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MESSAGE STATUS: Active CATEGORY: Countervailing
TYPE: PRE-Preliminary PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: 75 FR 10466 FR CITE DATE: 03/08/2010

REFERENCE 9299203
MESSAGE #
(s):

CASE #(s): C-570-963

EFFECTIVE DATE: 03/08/2010 COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: NOTICE OF PRELIMINARY AFFIRMATIVE DETERMINATION IN A COUNTERVAILING DUTY INVESTIGATION OF CERTAIN POTASSIUM PHOSPHATE SALTS FROM THE PEOPLE'S REPUBLIC OF CHINA (PRC) (C-570-963)

1. ON 03/08/2010, COMMERCE PUBLISHED IN THE FEDERAL REGISTER ITS PRELIMINARY AFFIRMATIVE DETERMINATION AND ALIGNMENT OF ITS FINAL COUNTERVAILING DUTY DETERMINATION OF CERTAIN POTASSIUM PHOSPHATE SALTS FROM THE PRC FROM 05/15/2010 UNTIL NO LATER THAN 05/24/2010, THEREBY ALIGNING IT WITH THE DUE DATE FOR THE FINAL DETERMINATION IN THE ANTIDUMPING DUTY INVESTIGATION OF CERTAIN POTASSIUM PHOSPHATE SALTS FROM THE PRC. SEE 75 FR 10466, 03/08/2010.

WHEN THIS CASE WAS INITIATED, THE PRODUCT SODIUM TRIPOLYPHOSPHATE (STPP) WAS INCLUDED IN THE SCOPE OF THE INVESTIGATION. SEE MESSAGE NO: 9299203. STPP IS CLASSIFIED UNDER HEADING 2835.31.0000, HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTSUS). ON 11/21/2009, THE INTERNATIONAL TRADE COMMISSION (ITC) ISSUED ITS PRELIMINARY DETERMINATION, FINDING NO REASONABLE INDICATION THAT THE INDUSTRY PRODUCING STPP IS MATERIALLY INJURED OR THREATENED WITH MATERIAL INJURY. SEE 74 FR 61173, 11/23/2009. AS A RESULT OF THE ITC'S NEGATIVE DETERMINATION STPP WAS REMOVED FROM THE SCOPE OF THE INVESTIGATION. THE DEPARTMENT CHANGED THE NAME OF THIS INVESTIGATION FROM "CERTAIN SODIUM AND POTASSIUM PHOSPHATE SALTS FROM THE PEOPLE'S REPUBLIC OF CHINA" TO "CERTAIN POTASSIUM PHOSPHATE SALTS FROM THE PEOPLE'S REPUBLIC OF CHINA." SEE 75 FR 10466, 03/08/2010.

2. 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 KH₂PO₄. THE CAS REGISTRY NUMBER FOR MKP IS 7778-77-0. MKP IS TYPICALLY 22.7% PHOSPHORUS, 28.7% POTASSIUM AND 52% P₂O₅. 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 K₂HPO₄. THE CAS REGISTRY NUMBER FOR DKP IS 7758-11-4. DKP IS TYPICALLY 17.8% PHOSPHORUS, 44.8% POTASSIUM AND 40% P₂O₅ 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.

3. FOR FURTHER REPORTING PURPOSES THIS CASE HAS BEEN ASSIGNED INVESTIGATION NUMBER C-570-963.

4. FOR IMPORTS OF CERTAIN POTASSIUM PHOSPHATE SALTS FROM THE PRC, CBP SHALL SUSPEND LIQUIDATION OF SUCH SHIPMENTS ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION, ON OR AFTER 03/08/2010. EFFECTIVE 03/08/2010, CBP SHALL REQUIRE, FOR SUCH ENTRIES, A CASH DEPOSIT OR THE POSTING OF A BOND EQUAL TO THE SUBSIDY RATES FOR THE PRODUCER AND/OR EXPORTER LISTED IN THE COMPANY-DETAILS TABLE APPENDED TO THE BOTTOM OF THIS MESSAGE.

5. IF ANY ENTRIES OF THIS MERCHANDISE ARE EXPORTED BY A FIRM OTHER THAN THE MANUFACTURER, THEN THE FOLLOWING INSTRUCTIONS APPLY:

A. IF THE EXPORTER OF THE SUBJECT MERCHANDISE DOES NOT HAVE ITS OWN RATE BUT THE MANUFACTURER HAS ITS OWN RATE, THE CASH DEPOSIT OR BONDING RATE WILL BE THE MANUFACTURER'S RATE.

B. WHERE NEITHER THE EXPORTER NOR THE MANUFACTURER CURRENTLY HAS ITS OWN RATE OR THE MANUFACTURER IS UNKNOWN, USE THE 'ALL OTHERS' RATE OF 109.11 PERCENT TO ESTABLISH THE CASH DEPOSIT OR BONDING RATE.

6. IN ACCORDANCE WITH T.D. 85-145, AT THE DISCRETION OF CBP, CUSTOMS OFFICERS MAY ACCEPT EITHER A SINGLE-ENTRY BASIC IMPORTATION AND ENTRY BOND OR A CONTINUOUS BASIC IMPORTATION AND ENTRY BOND ONLY IF THE AMOUNT OF THE ESTIMATED ANTIDUMPING OR COUNTERVAILING DUTY IS LESS THAN FIVE PERCENT AD VALOREM (OR THE EQUIVALENT). OTHERWISE, WHERE THE IMPORTER HAS THE OPTION TO POST A BOND FOR ESTIMATED ANTIDUMPING OR COUNTERVAILING DUTIES, CUSTOMS OFFICERS MUST REQUIRE A SINGLE-ENTRY BASIC IMPORTATION AND ENTRY BOND PURSUANT TO T.D. 85-145. YOU ARE INSTRUCTED TO ADHERE TO THE REQUIREMENTS OF T.D. 85-145 WITH RESPECT TO THESE BONDING REQUIREMENTS.

7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM 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).

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

FLORENCE CONSTANT

Company Details

*Party Indicator Value:

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

Case #	Rate	Party Indicator*	Party ID	Party Name
C-570-963-000	109.11	E		All Others
C-570-963-000	109.11	M		All Others
C-570-963-001	109.11	E		Lianyungang Mupro Import Export Co., Ltd.
C-570-963-001	109.11	M		Lianyungang Mupro Import Export Co., Ltd.
C-570-963-002	109.11	E		Miayang Aostar Phospate Chemical Industry Co., Ltd.
C-570-963-002	109.11	M		Miayang Aostar Phospate Chemical Industry Co., Ltd.
C-570-963-003	109.11	E		Shifang Anda Chemicals Co., Ltd.
C-570-963-003	109.11	M		Shifang Anda Chemicals Co., Ltd.