submit a scanned PDF copy via the Commission's secure submission portal or email.

**Parties to this proceeding.**— If your firm is a party to this proceeding, it is required to serve a copy of the completed questionnaire on parties to the proceeding that are subject to administrative protective order (see 19 CFR § 207.7). A list of such parties may be obtained from the Commission's Secretary (202-205-1802). A certificate of service must accompany the completed questionnaire you submit (see 19 CFR § 207.7). Service of the questionnaire must be made in paper form.