

MESSAGE NO: 0131301 MESSAGE DATE: 05/11/2010
MESSAGE STATUS: Active CATEGORY: Countervailing
TYPE: OTH-Other PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: 75 FR 24575 FR CITE DATE: 05/05/2010

REFERENCE
MESSAGE #
(s):

CASE #(s): C-570-963

EFFECTIVE DATE: 12/08/2009 COURT CASE #:

PERIOD OF REVIEW: 01/01/2008 TO 12/31/2008

PERIOD COVERED: TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: PRELIMINARY AFFIRMATIVE CRITICAL CIRCUMSTANCES DETERMINATION IN THE COUNTERVAILING DUTY INVESTIGATION OF CERTAIN POTASSIUM PHOSPHATE SALTS FROM THE PEOPLE'S REPUBLIC OF CHINA

1. ON 05/05/2010, COMMERCE PUBLISHED IN THE FEDERAL REGISTER (75 FR 24575) ITS AFFIRMATIVE PRELIMINARY DETERMINATION OF CRITICAL CIRCUMSTANCES IN THE COUNTERVAILING DUTY INVESTIGATION OF CERTAIN POTASSIUM PHOSPHATE SALTS FROM THE PEOPLE'S REPUBLIC OF CHINA.

2. COMMERCE IS NOW DIRECTING CBP TO SUSPEND LIQUIDATION OF ALL APPROPRIATE ENTRIES OF CERTAIN POTASSIUM PHOSPHATE SALTS FROM THE PEOPLE'S REPUBLIC OF CHINA THAT ARE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER 12/08/2009, WHICH IS 90 DAYS PRIOR TO THE DATE OF PUBLICATION IN THE FEDERAL REGISTER OF THE PRELIMINARY AFFIRMATIVE COUNTERVAILING DUTY DETERMINATION (75 FR 10466, 03/08/2010). CBP SHALL REQUIRE A CASH DEPOSIT OR POSTING OF A BOND EQUAL TO 109.11 PERCENT AD VALOREM, WHICH IS THE ESTIMATED COUNTERVAILING DUTY RATE REFLECTED IN THE PRELIMINARY DETERMINATION PUBLISHED IN THE FEDERAL REGISTER. COMMERCE PREVIOUSLY TRANSMITTED INSTRUCTIONS TO CBP TO SUSPEND LIQUIDATION OF CERTAIN POTASSIUM PHOSPHATE SALTS FROM THE PEOPLE'S REPUBLIC OF CHINA ON OR AFTER 03/08/2010 (MESSAGE NO: 0088301, 03/29/2010).

3. THE PHOSPHATE SALTS COVERED BY THIS INVESTIGATION INCLUDE ANHYDROUS MONOPOTASSIUM PHOSPHATE (MKP), ANHYDROUS DIPOTASSIUM PHOSPHATE (DKP) AND TETRAPOTASSIUM PYROPHOSPHATE (TKPP), WHETHER ANHYDROUS OR IN SOLUTION (COLLECTIVELY "PHOSPHATE SALTS").

TKPP, ALSO KNOWN AS NORMAL POTASSIUM PYROPHOSPHATE, DIPHOSPHORIC ACID OR TETRAPOTASSIUM SALT, IS A POTASSIUM SALT WITH THE FORMULA $K_4P_2O_7$. 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% P₂O₅ CONTENT. TKPP IS CLASSIFIED UNDER HEADING 2835.39.1000,

HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTSUS).

MKP, ALSO KNOWN AS POTASSIUM DIHYDROGEN PHOSPHATE, KDP, OR MONOBASIC POTASSIUM PHOSPHATE, IS A POTASSIUM SALT WITH THE FORMULA KH_2PO_4 . THE CAS REGISTRY NUMBER FOR MKP IS 7778-77-0. MKP IS TYPICALLY 22.7% PHOSPHORUS, 28.7% POTASSIUM AND 52% P_2O_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 K_2HPO_4 . THE CAS REGISTRY NUMBER FOR DKP IS 7758-11-4. DKP IS TYPICALLY 17.8% PHOSPHORUS, 44.8% POTASSIUM AND 40% P_2O_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 PRODUCTS COVERED BY THIS INVESTIGATION INCLUDE ANHYDROUS MKP AND DKP WITHOUT REGARD TO THE PHYSICAL FORM, WHETHER CRUSHED, GRANULE, POWDER OR FINES. ALSO COVERED ARE ALL FORMS OF 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.

4. FOR FURTHER REPORTING PURPOSES, THIS CASE HAS BEEN ASSIGNED INVESTIGATION NUMBER (C-570-963).

5. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTHAM AT THE OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577, RESPECTIVELY (GENERATED BY O6: AH).

6. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

MICHAEL B. WALSH

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party