



A-570-985

Investigation: 10/01/11-03/31/12

IA/NME/Office IV: BF

**Public Document**

June 26, 2012

**To All Interested Parties:**

On June 25, 2012, the Department of Commerce (“Department”) initiated an antidumping duty investigation to determine whether xanthan gum from the People’s Republic of China 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 October 1, 2011 through March 31, 2012, of merchandise covered by the scope of this investigation, produced in the People’s Republic of China. 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 because the Department may find it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Tariff Act of 1930, as amended (“the Act”). Also, please be advised that receipt of this letter does not guarantee 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 July 16, 2012. 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. All submissions to the Department must be accompanied by a Certificate of Accuracy from company officials and, if represented by legal counsel or other firm, a Certificate of Accuracy from the representative. Additionally, all submissions to the Department must be served on the appropriate interested parties. A list of interested parties may be found at <http://web.ita.doc.gov/ia/webapotrack.nsf> under the People’s Republic of China and the A-570-985. Certificates of service and accuracy are in Attachment IV. General instructions for responding to this Quantity and Value Questionnaire are contained in Attachment III.

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 Act.



In general, the Department has found that determinations concerning whether particular companies should be “collapsed” (*i.e.*, treated as a single entity for purposes of calculating AD rates), require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, the Department will not consider requests to collapse companies at the respondent selection phase of an investigation. Therefore, for purposes of respondent selection, please report volume and value data separately. Data pertaining to other, possibly affiliated, companies should be reported separately by those companies.

We appreciate your attention to these matters. Please contact the undersigned at 202-482-0650 or at [Charles.riggle@mail.doc.gov](mailto:Charles.riggle@mail.doc.gov), if you have any questions or comments.

Sincerely,

Charles Riggle  
Program Manager  
AD/CVD Operations, 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}  
  {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:**                                A-570-985, Xanthan Gum from the People’s Republic of China

**PERIOD OF INVESTIGATION:**        October 1, 2011 through March 31, 2012

**DATE OF INITIATION:**                June 25, 2012

**DUE DATE FOR Q&V RESPONSE:**    July 16, 2012

**OFFICIALS IN CHARGE:**

Erin Kearney	Brandon Farlander
202-482-0167	202-482-0182
<a href="mailto:Erin.kearney@trade.gov">Erin.kearney@trade.gov</a>	<a href="mailto:Brandon.farlander@trade.gov">Brandon.farlander@trade.gov</a>

**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: Erin Kearney/Brandon Farlander

On June 25, 2012, the Department of Commerce (“Department”) initiated an antidumping duty investigation to determine whether xanthan gum from the People’s Republic of China are being sold in the United States at less than fair value during the period of investigation of October 1, 2011 through March 31, 2012.<sup>1</sup>

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 this 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 Attachment I of this Quantity and Value Questionnaire requesting the quantity and U.S. dollar sales value of all your sales to the United States during the period October 1, 2011 through March 31, 2012, of merchandise covered by the scope of this investigation (*see* Attachment II), produced in the People’s Republic of China. 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, in addition to submitting a response to this Q&V questionnaire, as described in the *Notice of Initiation*. 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 investigation is included in Attachment II, and general instructions for responding to this Quantity and Value Questionnaire are contained in Attachment III. Please use the check list in Attachment V to make certain you have fully complied with all filing requirements. **Your response to this questionnaire may be subject to on-site verification by Department officials.**

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<sup>1</sup> See Import Administration Highlights and News at: <http://www.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 October 1, 2011 through March 31, 2012, of merchandise covered by the scope of this investigation (*see* Attachment II), produced in the People’s Republic of China.<sup>2</sup>

- Please include only sales exported by your company directly to the United States.
  - ♦ However, if your company made sales to third-countries for which you have knowledge that the merchandise was 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.

Even if you believe that you should be treated as a single entity along with other exporters, please do not report aggregate data for all of the companies that you believe should be treated as a single entity but separately report your company’s quantity and value data below. Quantity and value data pertaining to other, possibly affiliated companies, that you believe should be treated together with your company as a single entity should be separately reported by those companies.

Market: United States	Total Quantity (Kilograms)	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			

<sup>2</sup> 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.

<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. If you have sales of further manufactured merchandise, please report them under Item 3, rather than under Item 2.

<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**  
**DESCRIPTION OF PRODUCTS UNDER INVESTIGATION**

The scope of these investigations covers dry xanthan gum, whether or not coated or blended with other products. Further, xanthan gum is included in these investigations regardless of physical form, including, but not limited to, solutions, slurries, dry powders of any particle size, or unground fiber.

Xanthan gum that has been blended with other product(s) is included in this scope when the resulting mix contains 15 percent or more of xanthan gum by dry weight. Other products with which xanthan gum may be blended include, but are not limited to, sugars, minerals, and salts.

Xanthan gum is a polysaccharide produced by aerobic fermentation of *Xanthomonas campestris*. The chemical structure of the repeating pentasaccharide monomer unit consists of a backbone of two P-1,4-D-Glucose monosaccharide units, the second with a trisaccharide side chain consisting of P-D-Mannose-(1,4)- P-D-Glucuronic acid-(1,2) -  $\alpha$ -D-Mannose monosaccharide units. The terminal mannose may be pyruvylated and the internal mannose unit may be acetylated.

Merchandise covered by the scope of these investigations is classified in the Harmonized Tariff Schedule of the United States at subheading 3913.90.20. This tariff classification is provided for convenience and customs purposes; however, the written description of the scope 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.

#### A. Due Date

1. All submissions must be made electronically using the Department's IA ACCESS website at <http://iaaccess.trade.gov>. If an exception to the electronic filing requirement applies, you must address and manually submit your response to the address indicated on the cover page of this questionnaire. To determine if your response qualifies for manual filing, see the section on "Manual Filing" below. All laws, regulations, and other descriptive materials that supplement your responses should be submitted on the same date as the initial response.
2. The **business proprietary** response should be submitted on the day specified on the cover page of this questionnaire. The **public version** of the response may be filed one business day after the proprietary response.
3. An electronically filed document must be received successfully in its entirety by IA ACCESS by 5 p.m. Eastern Time (ET) on the due date, unless an earlier time is specified. Where applicable, a submitter must manually file a document between the hours of 8:30 a.m. and 5 p.m. ET on the due date, unless an earlier time is specified.

#### B. Format

1. You are required to state in the upper right-hand corner of your cover letter the following information in the following format:
  - a. on the first line, indicate the case number stated on the cover page to this questionnaire;
  - b. on the second line, indicate the total number of pages in the document including cover pages, appendices, and any unnumbered pages;
  - c. on the third line, indicate the specific segment of the proceeding, (e.g., investigation, administrative review, scope inquiry, suspension agreement, etc.) and, if applicable, indicate the complete period covered (MM/DD/YY - MM/DD/YY);
  - d. on the fourth line, indicate the Department office conducting the proceeding;

- e. on the fifth and subsequent lines, indicate whether any portion of the document contains business proprietary information and, if so, list the page numbers containing business proprietary information; and indicate the business proprietary/public status of the document and whether you agree or object to release of the submitted information under **administrative protective order** (APO) by stating one of the following:
- “Business Proprietary Document -- May Be Released Under APO,”
  - “Business Proprietary Document -- May Not Be Released Under APO,”
  - “Business Proprietary/APO Version-- May Be Released Under APO,” as applicable,
  - “Public Version,” or
  - “Public Document.”
2. Please include a “Re:” line on the cover letter of your response, or any other submissions you make during this proceeding. In the Re: line, briefly summarize the purpose of your submission, e.g., “response to Quantity & Value questionnaire,” “case brief.”
3. Prepare your response in typed form and in English (see 351.303(d) and (e) for these and other formatting requirements). Include an original and translated version of all pertinent portions of non-English language documents that accompany your response, including financial statements.
4. It is your responsibility to contact the official in charge if subsequent to your filing there are events that affect your response (e.g., changes in your cost accounting system are relevant to antidumping proceedings, and changes as a result of an audit are relevant to both antidumping and CVD proceedings).

C. Manual Filing

1. **All submissions must be filed electronically.** Only under the following four circumstances will the Department accept a hardcopy response that is manually filed:
- Documents exceeding 500 pages in length may be filed manually (in paper form) in the APO/Dockets Unit. This is referred to as a “bulky document.”
  - Data files greater than 20 MB must be filed manually on CD-ROM or DVD.
  - If the IA ACCESS system is unable to accept filings continuously or intermittently over the course of any period of time greater than one hour between 12:00 p.m. and 4:30 p.m. ET or for any duration of time between 4:31 p.m. and 5:00 p.m. ET, then a person may manually file the document in the

APO/Dockets Unit. The Department will provide notice of such technical failures on the IA ACCESS Help Desk line at 202-482-3150 and on the IA website, which is <http://www.trade.gov/ia/>.

- Apart from the above, if you are unable to comply with the electronic filing requirement, as provided in § 351.103(c) of the Department's Regulations, and in accordance with section 782(c) of the Tariff Act of 1930, as amended (the Act), you must promptly notify the official in charge and submit a full written explanation of the reasons you are unable to file the document electronically. You must also suggest alternative forms in which to submit the information. The Department will consider the ability of a submitter and may modify the electronic filing requirement on a case-by-case basis.
2. All manually filed documents must be accompanied by a cover sheet generated in IA ACCESS. For manually filed bulky documents, separator sheets must also be generated and used.
  3. If your response qualifies as a bulky document and you opt to file it manually, you must file two identical paper copies of the document. For all other authorized manual submissions, only one paper copy is required.
  4. Manual submissions must be addressed and submitted to:  
**Secretary of Commerce**  
**APO/Dockets Unit**  
**Room 1870**  
**U.S. Department of Commerce**  
**Fourteenth Street and Constitution Avenue, N.W.**  
**Washington, D.C. 20230**  
**Attn: Import Administration**  
**AD/CVD Operations, Office 4**

D. Certification

1. 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 questionnaire responses that do not contain the certification statements. Forms for such certification are included as appendices to this questionnaire. You may photocopy this form and submit a completed copy with each of your submissions.
2. Provide the required **certificate of service** (included as an appendix) with each business proprietary document and public version submitted to the Department.
3. Signed certifications of accuracy and certificates of service should be scanned and appended to the appropriate electronic documents filed in IA ACCESS.

E. Business Proprietary Information and Summarization of Business Proprietary Information

1. Request business 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 or countervailing duty proceeding in a public reading file. However, information deemed to be proprietary information will not be made available to the public. If you wish to make a request for proprietary treatment for particular information, refer to sections 351.304, 351.305, and 351.306 of the Department's regulations. You must submit the request for proprietary treatment at the same time as the claimed business proprietary information is submitted to the Department.
2. Utilize the "one-day lag rule" under section 351.303(c)(2) of the Department's regulations if you wish an additional day to review the final bracketing of business proprietary information in a document and to prepare the required public version. The filing requirements under the one-day lag rule provide for a party to file only the business proprietary document within the applicable time limit (section 351.303(c)(2)(i)). By the close of business one business day after the date the business proprietary document is filed, the person must file the complete final business proprietary document (section 351.303(c)(2)(i)(ii)). The final business proprietary document must be identical to the original document except for any bracketing corrections.
3. By the close of business one business day after the date the business proprietary document is filed (refer to the "one-day lag rule" in the preceding paragraph), submit the public version of your response (section 351.303(c)(2)(i)(iii)). A public version must contain:
  - (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, 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.

Please note: The summarization requirement does not apply solely to the narrative portion of your response. It applies equally to worksheets and other appendices to your response, and even to sales and cost databases submitted in antidumping proceedings. Generally, numerical data, such as that provided in sales and cost databases in antidumping proceedings, are adequately summarized only if grouped or presented in terms of indices or figures ranged within 10 percent of the actual figure. If a particular portion of data is voluminous, use ranged figures for at least one percent of the voluminous portion.

Responses, or portions thereof, that are not adequately summarized may be

rejected from the record of this proceeding.

4. Submit the statements required regarding limited release of business proprietary information under the provisions of an 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.

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. As discussed above, you must state in the upper right-hand corner of the cover letter accompanying your questionnaire response whether you agree or object to release of the submitted information under APO (e.g., May Be Released Under APO or May Not Be Released Under APO). (See section 351.304 of the Department's regulations for specific instructions.<sup>8</sup>)

5. 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.<sup>9</sup>
6. Provide to all parties whose representatives have been granted APO access and who are listed on the Department's most recent APO Service List, a complete copy of the submission--proprietary document and public version, except for that information which you do not agree to release under APO. (APO service lists, as well as public service lists, are maintained at <http://web.ita.doc.gov/ia/webapotrack.nsf> under the People's Republic of China and the A-570-985. If you exclude information because you do not agree to

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<sup>8</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 our regulations). However, any information which you withdraw will be taken out of the official record and will not be used in our determination.

<sup>9</sup> The Department will not disclose proprietary customer names under APO during an antidumping or countervailing duty investigation until either an order is published or the investigation is suspended. To ensure that proprietary customer names are properly treated in this case, place double brackets (“[[ ]]”) around all proprietary customer names in your submissions to the Department during the course of this investigation.

release it under APO, you must submit the complete business proprietary version, wherein information in double brackets has been excluded. This version of the response must be marked “Business Proprietary/APO Version-- May Be Released Under APO” on the cover page. For parties that do not have access to information under APO, please provide a public version only.

Note: A chart summarizing AD/CVD document filing requirements can be found at <http://ia.ita.doc.gov/filing/index.html>. Detailed and supplemental information concerning APOs, including the APO Handbook, a complete set of APO regulations, and APO application forms and service lists, can be found at <http://ia.ita.doc.gov/apo/index.html>.

**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 CERTIFICATION

I,           (PRINTED NAME AND TITLE)          , currently employed by           (COMPANY NAME)          , 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           (ININSERT 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.”