petition as a share of total U.S. production. See **Exhibit GEN-1** and 19 U.S.C. §§ 1671a(c)(4)(A), 1673a(c)(4)(A).

### D. Related Proceedings

Petitioners have not filed for import relief pursuant to section 201 of the Trade Act of 1974 (19 U.S.C. § 2251), section 232 of the Trade Expansion Act of 1962 (19 U.S.C. § 1862), section 337 of the Act (19 U.S.C. § 1337), or sections 702 and 732 of the Act (19 U.S.C. §§ 1671a, 1673a) with respect to the merchandise that is the subject of this Petition.

On May 31, 2006, the Commission instituted a section 337 investigation on certain L-lysine feed products pursuant to a complaint filed by Ajinomoto Heartland LLC. See In the Matter of Certain L-Lysine Feed Products, Their Methods of Production and Genetic Constructs for Production; Notice of Investigation, 71 Fed. Reg. 30,958 (Int'l Trade Comm'n May 31, 2006). The investigation was terminated with a finding of no violation of section 337. See Certain L-Lysine Feed Products, Their Methods Of Production And Genetic Constructs For Production, USITC Pub. 4113 (Nov. 2009). Lysine from China is not subject to any duty pursuant to section 301 of the Trade Act of 1974 (19 U.S.C. §§ 2251, 2411).

### E. Description of Subject Merchandise and Requested Scope of Investigation

#### 1. Requested Scope of Investigation

The following language describes the imported merchandise that Petitioners intend to cover in this investigation:

> The scope of this investigation covers animal feed grade L-lysine ("lysine"). Lysine is an essential amino acid added to animal feed that is used in the biosynthesis of proteins. The scope covers lysine regardless of form, including lysine monohydrochloride, also referred to as lysine HCL, lysine sulfate, and liquid lysine. The



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scope includes lysine that has been coated or encapsulated for use with ruminants to ensure bioavailability.

Lysine HCL in the dry form has the molecular formula $C_6H_{14}N_2O_2HCl$. The Chemical Abstracts Service (CAS) registry number for lysine HCL is 657-27-2. Lysine HCL contains a minimum of 78 percent lysine by weight, as well as additional amino acids, carbohydrates, mineral salts, and organic acids. Lysine sulfate is the sulfate salt of lysine, and in the dry form it has the molecular formula $C_6H_{16}N_2O_6S$. The CAS registry number for lysine sulfate is 60343-69-3. Lysine sulfate typically contains approximately 40-70 percent lysine by weight, as well as additional amino acids, carbohydrates, mineral salts, and organic acids. Liquid lysine is a concentrated form of lysine in an aqueous solution with the molecular formula $C_6H_{14}N_2O_2$. The CAS registry number for liquid lysine is 56-87-1. Liquid lysine contains normally contains at least 50 percent lysine by weight, as well as additional amino acids, carbohydrates, mineral salts, and organic acids.

The scope includes lysine that is combined with other products, including for example, by mixing, blending, compounding, or granulating (*e.g.*, base mixes, premixes, and concentrates). For such combined products, only the lysine component is covered by the scope of this investigation.

Subject merchandise also includes lysine that has been processed in a third country, including by commingling, diluting, adding or removing additives, refining, converting from liquid to dry or dry to liquid form, coating or encapsulating, or performing any processing that would not otherwise remove the merchandise from the scope of the investigation if performed in the subject country.

The merchandise covered by this investigation is properly classified under Harmonized Tariff Schedule of the United States (HTSUS) subheading 2922.41.0090. Lysine may also be classified under HTSUS subheadings 2922.41.0010, 2922.49.4950, and 2309.90.9500. Although the HTSUS subheadings and the CAS registry numbers are provided for convenience and customs purposes, the written description of the scope of the investigation is dispositive.



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