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**OFFICE OF AD ENFORCEMENT  
SEPARATE-RATE APPLICATION AND  
REQUIRED SUPPORTING DOCUMENTATION**

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**REQUESTER(S):** {insert name of applicant}

**REPRESENTATION:** {insert name of counsel and law firm and contact info}

**CASE:** Certain Diamond Sawblades and Parts Thereof from the  
People's Republic of China ("PRC") A-570-900

**PERIOD OF INVESTIGATION:** 10/1/2004 - 3/31/2005

**PUBLICATION DATE OF INITIATION:** **June 21, 2005**

**DEADLINE FOR SUBMISSION OF APPLICATION  
AND SUPPORTING DOCUMENTATION:** **August 22, 2005**  
(first business day after August 20, 2005)

**OFFICIAL IN CHARGE:**

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**FILING ADDRESS:**

U.S. Department of Commerce  
International Trade Administration  
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Washington, DC 20230  
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The Department assigns separate rates in non-market economy (“NME”) cases only if the applicant can demonstrate an absence of both *de jure* and *de facto* governmental control over its export activities in accordance with the separate-rates test criteria. In determining whether companies should receive separate rates, we focus our attention on the exporter rather than the manufacturer. See Notice of Final Determination of Sales at Less Than Fair Value: Manganese Metal from the People’s Republic of China, 60 FR 56045 (November 6, 1995). Consequently, in this proceeding, the Department will limit its consideration of separate-rate applications to NME firms that exported subject merchandise to the United States during the period of investigation (“POI”).<sup>1</sup> To be considered for separate-rate treatment, an applying NME firm must have exported subject merchandise to the United States during the POI.

To establish whether a company’s export activities are sufficiently independent of the government to be eligible for separate rate status, the Department analyzes each exporting entity under the test established in the Final Determination of Sales at Less Than Fair Value: Sparklers from the People’s Republic of China, 56 FR 20588 (May 6, 1991) (“Sparklers”), and later expanded upon in Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People’s Republic of China, 59 FR 22585 (May 2, 1994) (“Silicon Carbide”). Under this analysis, exporters in non-market economies are accorded separate, company-specific margins if they can provide sufficient proof of an absence of government control, both in law and in fact, with respect to export activities. Evidence supporting, though not requiring, a finding of *de jure* absence of government control over export activities includes: 1) an absence of restrictive stipulations associated with an individual exporter’s business and export licenses; 2) any legislative enactments decentralizing control of companies; and 3) any other formal measures by the central and/or local government decentralizing control of companies. See Sparklers, 56 FR at 20588.

Our analysis of absence of *de facto* government control over exports is typically based on the following four factors: 1) whether each exporter sets its own export prices independent of the government and without the approval of a government authority; 2) whether each exporter retains the proceeds from its sales and makes independent decisions regarding disposition of profits or financing of losses; 3) whether each exporter has the authority to negotiate and sign contracts and other agreements; and 4) whether each exporter has autonomy from the government regarding the selection of management. See Silicon Carbide, 59 FR at 22586-87.

Following the test outlined above, this form is an application for separate-rate treatment and is intended for firms not selected as mandatory respondents by the Department, but which nonetheless seek a separate rate. Firms that the Department selects to be mandatory respondents will be required to respond to the Department’s antidumping questionnaire. Because NME firms will have the opportunity to respond to the separate rates application immediately upon initiation of the investigation and before the Department selects mandatory respondents, it is possible that an entity the Department selects to be a mandatory respondent will have already submitted an

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<sup>1</sup>For purposes of this document, the term “subject merchandise” refers to the merchandise described in the petition of the investigation. This shorthand term is not intended to make any conclusions as to the definition of the final scope of the order.

application for a separate rate. In such cases, the firm may refer to its already submitted separate rate application for the section of the questionnaire that deals with separate rates.

- Applicants must individually complete and submit this form with all the required supporting documentation by sixty calendar days after the date of publication of the initiation notice of this investigation. The deadline appears in the heading of this application, and applies equally to NME-owned and wholly market-economy owned firms for completing the applicable provisions of the application and for submitting the required supporting documentation.
- The Department will not consider applications that remain incomplete by the deadline date established above. The Department will, however, notify firms whose applications are incomplete or otherwise deficient, if those applications are filed within thirty calendar days after the publication of the initiation notice, giving such firms an opportunity to resubmit a corrected application, as long as the resubmitted applications are received by the deadline set forth in the header to the application.
- If the Department requested Quantity and Value (“Q&V”) information from your firm, your firm must also respond to the Department’s Q&V questionnaire to receive consideration for a separate rate. This ensures that the Department has the necessary information to appropriately select mandatory respondents.
- NME firms owned wholly by entities located in market-economy countries, provided that the ultimate owners are also located in market-economy countries (“wholly market-economy owned firms”), need only fill out the certifications and provide supporting documentation for the fields in the application that are marked with an asterisk, “\*”.<sup>2</sup> These marked fields pertain to the firm’s eligibility for separate rates consideration based on having sold subject merchandise during the POI and support the firm’s claim that it is in fact wholly owned by a market-economy entity. This information is also necessary for administration once a separate rate has been issued.
- There are two sets of requirements for reporting any affiliations with other firms involved in the production or sale of the subject merchandise, one for wholly market-economy owned firms and another for NME-owned firms.
- Wholly market-economy owned firms are required to report *all* of their affiliations with other firms involved in the production or sale of the subject merchandise.
- Firms that are not owned wholly by market-economy entities, however, must only identify any affiliates that exported subject merchandise to the United States during the period of investigation and any U.S. affiliates involved in the sale of the subject

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<sup>2</sup>This includes firms that are wholly owned by Hong Kong, Macau or Taiwan entities.

merchandise.

- Each applicant must submit a separate individual application regardless of any common ownership or affiliation between firms and regardless of foreign ownership.
- The name that is provided to the Department in the application must be the name that appears on the exporter's business license/registration documents. All shipments to the United States declared to U.S. Customs and Border Protection must identify the exporter by its legal business name, and this name must match the name that appears on the exporter's business/registration documents.

The application is divided into six sections. Section I contains the required certifications that an officer of the company must make to the Department, indicating that the information provided in the application is correct. Section II identifies the firm that is applying for separate rate status and demonstrates that this firm is eligible for a separate rate by confirming that it exported subject merchandise to the United States during the period of investigation. Section III certifies that the firm meets the *de jure* requirements, *i.e.*, that there are no legal barriers to a firm's independent control over its export activities at either the national or any sub-national level. Section IV attests to *de facto* independence, *i.e.*, that this *de jure* independence also exists in practice. Section V deals with filing requirements and gives applicants an opportunity to request business proprietary treatment for information that they submit. The addendum at the end of the application asks applicants to submit to the Department information that they have already supplied to other U.S. government agencies, such as U.S. Customs and Border Protection. Should you receive notification that your company has satisfactorily responded to Sections I-V, you will be required to provide the information requested in the addendum to the Department no later than 30 days prior to the Preliminary Determination. Should you wish, you may also submit your response to the addendum with this application.

Firms completing the application are certifying that they qualify for a separate rate. The Department only accepts applications that are completed in full (except for wholly market-economy owned enterprises) and submitted with all the required supporting documentation filed timely and in proper form. Sections II, III, and IV require supporting documentation, and the fields in these sections that require supporting documentation are identified in the application and list specifically the documents that the Department accepts for each certification. Submission of alternate documents may be acceptable, depending on the facts of each individual case, but may result in the Department's issuance of additional supplemental questions and the conduct of an on-site verification to establish the integrity, reliability, relevance and suitability of the alternative documentation for separate-rate purposes.

Since firms have clear notice of what is required to document a separate-rate claim, incomplete applications will be rejected without supplementary questionnaires, although firms will be notified if their applications are rejected. Completing the application and submitting the supporting documentation does not guarantee receipt of separate rate status. The Department

will review each completed application. If the Department finds that the certifications are not supported by the attached documents or are incomplete, the applicant will not have demonstrated to the Department that it qualifies for a separate rate. If the applicant does not provide the required documentation in the appropriately required form or is unable or unwilling to make the requested certifications, the applicant will not have demonstrated its eligibility for a separate rate. The Department will notify firms that have submitted deficient applications of their deficiencies if those applications are filed within 30 days of publication of the initiation notice of the investigation.

The Department will issue questionnaires for the purpose of clarifying fully responsive answers, if necessary. The Department retains the right to require additional information concerning the representations made in your firm's application. All information submitted and representations made by applicants are subject to verification. If the Department selects your firm for an on-site verification, the Department will provide your firm with additional instructions at a time preceding the verification.

## **SECTION I**

### **Certifications**

(To be signed by the company official of the applying firm who is officially responsible for presentations made to the Department of Commerce.<sup>3</sup>)

\*1.<sup>4</sup>

I, (name and title), currently employed by (person), certify that (1) I have read the attached submission, and (2) the information contained in this submission is, to the best of my knowledge, complete and accurate.

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(For the person's legal counsel or other representative)

\*2. I, (name), of (law or other firm), counsel or representative to (person), certify that (1) I have read the attached submission, and, (2) based on the information made available to me by (person), I have no reason to believe that this submission contains any material misrepresentation or omission of fact.

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## **SECTION II**

### **Administration**

\*1. The full name and contact information (including address, telephone, fax, and e-mail address) of the exporter applying for separate rate status:

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\*2. Is the applicant identified by any other names, as a legal matter in the home market, in third countries, or in the United States (*i.e.*, does the company use trade names)?<sup>5</sup>

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<sup>3</sup>This may be the applying firm's legal representative.

<sup>4</sup>Note again that the asterisked fields are to be completed by *all* firms, including those wholly foreign-owned by entities located in market-economy countries. Wholly market-economy owned firms need not respond to non-asterisked fields.

<sup>5</sup>Trade names are other names under which the company does business. It does not include product brand names or the names of any other entities in the applicant's "group," affiliated or otherwise. If your firm is assigned separate rate status, your firm will only be able to ship under your separate rate under names that are included on your business license/registration documents.

\_\_\_ Yes  
\_\_\_ No

(If yes, then list any and all other names here, when and under what circumstances they are used, and confirm whether the business license/registration documents submitted with this application and covering the POR include alternative names)

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\*3. The applicant certifies the accuracy of and can document the following statements:  
(check any of the following that apply)

- a. It has exported, or has sold for export, subject merchandise to the United States during the period of investigation.
- b. It has, under its own name(s), made a shipment of merchandise that was entered for consumption in the United States or sold the merchandise during the period of this investigation to an unaffiliated third-country customer for export to the United States (there must be either a sale or entry during the period of investigation to proceed with the separate-rate request).

\*4. Identify the document(s) listed below that you are submitting with your application to support your certification to question 3 above. Firms must provide the following documents for their first and last sales transactions to the United States during the period of investigation, or, if providing documentation on other sales during the period of investigation, an explanation of why providing documentation for the first and last sales during the period of investigation was not possible. Applicants must submit their U.S. Customs 7501 Entry Summary or the U.S. FDA Release Form. If the exporter is unable to obtain its U.S. Customs 7501 Entry Summary or U.S. FDA Release Form, the exporter must demonstrate that its has attempted to obtain these documents from their customers.

- Customs 7501 Entry Summary
- U.S. FDA Release Form (where applicable)
- bill of lading for sale
- Government customs declaration form for sale
- value-added tax application/refund for sale (where applicable)
- sales contract
- sales invoice
- packing list
- payment receipt
- other

If "other", please describe: \_\_\_\_\_

\*5. Does the applicant have any knowledge that merchandise it sold was resold to the United States through market-economy third-country exporters in U.S. dollars?<sup>6</sup>

\_\_\_ Yes  
\_\_\_ No

\*6. Provide the full name and contact information (including address, telephone, fax, and e-mail address) of each of the applicant's producers and/or suppliers of subject merchandise whose merchandise the applicant sold or exported to the United States during the POI<sup>7</sup>:

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\*7. Are the producers and/or suppliers, listed under question 6 above, identified by any other names as a legal matter in the home market, in third countries, or in the United States (*i.e.*, do the companies use trade names)?<sup>8</sup>

\_\_\_ Yes  
\_\_\_ No

(If yes, then list any and all other names here, and provide a copy of the business licenses/registration documents showing that the suppliers use these alternative names and the dates in which these names were in effect)

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\*8. Indicate whether, to the best of your knowledge, the producers and/or suppliers identified under question 6 above directly exported subject merchandise to the United States during the period of investigation.

### **SECTION III**

#### ***De Jure Control***

Please check the boxes below if you can certify that the statements below are accurate

1.  The applicant certifies that there are no government laws or regulations, at either national

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<sup>6</sup>The Department considers China, Vietnam, Ukraine, Belarus, Moldova, Azerbaijan, Georgia, Armenia, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan to be non-market economies.

<sup>7</sup>If your firm is assigned separate rate status, the rate will *only* apply to merchandise exported by your firm and supplied by the producers identified here.

<sup>8</sup>Trade names are other names under which the company does business. It does not include product brand names or the names of any other entities in the applicant's "group," affiliated or otherwise.



and sub-national (*e.g.*, provincial, local) levels of government, that control the applicant's export activities.

- 2a.  The applicant possesses a official government business license/registration documents valid during the period of investigation and is submitting an original-language and translated copy thereof with the application, as well as original-language and translated copies of any and all additional business licenses/registration documents or amendments thereto issued to the applicant and in effect during the POI.<sup>9</sup>

2b. Indicate the full name and contact information (address, telephone, fax, and e-mail address) of the business license/registration documents authority which issued your business license/registration documents and the expiration date of your business license/registration documents.

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2c. Provide the month, day, and year on which the business license authority last renewed your business license/registration documents.

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\*2d. Indicate from the following choices the ownership structure under which your company has registered itself with the official government business license issuing authority.

- owned by all of the people
- collective
- limited liability
- proprietorship
- partnership
- joint-stock limited company
- other

If "other", please describe: \_\_\_\_\_

Select from the following choices any applicable secondary forms of registration related to foreign-invested enterprises:

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<sup>9</sup> Note that if the Department determines that your firm is eligible for separate rate status, the separate rate will only apply to the firm as named in your business license/registration documents and not to any alternative or trade names that are not included in your business license/registration documents. It is the Department's understanding that a valid business license/registration documents with a clearly defined period of validity issued by the appropriate licensing authority is required for all business activity. An applicant submitting a business license without an expiration date must provide an explanation in order for the Department to consider its application.

- domestic-foreign equity joint venture
- domestic-foreign contractual joint venture
- wholly foreign-owned enterprise
- other

If "other", please describe: \_\_\_\_\_

3a. Indicate the full name and contact information (address, telephone, fax, e-mail address) of the business license authority which issued your export certificate of approval and the dates in which it was in effect.

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3b. Provide the month, day, and year on which the business license authority issued your export certificate of approval.

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3c.  By checking the box, the applicant certifies that it is submitting with the application an original-language and translated copy of its export certificate of approval which was valid during the period of investigation.<sup>10</sup>

4. In order to conduct export activities, is the applicant required by any national, provincial, or local government law or regulation to possess additional certificates or other documents related to the legal status and/or operation of its business beyond those discussed above?<sup>11</sup>

\_\_\_\_ Yes

\_\_\_\_ No

If yes, identify the certificates below, and submit original-language and translated copies thereof with the application.

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5. Check the box next to the following PRC government laws and legislative enactments that apply to the applicant firm:

- Company Law of the PRC, effective as of July 1, 1994

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<sup>10</sup> It is the Department's understanding that an export certificate of approval issued by the appropriate licensing authorities is required for all export activity. Therefore, the Department will not consider a separate rate for any applicant not providing such a certificate.

<sup>11</sup> The Department is interested only in government laws or regulations which restrict or limit exports rather than regulations which regulate purely domestic operations (*i.e.*, environmental or labor regulations). If you are unsure of the possible relevance of a given law, please contact the Department immediately.

- Foreign Trade Law of the PRC, effective 1994
- Administrative Regulations of the PRC Governing the Registration of Legal Corporations
- PRC's Enterprise Legal Person Registration Administrative Regulations of June 13, 1988
- Law of the PRC on Chinese-Foreign Cooperative Joint Ventures
- Regulation Governing Rural Collectively-Owned Enterprises of the PRC of 1990
- Law of the PRC on Industrial Enterprises Owned by the Whole People, adopted on April 13, 1988 ("The Industrial Enterprises Law")
- Regulations for Transformation of Operational Mechanisms of State-Owned Industrial Enterprises of 1992 ("Business Operation Provisions")
- The Organic Law on Village Communities in the PRC ("Village Committee Law")
- Other

If "other", identify below any additional specific national PRC laws and/or legislative enactments which relate to the export functions of the applying company:

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6. Are there any sub-national (provincial, local) government laws affecting the applicant's export operations?

\_\_\_ Yes

\_\_\_ No

If yes, identify the laws and submit original and translated copies of each provincial or local government law with the application:

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## **SECTION IV**

### ***De Facto Control***

#### **A. Ownership**

\*1. Indicate the names and contact information (full business address, telephone, fax, e-mail address) of the entities which are the intermediate and ultimate owners of your company (also indicate the percent ownership of your company by each entity):<sup>12</sup>

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<sup>12</sup>Note to firms applying as wholly market-economy owned entities: document whether the ultimate owners of your company are located in market-economy countries and, if so, indicate which market-economy countries.

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\*2. Identify the document(s) which support your response to question 1 above that you are submitting with the application.

- capital verification report
- consolidated financial statements
- share transfer agreement
- articles of incorporation/articles of association
- export certificate of approval
- joint venture agreement
- other

If “other,” please describe: \_\_\_\_\_

## **B. Price Negotiation**

Please check the boxes below if you can make the following certifications.

- 3.  The applicant certifies that its export prices are not set by, subject to the approval of, or in any way controlled by a government entity at any level (national, provincial, local).<sup>13</sup>
- 4.  The applicant certifies that it has independent authority to negotiate and sign export contracts and other agreements (conducts independent price negotiation).<sup>14</sup>
- 5. Identify the specific document(s) which support your certification that the applicant conducts independent price negotiation (in question 4 above) and which you are submitting with the application.<sup>15</sup> Examples include the following types of documentation:

- faxes/e-mail correspondence between applicant and U.S. customer
- purchase order from U.S. customer
- order confirmation
- affidavit testifying to independent price negotiation signed and dated by an *unaffiliated* U.S. customer, including the U.S. customer’s contact information.

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<sup>13</sup>This includes, but is not limited to, the presence of government officials at any meeting where export and pricing decisions are discussed.

<sup>14</sup>The authority to conduct independent price negotiation refers to the ability of an NME exporter to set its own export prices independently of the government at any level (national, provincial, local) and without the approval of any government entity.

<sup>15</sup>Applicants should provide documents showing price negotiation, not documents merely confirming that a sale will take place at a given price. If your firm conducts its price negotiation by phone and therefore has no records of price negotiation, you are required to attach 1) a certification that there are no records of price negotiation, and 2) an affidavit signed and dated by the unaffiliated U.S. customer attesting that it conducts independent price negotiation with the applying firm. Affidavits must provide adequate information to link the applicant to the party signing the affidavit.

- other

If “other”, please describe: \_\_\_\_\_

**C. Selection of Management**

- 6.  By checking the box, the applicant certifies that it has autonomy from all levels of the government (national, provincial, local) and from any government entities in making decisions regarding the selection of management.

7. Identify the specific document(s) that evidence independence in the selection of management which support your certification in question 6 above and which you are submitting with the application. Examples might include the following:

- appointment letters
- director meeting minutes
- company-issued resolutions/notifications (besides appointment letters)
- other

If “other”, please describe: \_\_\_\_\_

8. Provide the names of each manager in the applicant’s company who held a management position during the period of investigation and the date (month, day, year) that each of the managers obtained his or her position at your company. Also provide the names of each manager and his or her employment (i.e., position, name of company) prior to working at your company if they have been working at your company for less than three years.

9. Have any of the applying firm’s managers worked for the government, at any level (national, provincial, local), or any government entities, in the past three years?

\_\_\_ Yes

\_\_\_ No

(If yes, briefly describe the government involvement of the manager in question in supporting documentation.)

10. Does the applying firm have to submit any of its candidates for managerial positions within the firm for approval to any government entity at any level (national, provincial, local)?

\_\_\_ Yes

\_\_\_ No

(If yes, you certify that you are filing a document with the application containing an explanation.)

**D. Disposition of Profits**

11.  By checking the box, the applicant certifies that it retains the proceeds of its export sales and makes independent decisions regarding the disposition of profits or financing of losses.
12. If the applicant realized a profit during the period of investigation, then describe the process by which the applicant's profits were distributed. Specifically, indicate the sections in the company's books and records where such profits were accounted.

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13. Did the applicant make any disbursements to government accounts during the period of investigation other than for tax or government-provided goods or services?

Yes

No

(If yes, describe these disbursements, the specific government accounts, and file a document or documents with the Department illustrating these disbursements.)

14.  For each bank account held by the applicant during the period of investigation, the applicant certifies it will provide the following information:

- Name and address of the bank
- Bank account number
- Month/Year in which the account was opened

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15.  The applicant certifies that it is submitting with the application year-end bank statements and financial statements covering all months of the POI as well as any other information which support the applicant's response to question 13 above.

**E. Affiliation**

Firms applying under NME ownership must respond to question 16, but firms that are applying for separate rate status under the status of 100% foreign ownership must respond to question 17.

16. Pursuant to Section 771(33) of the Tariff Act of 1930, as amended, does the applicant have any of the following affiliates that are located in the United States, or that exported merchandise to the United States which would fall under the description of merchandise covered by the scope of the proceeding?

- Members of a family, including brothers and sisters (whether by the whole or half blood),

- spouse, ancestors, and linked descendants
- Any officer and director of an organization and such organization
- Partners
- Employer and Employee
- Any person directly or indirectly owning, controlling, or holding with power to vote, five percent or more of the outstanding voting stock or shares or any organization and such organization
- Two or more persons directly or indirectly controlling, controlled by, or under common control with, any person
- Any person who controls any other person

For the purposes of affiliation, the Department will consider a person to control another person if the person is legally or operationally in a position to exercise restraint or direction over the other person.

If the applying firm is affiliated with any other exporters of merchandise described in the petition of the investigation pursuant to this definition of affiliation, then the firm must list the full names and contact information (business address, telephone, fax, e-mail address) of the affiliates below.

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\*17. Pursuant to Section 771(33) of the Tariff Act of 1930, as amended, does the applicant have any of the following affiliates involved in the production or sale of merchandise in the home market, third-country markets, or the United States which would fall under the description of merchandise covered by the scope of the proceeding?

- Members of a family, including brothers and sisters (whether by the whole or half blood), spouse, ancestors, and linked descendants
- Any officer and director of an organization and such organization
- Partners
- Employer and Employee
- Any person directly or indirectly owning, controlling, or holding with power to vote, five percent or more of the outstanding voting stock or shares or any organization and such organization
- Two or more persons directly or indirectly controlling, controlled by, or under common control with, any person
- Any person who controls any other person

For the purposes of affiliation, the Department will consider a person to control another person if the person is legally or operationally in a position to exercise restraint or direction over the other person.

If the applying firm is affiliated with any other producers or exporters of merchandise described in the petition of the investigation pursuant to this definition of affiliation, then list the full names and contact information (business address, telephone, fax, e-mail address) of the affiliates below.

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## **SECTION V**

### **Instructions for Filing the Application**

1. File your application in Washington, D.C., at the address listed on the coversheet of the application.
2. Proprietary versions of the response must be submitted by the day specified on the cover of the questionnaire. The public version of the response may be filed one business day after the proprietary version. As per section 351.204(c)(2) of the Department's regulations, you will also have one day after submission of the proprietary version to correct any errors in the bracketing. If you make any changes, you will be required to resubmit the entire application.
3. File the original and six copies of the proprietary version. However, if you file an electronic copy of the proprietary version in either Word Perfect or Microsoft Word format, you need file only the original version and four copies. In case of any difference between the narrative response and the content of the electronic media, the narrative response is the controlling version. (Appendix II contains instructions for filing electronic media.)

File the original and three copies of the public version of your narrative response and attachments, including sample printouts.

4. Submit the required certification of accuracy. Providers of information and the person(s) submitting it, if different (e.g., a legal representative), must certify that they have read the submission and that the information submitted is accurate and complete. The Department cannot accept questionnaire responses that do not contain the certification statements.
5. Provide the required certificate of service with each proprietary version and public version submitted to the Department.
6. Request proprietary treatment for information submitted that you do not wish to be made publicly available. As a general rule, the Department places all correspondence and submissions received in the course of an antidumping proceeding in a public reading file. However, information deemed to be proprietary information will not be made available to



the public.<sup>16</sup>

If you wish to make a request for proprietary treatment for particular information, refer to sections 351.304, 351.305, and 351.306 of the Department's regulations. Submit the request for proprietary treatment with the submission of the proprietary version of the questionnaire response accompanied by:

- (1) a non-proprietary (public) version of your response that is in sufficient detail to permit a reasonable understanding of the information submitted in confidence, and/or
- (2) an itemization of particular information that you believe you are unable to summarize. State the reasons why you cannot summarize each piece of information.<sup>17</sup>

Responses, or portions thereof, that are not adequately summarized may be returned to you and not used.

7. Submit the statements required regarding limited release of proprietary information under the provisions of an administrative protective order ("APO"). U.S. law permits limited disclosure to representatives of parties (e.g., legal counsel) of certain business proprietary information, including electronic business proprietary information, under an APO. (Note that data received under an APO cannot be shared with others who are not covered by the APO.) Under the provisions governing APO disclosure, you must submit either:
  - (1) a statement agreeing to permit the release under APO of information submitted by you in confidence during the course of the proceeding, or
  - (2) a statement itemizing those portions of the information which you believe should not be released under APO, together with arguments supporting your objections to that release.<sup>18</sup> As per section 351.304(b)(2)(i) of the Department's regulations, you must provide a clear and compelling need not to disclose the information under APO

We are required by our regulations to reject, at the time of filing, submissions of business proprietary information that do not contain one of these statements. You must state in the

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<sup>16</sup>Supplier names will not be considered proprietary information where the Department has excluded the exporter from the antidumping duty order. Exclusions of non-producing exporters will be granted only to exporter-supplier combinations.

<sup>17</sup>Generally, numerical data are adequately summarized if grouped or presented in terms of indices or figures ranged within then percent of the actual figure. If a particular portion of the data is voluminous, use ranged figures for at least one percent of the voluminous portion.

<sup>18</sup>The Department will not disclose proprietary customer names under APO during an antidumping investigation until either an order is published or the investigation is suspended. To insure that proprietary customer names are properly treated in this case, place double brackets (“[[ ]]”) around all proprietary customer names in your submissions to the Department during the course of this investigation.

upper right-hand corner of the cover letter accompanying your questionnaire response whether you agree or object to release of the submitted information under APO. (See section 351.304 of our regulations for specific instructions.)<sup>19</sup>

8. Place brackets (" [ ]") around information for which you request business proprietary treatment. Place double brackets ("[[ ]]") around information for which you request proprietary treatment and which you do not agree to release under APO.
9. Provide to all parties whose representatives have been granted APO access (as listed in the cover letter to the questionnaire or as listed on the most recent APO and public service lists posted on the Department's website at: <http://ia.ita.doc.gov/apo/apo-svc-lists.html>.) a complete copy of the submission, proprietary and public versions, except for that information which you do not agree to release under APO. If you exclude information because you do not agree to release it under APO, submit with your response to the Department a certificate of service and a copy of the APO version of the document containing the information that you agree may be released under APO. For parties that do not have access to information under APO, you are required to provide a public version only.

## **ADDENDUM**

Should you receive notification that your company has satisfactorily responded to Sections I-V, you will be required to provide the information requested below to the Department no later than 30 days prior to its Preliminary Determination. Should you wish, you may submit your response to this addendum with your application for a separate rate.

Please fill out the following fields, which are taken from the International Trade Data System database. Your firm or your broker should already have provided the information requested below to other U.S. government agencies (for example, U.S. Customs and Border Protection). This section is intended to ensure that information in this application which your firm provides to the Department of Commerce matches that which you have provided to other U.S. government agencies. For some fields your firm may have provided more than one response. If not all of the fields are applicable, please confirm this with your broker and provide an explanation.

Additionally, if the country of export is not the NME under investigation, please provide an explanation.

1. Country of Export: The country from which the imported merchandise was shipped.
2. Exporter Identifier: The number which uniquely identifies the party responsible for the export shipment in accordance with the terms of delivery, terms of sales contract or other

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<sup>19</sup>If you do not agree to release under APO all or part of the proprietary information, but we determine that the information should be released, you will have the opportunity to withdraw the information (see section 351.304(d) of our regulations). However, any information which you withdraw will be taken out of the official record and will not be used in our determination.

agreed-to terms, and the meeting of statutory and regulatory requirements in the transaction.

3. Exporter Party Name: The party name responsible for the export shipment in accordance with the terms of delivery, terms of sales contract or other agreed-to terms, and the meeting of statutory and regulatory requirements.
4. Importer Identifier: The number which uniquely identifies the party responsible for the import shipment, the payment of related duties, taxes, or fees, and the meeting of all import statutory and regulatory requirements in the transaction.
5. Importer Party Name:<sup>20</sup> The party name responsible for the import shipment, the payment of related duties, taxes, or fees, and the meeting of all import statutory and regulatory requirements in the transaction.
6. Producer/Manufacturer Identifier: The number which uniquely identifies the party responsible for the manufacture, growth, production, canning, and/or assembly of the commodity, or the provider of services in the transaction.
7. Producer/Manufacturer Party Name: The party name responsible for the manufacture, growth, production, canning, and/or assembly of the commodity, or the provider of services.
8. Purchaser/Buyer Identifier: The identifier of the party who contracts for the purchase of commodity or service.
9. Purchaser/Buyer Party Name: The party name who contracts for the purchase of commodity or service.
10. Tariff Classification Number: The harmonized tariff number required for classification of the merchandise.

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<sup>20</sup>If the customer is different from the importer, list customer as well.