



A-570-908
3rd Administrative Review
POR 9/1/10 - 8/31/11
Public Document
IA/NME/IX: PW

MEMORANDUM TO: Paul Piquado
Assistant Secretary
for Import Administration

FROM: Christian Marsh 
Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations

SUBJECT: Decision Memorandum for Preliminary Results of Antidumping
Duty Administrative Review: Sodium Hexametaphosphate from
the People's Republic of China

SUMMARY

In response to requests from interested parties, the Department of Commerce (the "Department") is conducting the third administrative review of the antidumping duty order on sodium hexametaphosphate ("sodium hex") from the People's Republic of China ("PRC") for the period of review ("POR") March 1, 2011, through February 29, 2012. The Department has preliminarily determined that there are no reviewable entries during the POR.

If these preliminary results are adopted in our final results of review, we will instruct U.S. Customs and Border Protection ("CBP") to assess antidumping duties on all appropriate entries of subject merchandise during the POR. Interested parties are invited to comment on these preliminary results. We will issue final results no later than 120 days from the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the "Act").

Background

On April 30, 2012, the Department initiated the third administrative review of sodium hex from the PRC.¹ Two companies, Hubei Xingfa Chemical Group Co., Ltd. ("Hubei Xingfa") and Sichuan Mianzhu Norwest Phosphate Co. ("Norwest"), submitted timely certifications of no shipments. On July 5, 2012, we released CBP data which indicated that there were no suspended

¹ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation*, in Part, 77 FR 25401 (April 30, 2012).



type 3 entries during the POR.² On October 31, 2012, the Department tolled all administrative deadlines by two days.³

Scope of the Order

The merchandise subject to this order is sodium hexametaphosphate. Sodium hexametaphosphate is a water-soluble polyphosphate glass that consists of a distribution of polyphosphate chain lengths. It is a collection of sodium polyphosphate polymers built on repeating NaPO_3 units. Sodium hexametaphosphate has a P_2O_5 content from 60 to 71 percent. Alternate names for sodium hexametaphosphate include the following: Calgon; Calgon S; Glassy Sodium Phosphate; Sodium Polyphosphate, Glassy; Metaphosphoric Acid; Sodium Salt; Sodium Acid Metaphosphate; Graham's Salt; Sodium Hex; Polyphosphoric Acid, Sodium Salt; Glass H; Hexaphos; Sodaphos; Vitrafos; and BAC-N-FOS. Sodium hexametaphosphate is typically sold as a white powder or granule (crushed) and may also be sold in the form of sheets (glass) or as a liquid solution. It is imported under heading 2835.39.5000, HTSUS. It may also be imported as a blend or mixture under heading 3824.90.3900, HTSUS. The American Chemical Society, Chemical Abstract Service ("CAS") has assigned the name "Polyphosphoric Acid, Sodium Salt" to sodium hexametaphosphate. The CAS registry number is 68915-31-1. However, sodium hexametaphosphate is commonly identified by CAS No. 10124-56-8 in the market. For purposes of the review, the narrative description is dispositive, not the tariff heading, CAS registry number or CAS name.

The product covered by this order includes sodium hexametaphosphate in all grades, whether food grade or technical grade. The product covered by this review includes sodium hexametaphosphate without regard to chain length *i.e.*, whether regular or long chain. The product covered by this review includes sodium hexametaphosphate without regard to physical form, whether glass, sheet, crushed, granule, powder, fines, or other form, and whether or not in solution.

However, the product covered by this order does not include sodium hexametaphosphate when imported in a blend with other materials in which the sodium hexametaphosphate accounts for less than 50 percent by volume of the finished product.

Preliminary Finding of No Shipments

In prior segments Hubei Xingfa and Norwest received separate rates.⁴ In this segment, Hubei Xingfa and Norwest submitted timely filed certifications that they had no sales of subject

² See Memo to the File, from Paul Walker, Case Analyst, "Sodium Hexametaphosphate from the People's Republic of China: Customs Data of U.S. Imports of Sodium Hexametaphosphate," dated July 5, 2012.

³ As explained in the memorandum from the Assistant Secretary for Import Administration, the Department has exercised its discretion to toll deadlines for the duration of the closure of the Federal Government from October 29, through October 30, 2012. Thus, all deadlines in this segment of the proceeding have been extended by two days. See Memorandum to the Record, from Paul Piquado, Assistant Secretary for Import Administration regarding "Tolling Administrative Deadlines as a Result of the Government Closure During Hurricane Sandy," dated October 31, 2012.

merchandise to the United States during the POR.⁵ Moreover, we did not receive information from CBP indicating that there were reviewable transactions from Hubei Xingfa or Norwest during the POR. Therefore, we preliminarily determine that Hubei Xingfa and Norwest had no reviewable transactions of subject merchandise during the POR.

Consistent with the recently announced refinement to its assessment practice in non-market economy (“NME”) cases, the Department will not rescind the review in these circumstances, but rather, complete the review with respect to Hubei Xingfa and Norwest and issue appropriate instructions to CBP based on the final results of the review.⁶ Specifically, because there is no record evidence of any reviewable entries for Hubei Xingfa and Norwest, and because these companies have a separate rate from a prior segment, consistent with the *NME Reseller Policy*, Hubei Xingfa and Norwest have preliminarily retained their separate rate. Furthermore, pursuant to the *NME Reseller Policy*, when the Department makes a determination that a company under review had no shipments during the POR, any suspended entries that entered under that company’s case number will be liquidated at the NME-wide rate. Therefore, if the Department continues to find after the preliminary results that there were no reviewable entries in the final results, we will instruct CBP to liquidate any existing entries of subject merchandise entered under the case numbers for Hubei Xingfa and Norwest at the PRC-wide rate.⁷

Reccomendation

We recommend applying the above methodology for these preliminary results.

✓

Agree

Disagree

Ronald K Lorentzen

Ronald K. Lorentzen
Acting Assistant Secretary
for Import Administration

November 29, 2012

(Date)

⁴ We note that Hubei Xingfa received its separate rate in the last administrative review. See *Sodium Hexametaphosphate from the People's Republic of China: Preliminary Results of Second Antidumping Duty Administrative Review*, 77 FR 17013 (March 23, 2012), unchanged in final, 77 FR 59375 (September 27, 2012). We note that Norwest received its separate rate in the investigation. See *Preliminary Determination of Sales at Less Than Fair Value: Sodium Hexametaphosphate from the People's Republic of China*, 72 FR 52544 (September 14, 2007), unchanged in final, 73 FR 6479 (February 4, 2008).

⁵ See Hubei Xingfa's letter dated May 4, 2012; Norwest's letter dated June 29, 2012.

⁶ See *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011) (“NME Reseller Policy”); see also *Certain Cut-to-Length Carbon Steel Plate From the People's Republic of China: Preliminary Results of Antidumping Administrative Review and Preliminary Determination of No Shipments*, 77 FR 47593 (August 9, 2012).

⁷ See *NME Reseller Policy*.