



## **INSTRUCTION BOOKLET**

### **GENERAL INFORMATION, INSTRUCTIONS, AND DEFINITIONS FOR COMMISSION QUESTIONNAIRES**

#### **BOTTOM MOUNT COMBINATION REFRIGERATOR-FREEZERS FROM KOREA AND MEXICO**

**Investigation Nos. 701-TA-477 and 731-TA-1180-1181 (Preliminary)**

*Further information.--If you have any questions concerning the enclosed questionnaire(s) or other matters related to this proceeding, you may contact the following members of the Commission's staff (Fax 202-205-3205):*

*Chris Cassise, investigator (202-708-5408; E-mail [chris.cassise@usitc.gov](mailto:chris.cassise@usitc.gov))  
regarding general questions and trade and related information;*

*Justin Jee, auditor (202-205-3186; E-mail [justin.jee@usitc.gov](mailto:justin.jee@usitc.gov))  
regarding financial information; and*

*John Benedetto, economist (202-205-3270; E-mail [john.benedetto@usitc.gov](mailto:john.benedetto@usitc.gov))  
regarding pricing, market, and related information.*

## **GENERAL INFORMATION**

**Background.**--This proceeding was instituted in response to a petition filed on March 30, 2011 by Whirlpool Corporation, Benton Harbor, MI. Antidumping and countervailing duties may be assessed on the subject imports as a result of this proceeding if the Commission makes an affirmative determination of injury, threat, or material retardation, and if the U.S. Department of Commerce makes affirmative determinations of subsidization and/or dumping.

Questionnaires and other information pertinent to this proceeding are available at:

[http://www.usitc.gov/trade\\_remedy/731\\_ad\\_701\\_cvd/investigations/2011/bottom\\_mount\\_refrigerators/prelimphase.htm](http://www.usitc.gov/trade_remedy/731_ad_701_cvd/investigations/2011/bottom_mount_refrigerators/prelimphase.htm)

Address all correspondence to the United States International Trade Commission, Washington, DC 20436. Hearing-impaired individuals can obtain information regarding this proceeding via the Commission's TDD terminal (202-205-1810).

**Due date of questionnaire(s).**--Return the completed questionnaire(s) to the United States International Trade Commission by no later than April 13, 2011. Although the enclosed postpaid envelope may be used to return the completed questionnaire, use of an overnight mail service may be necessary to ensure that your response actually reaches the Commission by April 13, 2011. If you do not use the enclosed envelope, please make sure the completed questionnaire is sent to the attention of Chris Cassise. **Return only one copy of the completed questionnaire(s), but please keep a copy for your records so that you can refer to it if the Commission staff contacts you with any questions during the course of this proceeding.**

**Service of questionnaire response(s).**--In the event that your firm is a party to this proceeding, you are required to serve a copy of the questionnaire(s), once completed, on parties to the proceeding that are subject to administrative protective order (see 19 CFR § 207.7). A list of such parties is maintained by the Commission's Secretary and may be obtained by calling 202-205-1803. A certificate of service must accompany the copy of the completed questionnaire(s) you submit (see 19 CFR § 207.7).

**Confidentiality.**--The commercial and financial data furnished in response to the enclosed questionnaire(s) that reveal the individual operations of your firm will be treated as confidential by the Commission to the extent that such data are not otherwise available to the public and will not be disclosed except as may be required by law (see 19 U.S.C. § 1677f). Such confidential information will not be published in a manner that will reveal the individual operations of your firm; however, nonnumerical characterizations of numerical business proprietary information (such as discussion of trends) will be treated as confidential business information only at the request of the submitter for good cause shown.

**Verification.**--**The information submitted in the enclosed questionnaire(s) is subject to audit and verification by the Commission. To facilitate possible verification of data, please keep all your workpapers and supporting documents used in the preparation of the questionnaire response(s).**

**Release of information.**--The information provided by your firm in response to the questionnaire(s), as well as any other business proprietary information submitted by your firm to the Commission in connection with this proceeding, may become subject to, and released under, the administrative protective order provisions of the Tariff Act of 1930 (19 U.S.C. § 1677f) and section 207.7 of the Commission's Rules of Practice and Procedure (19 CFR § 207.7). This means that certain lawyers and other authorized individuals may temporarily be given access to the information for use in connection with this proceeding or other import-injury proceedings conducted by the Commission on the same or similar merchandise; those individuals would be subject to severe penalties if the information were divulged to unauthorized individuals. In addition, if your firm is a U.S. producer, the information you provide on your production and imports of bottom mount combination refrigerator-freezers and your responses to the questions in Part I of the producer questionnaire will be provided to the U.S. Department of Commerce, upon its request, for use in connection with (and only in connection with) its requirement pursuant to sections 702(c)(4) and 732(c)(4) of the Act (19 U.S.C. §§ 1671a(c)(4) and 1673a(c)(4)) to make a determination concerning the extent of industry support for the petition requesting this proceeding. Any information provided to Commerce will be transmitted under the confidentiality and release guidelines set forth above. Your response to these questions constitutes your consent that such information be provided to Commerce under the conditions described above.

## **INSTRUCTIONS**

**Answer all questions.**--Do not leave any question or section blank unless a questionnaire expressly directs you to skip over certain questions or sections. If the answer to any question is "none," write "none." **If information is not readily available from your records in exactly the form requested, furnish carefully prepared estimates--designated as such by the letter "E"--and explain the basis of your estimates.** Answers to questions and any necessary comments or explanations should be supplied in the space provided or on separate sheets attached to the appropriate page of the questionnaire(s). If your firm is completing more than one questionnaire in connection with this proceeding (i.e., a producer, importer, and/or purchaser questionnaire), you need not respond to duplicated questions in the questionnaires.

**Consolidate all U.S. establishments.**--Report the requested data for your establishment(s) located in the United States. **Firms operating more than one establishment should combine the data for all establishments into a single report.**

**Filing instructions.**—Questionnaires may be filed either electronically or in paper form.

## OPTIONS FOR FILING

This questionnaire is available as a “fillable” form in MS Word format on the Commission’s website at:

[http://www.usitc.gov/trade\\_remedy/731\\_ad\\_701\\_cvd/investigations/2011/bottom\\_mount\\_refrigerators/prelimphase.htm](http://www.usitc.gov/trade_remedy/731_ad_701_cvd/investigations/2011/bottom_mount_refrigerators/prelimphase.htm)

You may complete the questionnaire and submit it, electronically, or you may print it out and submit it in paper form, as described below:

- **Compact disc (CD).**—Copy your questionnaire onto a CD, include a signed certification page (page 1) (either in paper form or scanned PDF copied onto CD), and mail to the address above. *It is strongly recommended that you use an overnight mail service. U.S. mail sent to government offices undergoes additional processing which not only results in substantial delays in delivery but may also damage CDs.*
- **Upload via Secure Drop Box.**—Upload the completed questionnaire in MS Word format along with a scanned copy of the signed certification page (page 1) through the Commission’s secure upload facility:

**Web address:** <https://dropbox.usitc.gov/oinv/> **Pin:** FRIDGE

- **E-mail.**—E-mail your questionnaire to the investigator identified on page 1 of the Instruction Booklet; include a scanned PDF of the signed certification page (page 1).

*Please note that submitting your questionnaire by e-mail may subject your firm’s business proprietary information to transmission over an unsecure environment and to possible disclosure. If you choose this option, the Commission warns you that any risk involving possible disclosure of such information is assumed by the submitter and not by the Commission.*

- **Fax.**—Fax to 202.205.3205.
- **Overnight mail service.**—Mail to the following address:

**United States International Trade Commission  
Office of Investigations, Room 615  
500 E Street SW  
Washington, DC 20024**

- **U.S. mail.**—Mail to the address above, but use zip code 20436. *This option is not recommended. U.S. mail sent to government offices undergoes additional processing to screen for hazardous materials; this additional processing results in substantial delays in delivery.*

Note: If you are a party to the proceeding, and service of the questionnaire is required, such service should be made in paper form.

## **DEFINITIONS**

***Bottom Mount Combination Refrigerator-Freezers (“Bottom Mount Refrigerators”)***--The products covered by the petitions are all bottom mount combination refrigerator-freezers and certain assemblies thereof from Korea and Mexico. For purposes of the petitions, the term “bottom mount combination refrigerator-freezers” denotes freestanding or built-in cabinets that have an integral source of refrigeration using compression technology, with all of the following characteristics:

- (1) The cabinet contains at least two interior storage compartments accessible through one or more separate external doors or drawers or a combination thereof;
- (2) The upper-most interior storage compartment(s) that is accessible through an external door or drawer is either a refrigerator compartment or convertible compartment, but is not a freezer compartment;<sup>1</sup> and
- (3) There is at least one freezer or convertible compartment that is mounted below the upper-most interior storage compartment(s).

For purposes of the petitions, a refrigerator compartment is capable of storing food at temperatures above 32 degrees F (0 degrees C), a freezer compartment is capable of storing food at temperatures at or below 32 degrees F (0 degrees C), and a convertible compartment is capable of operating as either a refrigerator compartment or a freezer compartment, as defined above.

Also covered are certain assemblies used in bottom mount combination refrigerator-freezers, namely: (1) any assembled cabinets designed for use in bottom mount combination refrigerator-freezers that incorporate, at a minimum: (a) an external metal shell, (b) a back panel, (c) a deck, (d) an interior plastic liner, (e) wiring, and (f) insulation; (2) any assembled external doors designed for use in bottom mount combination refrigerator-freezers that incorporate, at a minimum: (a) an external metal shell, (b) an interior plastic liner, and (c) insulation; and (3) any assembled external drawers designed for use in bottom mount combination refrigerator-freezers that incorporate, at a minimum: (a) an external metal shell, (b) an interior plastic liner, and (c) insulation.

The products subject to the petitions are currently classifiable under subheadings 8418.10.0010, 8418.10.0020, 8418.10.0030, and 8418.10.0040 of the Harmonized Tariff System of the United States (HTSUS). Products subject to these petitions may also enter under HTSUS subheadings 8418.21.0010, 8418.21.0020, 8418.21.0030, 8418.21.0090, and 8418.99.4000, 8418.99.8050, and 8418.99.8060. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise subject to this scope is dispositive.

***Top Mount Combination Refrigerator-Freezers.***--denotes freestanding or built-in cabinet that has an integral source of refrigeration using compression technology, with all of the following characteristics:

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<sup>1</sup> The existence of an interior sub-compartment for ice-making in the upper-most storage compartment does not render the upper-most storage compartment a freezer compartment.

- (1) The cabinet contains at least two interior storage compartments accessible through one or more separate external doors or drawers or a combination thereof;
- (2) The lower-most interior storage compartment(s) that is accessible through an external door is a refrigerator compartment, and not a freezer compartment; and
- (3) There is at least one freezer or convertible compartment that is mounted above the lower-most interior storage compartment(s).

**Side-by-Side Combination Refrigerator-Freezers.**--denotes a free-standing or build-in cabinet that has an integral source of refrigeration using compression technology. There are two compartments, one refrigerator compartment and one freezer compartment, which are configured vertically, running the full length of the unit.

**Firm.**--An individual proprietorship, partnership, joint venture, association, corporation (including any subsidiary corporation), business trust, cooperative, trustee in bankruptcy, or receiver under decree of any court.

**Related firm.**--A firm that your firm solely or jointly owned, managed, or otherwise controlled; a firm that solely or jointly owned, managed, or otherwise controlled your firm; and/or a firm that was solely or jointly owned, managed, or otherwise controlled by a firm that also solely or jointly owned, managed, or otherwise controlled your firm.

**Establishment.**--Each facility of a firm involved in the production, importation, and/or purchase of bottom mount refrigerators (as defined above), including auxiliary facilities operated in conjunction with (whether or not physically separate from) such facilities.

**United States.**--For purposes of this proceeding, the 50 States, Puerto Rico, the U.S. Virgin Islands, and the District of Columbia.

**Importer.**--Any person or firm engaged, either directly or through a parent company or subsidiary, in importing bottom mount refrigerators (as defined above) into the United States from a foreign manufacturer or through its selling agent.

**Imports.**--Those products identified for Customs purposes as imports for consumption for which your firm was the importer of record (i.e., was responsible for paying any import duty) or consignee (i.e., to which the merchandise was first delivered).

**Import quantities.**--Quantities reported should be net of returns.

**Import values.**--Values reported should be landed, duty-paid values at the U.S. port of entry, including ocean freight and insurance costs, brokerage charges, and import duties (i.e., all charges except inland freight in the United States).

**Purchaser.**--Any person or firm engaged, either directly or through a parent company or subsidiary, in purchasing bottom mount refrigerators (as defined above) from another firm that produces, imports, or otherwise distributes bottom mount refrigerators.

**Purchases**--Purchases from all sources, NOT including direct imports from foreign sources located outside of the United States (which should be reported in an importer questionnaire).

**Purchase quantities**--Quantities reported should be net of returns.

**Purchase values**--Values reported should be net values (i.e., gross purchase values less all discounts, allowances, rebates, and the value of returned goods), delivered to your U.S. receiving point.

**Shipments**--Shipments of products produced in or imported by your establishment(s). Include shipments to the contracting firm of product produced by your firm under a toll agreement.

**Shipment quantities**--Quantities reported should be net of returns.

**Shipment values**--Values reported should be net values (i.e., gross sales values less all discounts, allowances, rebates, prepaid freight, and the value of returned goods), f.o.b. your U.S. point of shipment. The reported value of commercial shipments should be net of all discounts, rebates, and other incentives paid to customers, whether or not the discount, rebate, or other incentive is tied directly to sales of bottom mount refrigerators or is linked to a broader base of sales and allocated in part to bottom mount refrigerators. The value of domestic shipments to the contracting firm under a toll agreement is the conversion fee (including profit).

**Types of shipments:**

**U.S. shipments**--Commercial shipments, internal consumption, and transfers to related firms within the United States.

**Commercial shipments**--Shipments, other than internal consumption and transfers to related firms, within the United States.

**Internal consumption**--Product consumed internally by your firm.

**Transfers to related firms**--Shipments made to related domestic firms.

**Export shipments**--Shipments to destinations outside the United States, including shipments to related firms.

**Inventories**--Finished goods inventory, not raw materials or work-in-progress.

**Average production capacity**--The level of production that your establishment(s) could reasonably have expected to attain during the specified periods. Assume normal operating conditions (i.e., using equipment and machinery in place and ready to operate; normal operating levels (hours per week/weeks per year) and time for downtime, maintenance, repair, and cleanup; and a typical or representative product mix).

**Toll agreement.**--Agreement between two firms whereby the first firm furnishes the raw materials and the second firm uses the raw materials to produce a product that it then returns to the first firm with a charge for processing costs, overhead, etc.

**Production.**--All production in your establishment(s), including production consumed internally within your firm and production for another firm under a toll agreement.

**PRWs.**--Production and related workers, including working supervisors and all nonsupervisory workers (including group leaders and trainees) engaged in fabricating, processing, assembling, inspecting, receiving, storage, handling, packing, warehousing, shipping, trucking, hauling, maintenance, repair, janitorial and guard services, product development, auxiliary production for plant's own use (e.g., power plant), recordkeeping, and other services closely associated with the above production operations.

**Average number employed.**--Add the number of employees, both full-time and part-time, for the 12 pay periods ending closest to the 15th of the month and divide that total by 12.

**Hours worked.**--Include time paid for sick leave, holidays, and vacation time. Include overtime hours actually worked; do not convert overtime pay to its equivalent in straight-time hours.

**Wages paid.**--Total wages paid before deductions of any kind (e.g., withholding taxes, old-age and unemployment insurance, group insurance, union dues, bonds, etc.). Include wages paid directly by your firm for overtime, holidays, vacations, and sick leave.

**Fiscal year.**--The 12-month period between settlement of your firm's financial accounts.