imports of the subject merchandise under section 337 of the Act, section 301 of the Trade Act of 1974, or section 232 of the Trade Expansion Act of 1962.

2. Other Forms of Import Relief

HTS subheading 3801.10.5000 was included on the Office of the U.S. Trade Representative's ("USTR") list of Section 301 tariffs, included in List 3.[5] An exclusion was granted for this subheading on May 28, 2020.[6] This exclusion is in effect as of the date of this submission.[7]

HTS subheading 2504.10.5000 was included in USTR's notice of modification of Section 301 tariffs on September 18, 2024.[8] A 25% tariff rate is set to go into effect on January 1, 2026.[9] Petitioner is unaware of other forms of trade remedy relief regarding the importation of active anode material, either from China or from other countries.

E. Scope of the Investigation and a Detailed Description of the Subject Merchandise (19 C.F.R. § 351.202(b)(5))

1. Scope of Investigation

This investigation pertains to active anode material. The physical characteristics of the covered product, which define the scope, are as follows:

> The merchandise covered by this investigation includes:
>
> 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

[5] *See Notice of Modification of Section 301 Action: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation*, 83 Fed. Reg. 47,974, 47,986 (U.S. Trade Rep. Sept. 21, 2018).
[6] *See Notice of Product Exclusions: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation*, 85 Fed. Reg. 32,094, 32,096 (U.S. Trade Rep. May 28, 2020).
[7] *See Notice of Extension of Certain Exclusions: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation*, 89 Fed. Reg. 46,948, 46,969 (U.S. Trade Rep. May 30, 2024).
[8] *See Notice of Modification of Section 301 Action: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation*, 89 Fed. Reg. 76,581, 76,591 (U.S. Trade Rep. Sept. 18, 2024).
[9] *Id.*

Filed By: daniel.pickard@bipc.com, Filed Date: 12/17/24 8:21 PM, Submission Status: Approved

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 enter 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.

2. Uses and Technical Characteristics

Active anode material is most commonly used as the primary component in the anode of lithium-ion batteries. The anode of a lithium-ion battery must be made with active anode material, often combined with silicon. In contrast, the cathode of lithium-ion batteries can be made from a variety of metal oxides, including lithium cobalt oxide, lithium manganese oxide, lithium iron phosphate, or lithium nickel manganese cobalt oxide. Lithium-ion batteries are used to power electric vehicles, consumer electronics, medical equipment, and other applications.

3. Production Methodology

Active anode material can be made from naturally sourced, *i.e.*, mined, graphite or from synthetically produced graphite. When mined, graphite is extracted from the ground in its natural form. When synthetically produced, high-purity carbon materials such as petroleum coke or coal

Filed By: daniel.pickard@bipc.com, Filed Date: 12/17/24 8:21 PM, Submission Status: Approved