

these petitions is determined by the written description of the scope of the investigations, not the HTSUS numbers.

#### **4. Requested scope of the investigations**

The following language describes the imported merchandise that Petitioner intends to be included in the scope of these investigations:

The product within the scope of these investigations is high protein content (“HPC”) pea protein, which is a protein derived from peas (including, but not limited to, yellow field peas and green field peas) and which contains more than 65 percent protein on a dry weight basis. HPC pea protein may also be identified as, for example, pea protein concentrate, pea protein isolate, hydrolyzed pea protein, pea peptides, and fermented pea protein. Pea protein, including HPC pea protein, has the Chemical Abstracts Service (“CAS”) registry number 222400-29-5.

The scope covers HPC pea protein in all physical forms, including all liquid (*e.g.*, solution) and solid (*e.g.*, powder) forms, regardless of packaging.

The scope includes HPC pea protein described above that is blended, combined, or mixed with non-subject pea protein or with other products, including, but not limited to, protein powders, dry beverage blends, and protein fortified beverages. For any such blended, combined, or mixed products, only the HPC pea protein component is covered by the scope of these investigations. HPC pea protein that has been blended, combined, or mixed with other products is included within the scope, regardless of whether the blending, combining, or mixing occurs in third countries.

HPC pea protein that is otherwise within the scope is covered when commingled (*i.e.*, blended, combined, or mixed) with HPC pea protein from sources not subject to this investigation. Only the subject component of the commingled product is covered by the scope.

A blend, combination, or mixture is excluded from the scope if the total HPC pea protein content of the blend, combination, or

mixture (regardless of the source or sources) comprises less than 5 percent of the blend, combination, or mixture on a dry weight basis.

The merchandise covered by the scope are currently classified under Harmonized Tariff Schedule of the United States (“HTSUS”) categories 3504.00.1000, 3504.00.5000, and 2106.10.0000. Such merchandise may also enter the U.S. market under HTSUS category 2308.00.9890. Although HTSUS categories and the CAS registry number are provided for convenience and customs purposes, the written description of the scope of the investigation is dispositive.

**D. Class Or Kind Of Merchandise And Domestic Like Product<sup>35</sup>**

The HPC pea protein covered by these investigations constitutes a single class or kind of merchandise. Furthermore, pursuant to 19 U.S.C. § 1677(10), the HPC pea protein produced by the domestic industry represents the product that is “like, or in the absence of like, most similar in characteristics and uses with the article subject to investigation.” Thus, as explained in **Section III** below, there is a single like product in these investigations, which includes all HPC pea protein described by the scope of these investigations.

**E. Country Of Exportation<sup>36</sup>**

The country in which the subject merchandise is manufactured or produced is China. Data regarding U.S. imports from this country is included in **Exhibit I-12**. The Petitioner is not aware of significant volumes of HPC pea protein made by producers in China being imported from a country other than the country of manufacture or production.

---

<sup>35</sup> 19 C.F.R. § 207.11(b)(2)(iv).

<sup>36</sup> See 19 C.F.R. § 351.202(b)(6).