

October 15, 2009

To: All Interested Parties

On October 14, 2009, the Department of Commerce (“Department”) initiated an antidumping duty investigation to determine whether certain sodium and potassium phosphate salts from the People’s Republic of China (the “PRC”) are being sold in the United States at less than fair value.

In advance of the issuance of the antidumping questionnaire, the Department asks that you respond to the questions in Attachment I to this letter, requesting information on the quantity and U.S. dollar sales value of all your sales to the United States during the period January 1, 2009 through June 30, 2009, covered by the scope of this investigation, produced in the PRC. A definition of the scope of the investigation is included in Attachment II to this letter, and general instructions for responding to this letter are contained in Attachment III to this letter. **Please be advised that receipt of this letter does not indicate that you will be chosen as a mandatory respondent or guaranteed separate rate status. Your response to this letter may be subject to on-site verification by Department officials.**

Your response is due to the Department no later than **November 4, 2009**. Please note that, due to time constraints in this investigation, the Department will be limited in its ability to extend the deadline for the response to the attached Quantity and Value Questionnaire.

Please note that all submissions to the Department must be served on all interested parties. The service instructions are included in Attachment IV. The list of interested parties may be found at <http://web.ita.doc.gov/ia/webapotrack.nsf>.

If you fail to respond or fail to provide the requested quantity and value information, please be aware that the Department may find that you failed to cooperate by not acting to the best of your ability to comply with the request for information, and may use an inference that is adverse to your interests in selecting from the facts otherwise available, in accordance with section 776(b) of the Tariff Act of 1930, as amended.

We appreciate your attention to these matters. Please contact me at 202-482-3207 you have any questions or comments.

Sincerely,

Catherine Bertrand  
Program Manager  
AD/CVD Enforcement, Office 9

Attachments

**CHOOSE ONE: Public Document OR Business Proprietary Document**

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**OFFICE OF AD/CVD ENFORCEMENT  
QUANTITY AND VALUE QUESTIONNAIRE**

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**REQUESTER(S):**           **Insert the following:**  
                                  { name of company }  
                                  { company address }  
                                  { contact name and title }  
                                  { contact telephone number }  
                                  { contact fax number }  
                                  { contact e-mail address }

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

**CASE:**                        Certain Sodium and Potassium Phosphate Salts from the People's  
                                  Republic of China

**PERIOD OF INVESTIGATION:**                        January 1, 2009 – June 30, 2009  
**DATE OF INITIATION:**                                October 14, 2009  
**DUE DATE FOR Q&V RESPONSE:**                        **November 4, 2009**

**OFFICIALS IN CHARGE:**

Irene Gorelik, Senior International Trade Compliance Analyst  
AD/CVD Operations, Office 9  
Telephone: 202-482-6905

Katie Marksberry, International Trade Compliance Analyst  
AD/CVD Operations, Office 9  
Telephone: 202-482-7906

**FILING ADDRESS:**

U.S. Department of Commerce  
International Trade Administration  
Import Administration  
APO/Dockets Unit, Room 1870  
1401 Constitution Avenue, N.W.  
Washington, DC 20230  
Attn: Irene Gorelik and Katie Marksberry (Room 4003)

On October 14, 2009, the Department initiated the antidumping duty investigation to determine whether certain sodium and potassium phosphate salts from the PRC are being sold in the United States at less than fair value during the period of investigation of January 1, 2009 through June 30, 2009.<sup>1</sup>

Section 777A(c)(1) of the Tariff Act of 1930, as amended (“Act”), directs the Department to calculate individual dumping margins for each known exporter and producer of the subject merchandise. Where it is not practicable to examine all known producers/exporters of subject merchandise, as is the case in investigation, section 777A(c)(2) of the Act permits the Department to examine either (1) a sample of exporters, producers or types of products that is statistically valid based on the information available at the time of selection; or (2) exporters and producers accounting for the largest volume of the subject merchandise from the exporting country that can be reasonably examined.

In advance of the issuance of the full antidumping questionnaire, we ask that you respond to Attachment I of this Quantity and Value Questionnaire requesting information on production and the quantity and U.S. dollar sales value of all your sales to the United States during the period January 1, 2009 through June 30, 2009, covered by the scope of this investigation (*see* Attachment II), produced in the PRC. A full and accurate response to the Quantity and Value Questionnaire from all participating respondents is necessary to ensure that the Department has the requisite information to appropriately select mandatory respondents.

The Department is also requiring all firms that wish to qualify for separate-rate status in this investigation to complete a separate-rate status application as described in the *Notice of Initiation*. In other words, the Department will not give consideration to any separate-rate status application made by parties that fail to timely respond to the Quantity and Value Questionnaire or fail to timely submit the requisite separate-rate status application.

To allow for the possibility of sampling and to complete this segment within the statutory time frame, the Department will be limited in its ability to extend the deadline for the response to the Quantity and Value Questionnaire.

A definition of the scope of the merchandise subject to this review is included in Attachment II, and general instructions for responding to this Quantity and Value Questionnaire are contained in Attachment III. **Your response to this questionnaire may be subject to on-site verification by Department officials.**

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<sup>1</sup> See <http://ia.ita.doc.gov/ia-highlights-and-news.html>

**ATTACHMENT I  
FORMAT FOR REPORTING QUANTITY AND VALUE OF SALES**

In providing the information in the chart below, please provide the total quantity in kilograms and total value in U.S. dollars of all your sales to the United States during the period January 1, 2009 through June 30, 2009, covered by the scope of this investigation (*see* Attachment II), produced in the PRC.<sup>2</sup> We are requesting that you provide this information separately for each of the four products found in the scope of this investigation.

- Please include only sales exported by your company directly to the United States.
- Please do not include any sales of subject merchandise manufactured in Hong Kong in your figures.

Additionally, if you believe that you should be treated as a single entity along with other named exporters, please complete the chart, below, both in the aggregate for all named parties in your group and, in separate charts, individually for each named entity. Please label each chart accordingly.

**I. PRODUCT: Sodium Tripolyphosphate (“STPP”)**

Market: United States	Total Quantity (kg)	Terms of Sale <sup>3</sup>	Total Value <sup>4</sup> (\$U.S.)
1. Export Price <sup>5</sup>			
2. Constructed Export Price <sup>6</sup>			
3. Further Manufactured <sup>7</sup>			
<b>STPP TOTALS:</b>			

<sup>2</sup> Please use the invoice date when determining which sales to include within the period noted above. Generally, the Department uses invoice date as the date of sale, as that is when the essential terms of sale are set. If you believe that another date besides the invoice date would provide a more accurate representation of your company’s sales during the designated period, please report sales based on that date and provide a full explanation.

<sup>3</sup> To the extent possible, sales values should be reported based on the same terms (*e.g.*, FOB).

<sup>4</sup> Values should be expressed in U.S. dollars. Indicate any exchange rates used and their respective dates and sources.

<sup>5</sup> Generally, a U.S. sale is classified as an export price sale when the first sale to an unaffiliated person occurs before the goods are imported into the United States.

<sup>6</sup> Generally, a U.S. sale is classified as a constructed export price sale when the first sale to an unaffiliated person occurs after importation. However, if the first sale to the unaffiliated person is made by a person in the United States affiliated with the foreign exporter, constructed export price applies even if the sale occurs prior to importation. Do not report the sale to the affiliated party in the United States, rather report the sale made by the affiliated party to the unaffiliated customer in the United States. If you have further manufactured sales, please report them under Item 3, rather than under Item 2.

<sup>7</sup> “Further manufactured” refers to merchandise that undergoes further manufacture or assembly in the United States before sale to the first unaffiliated customer.

**II. PRODUCT: anhydrous Monopotassium Phosphate (“MKP”)**

Market: United States	Total Quantity (kg)	Terms of Sale <sup>8</sup>	Total Value <sup>9</sup> (\$U.S.)
1. Export Price <sup>10</sup>			
2. Constructed Export Price <sup>11</sup>			
3. Further Manufactured <sup>12</sup>			
<b>MKP TOTALS:</b>			

**III. PRODUCT: anhydrous Dipotassium Phosphate (“DKP”)**

Market: United States	Total Quantity (kg)	Terms of Sale <sup>13</sup>	Total Value <sup>14</sup> (\$U.S.)
1. Export Price <sup>15</sup>			
2. Constructed Export Price <sup>16</sup>			
3. Further Manufactured <sup>17</sup>			
<b>DKP TOTALS:</b>			

<sup>8</sup> To the extent possible, sales values should be reported based on the same terms (*e.g.*, FOB).

<sup>9</sup> Values should be expressed in U.S. dollars. Indicate any exchange rates used and their respective dates and sources.

<sup>10</sup> Generally, a U.S. sale is classified as an export price sale when the first sale to an unaffiliated person occurs before the goods are imported into the United States.

<sup>11</sup> Generally, a U.S. sale is classified as a constructed export price sale when the first sale to an unaffiliated person occurs after importation. However, if the first sale to the unaffiliated person is made by a person in the United States affiliated with the foreign exporter, constructed export price applies even if the sale occurs prior to importation. Do not report the sale to the affiliated party in the United States, rather report the sale made by the affiliated party to the unaffiliated customer in the United States. If you have further manufactured sales, please report them under Item 3, rather than under Item 2.

<sup>12</sup> “Further manufactured” refers to merchandise that undergoes further manufacture or assembly in the United States before sale to the first unaffiliated customer.

<sup>13</sup> To the extent possible, sales values should be reported based on the same terms (*e.g.*, FOB).

<sup>14</sup> Values should be expressed in U.S. dollars. Indicate any exchange rates used and their respective dates and sources.

<sup>15</sup> Generally, a U.S. sale is classified as an export price sale when the first sale to an unaffiliated person occurs before the goods are imported into the United States.

<sup>16</sup> Generally, a U.S. sale is classified as a constructed export price sale when the first sale to an unaffiliated person occurs after importation. However, if the first sale to the unaffiliated person is made by a person in the United States affiliated with the foreign exporter, constructed export price applies even if the sale occurs prior to importation. Do not report the sale to the affiliated party in the United States, rather report the sale made by the affiliated party to the unaffiliated customer in the United States. If you have further manufactured sales, please report them under Item 3, rather than under Item 2.

<sup>17</sup> “Further manufactured” refers to merchandise that undergoes further manufacture or assembly in the United States before sale to the first unaffiliated customer.

**IV. PRODUCT: Tetrapotassium Pyrophosphate (“TKPP”)**

Market: United States	Total Quantity (kg)	Terms of Sale <sup>18</sup>	Total Value <sup>19</sup> (\$U.S.)
1. Export Price <sup>20</sup>			
2. Constructed Export Price <sup>21</sup>			
3. Further Manufactured <sup>22</sup>			
<b>TKPP TOTALS:</b>			

**V. ALL PRODUCTS TOTAL: STPP, MKP, DKP, and TKPP**

Market: United States	Total Quantity (kg)	Terms of Sale <sup>23</sup>	Total Value <sup>24</sup> (\$U.S.)
1. Export Price <sup>25</sup>			
2. Constructed Export Price <sup>26</sup>			
3. Further Manufactured <sup>27</sup>			
<b>ALL PRODUCTS TOTALS:</b>			

<sup>18</sup> To the extent possible, sales values should be reported based on the same terms (*e.g.*, FOB).

<sup>19</sup> Values should be expressed in U.S. dollars. Indicate any exchange rates used and their respective dates and sources.

<sup>20</sup> Generally, a U.S. sale is classified as an export price sale when the first sale to an unaffiliated person occurs before the goods are imported into the United States.

<sup>21</sup> Generally, a U.S. sale is classified as a constructed export price sale when the first sale to an unaffiliated person occurs after importation. However, if the first sale to the unaffiliated person is made by a person in the United States affiliated with the foreign exporter, constructed export price applies even if the sale occurs prior to importation. Do not report the sale to the affiliated party in the United States, rather report the sale made by the affiliated party to the unaffiliated customer in the United States. If you have further manufactured sales, please report them under Item 3, rather than under Item 2.

<sup>22</sup> “Further manufactured” refers to merchandise that undergoes further manufacture or assembly in the United States before sale to the first unaffiliated customer.

<sup>23</sup> To the extent possible, sales values should be reported based on the same terms (*e.g.*, FOB).

<sup>24</sup> Values should be expressed in U.S. dollars. Indicate any exchange rates used and their respective dates and sources.

<sup>25</sup> Generally, a U.S. sale is classified as an export price sale when the first sale to an unaffiliated person occurs before the goods are imported into the United States.

<sup>26</sup> Generally, a U.S. sale is classified as a constructed export price sale when the first sale to an unaffiliated person occurs after importation. However, if the first sale to the unaffiliated person is made by a person in the United States affiliated with the foreign exporter, constructed export price applies even if the sale occurs prior to importation. Do not report the sale to the affiliated party in the United States, rather report the sale made by the affiliated party to the unaffiliated customer in the United States. If you have further manufactured sales, please report them under Item 3, rather than under Item 2.

<sup>27</sup> “Further manufactured” refers to merchandise that undergoes further manufacture or assembly in the United States before sale to the first unaffiliated customer.

## ATTACHMENT II DESCRIPTION OF PRODUCTS UNDER INVESTIGATION

The phosphate salts covered by this investigation include Sodium Tripolyphosphate (STPP), whether anhydrous or in solution, anhydrous Monopotassium Phosphate (MKP), anhydrous Dipotassium Phosphate (DKP) and Tetrapotassium Pyrophosphate (TKPP), whether anhydrous or in solution (collectively “phosphate salts”).

STPP, also known as Sodium triphosphate, Tripoly or Pentasodium triphosphate, is a sodium polyphosphate with the formula  $\text{Na}_5\text{O}_{10}\text{P}_3$ . The American Chemical Society, Chemical Abstract Service (“CAS”) registry number for STPP is 7758-29-4. STPP is typically 25% phosphorus, 31% sodium and 57% diphosphorus pentoxide ( $\text{P}_2\text{O}_5$ ). STPP is classified under heading 2835.31.0000, HTSUS.

TKPP, also known as normal potassium pyrophosphate, Diphosphoric acid or Tetrapotassium salt, is a potassium salt with the formula  $\text{K}_4\text{P}_2\text{O}_7$ . The CAS registry number for TKPP is 7320-34-5. TKPP is typically 18.7% phosphorus and 47.3% potassium. It is generally greater than or equal to 43.0%  $\text{P}_2\text{O}_5$  content. TKPP is classified under heading 2835.39.1000, HTSUS.

MKP, also known as Potassium dihydrogen phosphate, KDP, or Monobasic potassium phosphate, is a potassium salt with the formula  $\text{KH}_2\text{PO}_4$ . The CAS registry number for MKP is 7778-77-0. MKP is typically 22.7% phosphorus, 28.7% potassium and 52%  $\text{P}_2\text{O}_5$ . MKP is classified under heading 2835.24.0000, HTSUS.

DKP, also known as Dipotassium salt, Dipotassium hydrogen orthophosphate or Potassium phosphate, dibasic, has a chemical formula of  $\text{K}_2\text{HPO}_4$ . The CAS registry number for DKP is 7758-11-4. DKP is typically 17.8% phosphorus, 44.8% potassium and 40%  $\text{P}_2\text{O}_5$  content. DKP is classified under heading 2835.24.0000, HTSUS.

The products covered by this investigation include the foregoing phosphate salts in all grades, whether food grade or technical grade. The product covered by this investigation includes anhydrous MKP and DKP without regard to the physical form, whether crushed, granule, powder or fines. Also covered are all forms of STPP and TKPP, whether crushed, granule, powder, fines or solution.

For purposes of the investigation, the narrative description is dispositive, not the tariff heading, American Chemical Society, CAS registry number or CAS name, or the specific percentage chemical composition identified above.

## ATTACHMENT III GENERAL INSTRUCTIONS

### Instructions for Filing the Response

The following instructions apply to all documents you submit to the Department during the course of this proceeding.

1. File your response in Washington, D.C. at:

U.S. Department of Commerce  
International Trade Administration  
Import Administration  
APO/Dockets Unit, Room 1870  
1401 Constitution Avenue, N.W.  
Washington, DC 20230  
Attn: Irene Gorelik and Katie Marksberry, Room 4003

2. A person must file one copy of the business proprietary version of any document with the Department within the applicable time limit. By the close of business one business day after the date the business proprietary version is filed under section 351.303(c)(2)(i) of the Department's regulations, a person must file six copies of the final business proprietary version of the document with the Department. The final business proprietary version must be identical to the previous day's submission except for any bracketing corrections. Although a person must file six copies of the complete final business proprietary version with the Department, the persons may serve other persons with only those pages containing bracketing corrections.

Simultaneously with the filing of the final business proprietary version under section 351.303(c)(2)(ii) of the Department's regulations, a person must file three copies of the public version of such document (*see* section 351.304(c) of the Department's regulations) with the Department.

3. File the original and six copies of the proprietary version. However, if you file an electronic copy of the proprietary version in Microsoft Word, 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. For either alternative, only one copy of sample printouts and electronic media containing sales files and cost files need be submitted.

File the original and four 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 responses to the letter that do not contain the certification statements. A

form for such certification is included in this Appendix. You may photocopy this form and submit a completed copy with each of your submissions.

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>1</sup> If you wish to make a request for proprietary treatment for particular information, refer to sections 351.304 and 351.304(a)(2) of the Department's regulations. Submit the request for proprietary treatment no later than one business day following the submission of the proprietary version of your response to the letter 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,<sup>2</sup> 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.

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

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<sup>1</sup> Pursuant to the Department's Policy Bulletin 05.1: Separate-Rates Practice and Application of Combination Rates in Antidumping Investigations Involving Non-Market Economy Countries (April 5, 2005), exporters are required to provide the Department with the names and contact information of all the producers whose merchandise they exported to the United States during the period of investigation, and are required to make public the names of their suppliers in order for the Department to assign combination rates in an investigation. Additionally, supplier names will not be considered proprietary information in situations where the Department has excluded the exporter from the investigation. Exclusions of non-producing exporters will be granted only to exporter/supplier combinations.

<sup>2</sup> Generally, numerical data are adequately summarized if grouped or presented in terms of indices or figures ranged within ten 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.

- (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.

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 upper right-hand corner of the cover letter accompanying your response whether you agree or object to release of the submitted information under APO. (*See* section 351.303 of the Department's regulations for specific instructions.)<sup>3</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 an APO (as listed in the cover letter or as listed in a subsequent letter from the Department) 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, please provide a public version only.

Prepare your response in typed form and in English. Repeat the question to which you are responding in your narrative submission and place your answer directly below it.

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<sup>3</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 the Department's regulations). However, any information which you withdraw will be taken out of the official record and will not be used in our determination.

## COMPANY OFFICIAL CERTIFICATION

I, \_\_\_\_\_, currently employed  
(name and title)

by \_\_\_\_\_, certify that (1) I have  
(Interested Party)

read the attached submission, and (2) the information contained in

this submission is, to the best of my knowledge, complete and

accurate.

\_\_\_\_\_  
(signature of certifying official)

## CERTIFICATE OF SERVICE

I, \_\_\_\_\_, hereby certify that a copy of the  
(name of certifying official)

foregoing submission on behalf of \_\_\_\_\_,  
(company name)

dated \_\_\_\_\_, was served by first class mail or by hand delivery (circle the method used) on the following parties:

(Business Proprietary Version)

On Behalf of

{ See <http://ia.ita.doc.gov/apo/apo-svc-lists.html> for names and addresses }

(Public Version)

On Behalf of

{ See <http://ia.ita.doc.gov/apo/apo-svc-lists.html> for names and addresses }

\_\_\_\_\_  
(signature of certifying official)