

A-570-934

Investigation: 07/01/07 – 12/31/07

IA / NME / O4: MC

**Public Document**

April 9, 2008

TO ALL INTERESTED PARTIES

On April 8, 2008, the Department of Commerce (“Department”) initiated an antidumping duty investigation to determine whether 1-Hydroxyethylidene-1, 1-Diphosphonic acid (HEDP) from the People’s Republic of China is 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 and II to this letter, requesting information on the quantity and U.S. dollar sales value of all exports to the United States of HEDP. A definition of the scope of the investigation is included in Attachment III to this letter, and general instructions for responding to this letter are contained in Attachment IV 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 rates 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 **5:00 p.m. on April 29, 2008**. 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>.

We appreciate your attention to these matters. Please contact Maisha Cryor or me at 202-482-5831 or 202-482-5253, respectively, or at [Maisha\\_Cryor@ita.doc.gov](mailto:Maisha_Cryor@ita.doc.gov), if you have any questions or comments.

Sincerely,

Mark Manning  
Program Manager  
AD/CVD Enforcement, Office 4

Attachments

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

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**REQUESTER(S):** {insert name of company}

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

**CASE:** 1-Hydroxyethylidene-1, 1-Diphosphonic Acid (HEDP) from the People's Republic of China ("PRC") A-570-934

**PERIOD OF INVESTIGATION:** July 1, 2007 through December 31, 2007

**DATE FOR SUBMISSION:** April 29, 2008

**OFFICIALS IN CHARGE:**

Maisha Cryor  
Senior Trade Compliance Analyst  
AD/CVD Operations, Office 4  
Telephone: 202-482-5831

**FILING ADDRESS:**

U.S. Department of Commerce  
International Trade Administration  
AD/CVD Operations  
1401 Constitution Avenue, N.W., Room 1870  
Washington, DC 20230  
Attn: Maisha Cryor, Room 3057

On April 8, 2008, the Department of Commerce (“Department”) initiated an antidumping duty investigation to determine whether HEDP from the PRC is being sold in the United States at less than fair value during the period of investigation of July 1, 2007, through December 31, 2007.

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 Attachments I and II of this Quantity and Value Questionnaire requesting information on production and the quantity and U.S. dollar sales value of all exports to the United States of HEDP<sup>1</sup> from the PRC during the period of July 1, 2007, through December 31, 2007.<sup>2</sup> 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 Quality and Value Questionnaire or fail to timely submit the requisite separate-rate status application. The separate-rate application is available on the Department’s website at <http://ia.ita.doc.gov/ia-highlights-and-news.html>.

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 III, and general instructions for responding to this Quantity and Value Questionnaire are contained in Attachment IV. **Your response to this questionnaire may be subject to on-site verification by Department officials.**

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<sup>1</sup> The scope of the merchandise subject to this investigation of HEDP from the PRC is identified in Attachment III to this questionnaire.

<sup>2</sup> If your company did not produce the merchandise under investigation, we request that these questions be immediately forwarded to the company that produces the merchandise and supplies it to you or your customers.

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

In providing the information in the chart below, please provide the total quantity in metric tons and total value (in U.S. dollars) of all your sales covered by the scope of this investigation (*see* Attachment III), produced in the PRC, and exported/shipped to the United States during the period July 1, 2007, through December 31, 2007.

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.

Market: United States	Total Quantity (In MT)	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>			
Total			

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<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.

<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.

**ATTACHMENT II  
ECONOMIC CHARACTERISTICS OF EXPORTERS/PRODUCERS**

Please provide the following information for your company. If you believe that you should be treated as a single entity along with other named exporters, please provide the information requested below both in the aggregate for all named entities in your group and separately for each named entity. Please label each chart accordingly.

**(1) Production**

<b>Market:</b>	<b>Total Quantity: (In MT)</b>
Your total production of all merchandise meeting the description of HEDP identified in Attachment III to this questionnaire, produced during the period of investigation (“POI”) (regardless of the ultimate market destination). <i>See</i> Attachment III: Description of Products Under Investigation.	

**(2) U.S. Sales**

<b>Merchandise</b>	<b>Total Quantity: (In MT)</b>	<b>Total Value (\$U.S.<sup>1</sup>)</b>
Merchandise under investigation your company produced and shipped/exported to the United States during the POI.		
Merchandise under investigation exported/shipped to the United States by your company during the POI which was sourced from an unaffiliated supplier or suppliers ( <i>i.e.</i> , not produced by your company).		
Merchandise under investigation produced by your company but exported/shipped through another PRC company to the United States during the POI.		

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<sup>1</sup> Values should be expressed in U.S. dollars. Indicate any exchange rates used and their respective dates and sources.

**ATTACHMENT III**  
**DESCRIPTION OF PRODUCTS UNDER INVESTIGATION**

The merchandise covered by each of these investigations includes all grades of aqueous, acidic (non-neutralized) concentrations of 1-hydroxyethylidene-1, 1-diphosphonic acid<sup>8</sup> (HEDP), also referred to as hydroxyethylidenediphosphonic acid, hydroxyethanediphosphonic acid, acetodiphosphonic acid, and etidronic acid. The CAS (Chemical Abstract Service) registry number for HEDP is 2809-21-4. The merchandise subject to these investigations is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) as subheading 2931.00.9043. It may also enter under HTSUS subheading 2811.19.6090. While HTSUS subheadings are provided for convenience and Customs purposes only, the written description of the scope of these investigations is dispositive.

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<sup>8</sup>  $C_2H_8O_7P_2$  or  $C(CH_3)(OH)(PO_3H_2)_2$

## ATTACHMENT IV 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  
Import Administration  
APO/Dockets Unit  
Room 1870  
14th Street and Constitution Avenue, N.W.  
Washington, DC 20230  
Attn: Maisha Cryor, Room 3057

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 our 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

Name and address

(Public Version)

On Behalf of

Name and address

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