A-570-972
Investigation
07/01/2010 - 12/31/2010
IA / NME / Office 4: JDH
Public Document

April 21, 2011

TO ALL INTERESTED PARTIES:

On April 20, 2011, the Department of Commerce ("Department") initiated an antidumping duty investigation to determine whether certain stilbenic optical brightening agents from the People's Republic of China ("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 July 1, 2010 through December 31, 2010, 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 **5:00 p.m. on May 11, 2011**. 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.

Additionally, all affiliated firms wishing to be treated as a single entity must provide the Department with proper source documentation and evidence of affiliation, such as public

financial statements, to support a collapsing decision. Given the extensive documentation and analysis, the Department cannot conduct a complete, definitive collapsing analysis per 19 CFR 351.401(f) in the time permitted to select mandatory respondents. Unless the source document and the evidence provided demonstrate a *prima facie* case of collapsing, such as 100 percent ownership, the Department will treat these alleged affiliated companies as separate entities at the time of the selection.

We appreciate your attention to these matters. If you have any questions, please contact Shawn Higgins at (202) 482-0679 or shawn.higgins@trade.gov, or Jonathan Hill at (202) 482-3518 or jonathan.hill@trade.gov.

Sincerely,

Robert Bolling
Program Manager
AD/CVD Enforcement, Office 4

Attachments

OFFICE OF AD/CVD ENFORCEMENT
QUANTITY AND VALUE QUESTIONNAIRE

REQUESTER(S):	**{insert 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 Stilbenic Optical Brightening Agents from the People's Republic of China (A-570-972)
PERIOD OF INVESTIGATION:	July 1, 2010 – December 31, 2010
DATE OF INITIATION:	April 20, 2011
DUE DATE FOR Q&V RESPONSE:	May 11, 2011
OFFICIAL IN CHARGE:	Shawn Higgins Senior International Trade Compliance Analyst AD/CVD Operations, Office 4 Telephone: 202-482-0679
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: Jonathan Hill, Room 3060

On April 20, 2011, the Department of Commerce ("Department") initiated the antidumping duty investigation to determine whether certain stilbenic optical brightening agents ("stilbenic OBAs") from the People's Republic of China ("PRC") are being sold in the United States at less than fair value during the period of investigation of July 1, 2010 through December 31, 2010.[1]

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 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 July 1, 2010 through December 31, 2010, 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.**

[1] *See* Department of Commerce, Import Administration News and Highlights: http://trade.gov/ia/index.asp#news .

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 July 1, 2010 through December 31, 2010, covered by the scope of this investigation (*see* Attachment II), produced in the PRC.[2]

- Please include only sales exported by your company directly to the United States. Please include only sales exported by your company directly to the United States.
  - However, if your company made sales to third-countries which you have knowledge were ultimately destined for the United States, please separately identify these sales quantities and the location (i.e., countries) to which you made the sales.
- Please do not include any sales of subject merchandise manufactured in Hong Kong in your figures.

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 KG)	Terms of Sale[3]	Total Value[4] ($U.S.)
1. Export Price[5]			
2. Constructed Export Price[6]			
3. Further Manufactured[7]			
Total			

[2] 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.

[3] To the extent possible, sales values should be reported based on the same terms (*e.g.*, FOB).

[4] Values should be expressed in U.S. dollars. Indicate any exchange rates used and their respective dates and sources.

[5] 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.

[6] 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.

[7] "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 certain stilbenic optical brightening agents ("OBA") covered by these investigations are all forms (whether free acid or salt) of compounds known as triazinylaminostilbenes (i.e., all derivatives of 4,4'-bis [1,3,5- triazin-2-yl] amino-2,2'-stilbenedisulfonic acid), except for compounds listed in the following paragraph. The certain stilbenic OBAs covered by these investigations include final stilbenic OBA products, as well as intermediate products that are themselves triazinylaminostilbenes produced during the synthesis of final stilbenic OBA products.

Excluded from these investigations are all forms of 4,4'-bis[4-anilino-6-morpholino-1,3,5-triazin-2-yl] amino-2,2'-stilbenedisulfonic acid, $C_{40}H_{40}N_{12}O_8S_2$ ("Fluorescent Brightener 71").

These investigations cover the above-described compounds in any state (including but not limited to powder, slurry, or solution), of any concentrations of active certain stilbenic OBA ingredient, as well as any compositions regardless of additives (i.e., mixtures or blends, whether of certain stilbenic OBAs with each other, or of certain stilbenic OBAs with additives that are not certain stilbenic OBAs), and in any type of packaging.

These stilbenic OBAs are classifiable under subheading 3204.20.8000 of the Harmonized Tariff Schedule of the United States ("HTSUS"), but they may also enter under subheadings 2933.69.6050, 2921.59.4000 and 2921.59.8090. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise is dispositive.

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: Jonathan Hill, Room 3060

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.[1] 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,[2] 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

   (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.

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[1] 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.

[2] 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.

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.)[3]

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.

[3] 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.

ATTACHMENT IV
CERTIFICATIONS

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)

COMPANY/GOVERNMENT CERTIFICATION

I, **(PRINTED NAME AND TITLE)**, currently employed by **(COMPANY NAME or GOVERNMENT)**, certify that I prepared or otherwise supervised the preparation of the attached submission of **(IDENTIFY THE SPECIFIC SUBMISSION BY TITLE AND DATE)** pursuant to the **(INSERT ONE OF THE FOLLOWING: THE (ANTIDUMPING OR COUNTERVAILING DUTY) INVESTIGATION OF (PRODUCT) FROM (COUNTRY) (CASE NUMBER) or THE (DATES OF POR) (ADMINISTRATIVE OR NEW SHIPPER) REVIEW UNDER THE (ANTIDUMPING OR COUNTERVAILING) DUTY ORDER ON (PRODUCT) FROM (COUNTRY)) (CASE NUMBER) or THE SUNSET REVIEW OR CHANGED CIRCUMSTANCE REVIEW OR SCOPE RULING OR CIRCUMVENTION INQUIRY OF AD/CVD ORDER ON (PRODUCT) FROM (COUNTRY) (CASE NUMBER)**. I certify that the information contained in this submission is accurate and complete to the best of my knowledge. I am aware that the information contained in this submission may be subject to verification or corroboration (as appropriate) by the U.S. Department of Commerce. I am also aware that U.S. law (including, but not limited to, 18 U.S.C. 1001) imposes criminal sanctions on individuals who knowingly and willfully make material false statements to the U.S. Government. In addition, I am aware that, even if this submission may be withdrawn from the record of the AD/CVD proceeding, the Department may preserve this submission, including a business proprietary submission, for purposes of determining the accuracy of this certification. I certify that I am filing a copy of this signed certification with this submission to the U.S. Department of Commerce and that I will retain the original for a five-year period commencing with the filing of this document. The original will be available for inspection by U.S. Department of Commerce officials.

Signature:_____

Date:_____

***** For multiple person certifications, all persons should be listed in the first sentence of the certification and all persons should sign and date the certification. In addition, singular pronouns and possessive adjectives should be changed accordingly, e.g., "I" should be changed to "we" and "my knowledge" should be changed to "our knowledge."

REPRESENTATIVE CERTIFICATION

I, **(PRINTED NAME)**, with **(LAW FIRM or OTHER FIRM)**, counsel or representative to **(COMPANY OR GOVERNMENT OR PARTY)**, certify that I have read the attached submission of **(IDENTIFY THE SPECIFIC SUBMISSION BY TITLE AND DATE)** pursuant to the **(INSERT ONE OF THE FOLLOWING: THE (ANTIDUMPING OR COUNTERVAILING DUTY) INVESTIGATION OF (PRODUCT) FROM (COUNTRY) (CASE NUMBER) or THE (DATES OF POR) (ADMINISTRATIVE OR NEW SHIPPER) REVIEW UNDER THE (ANTIDUMPING OR COUNTERVAILING) DUTY ORDER ON (PRODUCT) FROM (COUNTRY) (CASE NUMBER) or THE SUNSET REVIEW OR CHANGED CIRCUMSTANCE REVIEW OR SCOPE RULING OR CIRCUMVENTION INQUIRY OF AD/CVD ORDER ON (PRODUCT) FROM (COUNTRY) (CASE NUMBER)**. In my capacity as an adviser, counsel, preparer or reviewer of this submission, I certify that the information contained in this submission is accurate and complete to the best of my knowledge. I am aware that U.S. law (including, but not limited to, 18 U.S.C. 1001) imposes criminal sanctions on individuals who knowingly and willfully make material false statements to the U.S. Government. In addition, I am aware that, even if this submission may be withdrawn from the record of the AD/CVD proceeding, the Department may preserve this submission, including a business proprietary submission, for purposes of determining the accuracy of this certification. I certify that I am filing a copy of this signed certification with this submission to the U.S. Department of Commerce and that I will retain the original for a five-year period commencing with the filing of this document. The original will be available for inspection by U.S. Department of Commerce officials.

Signature:_____

Date:_____

** For multiple representative certifications, all representatives and their firms should be listed in the first sentence of the certification and all representatives should sign and date the certification. In addition, singular pronouns and possessive adjectives should be changed accordingly, e.g., "I" should be changed to "we" and "my knowledge" should be changed to "our knowledge."