



INSTRUCTION BOOKLET

GENERAL INFORMATION, INSTRUCTIONS, AND DEFINITIONS FOR COMMISSION QUESTIONNAIRES

CERTAIN FROZEN FISH FILLETS FROM VIETNAM INV. NO. 731-TA-1012 (REVIEW)

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

*Elizabeth Haines, Investigator (202-205-3200; E-mail elizabeth.haines@usitc.gov)
regarding general questions and trade and related information.*

*David Boyland, Auditor (202-708-4725; E-mail david.boyland@usitc.gov)
regarding financial information.*

*Gerry Benedick, Economist 202-205-3244; gerald.benedick@usitc.gov)
regarding pricing, market, and related information.*

GENERAL INFORMATION

(Instruction Booklet, in Inv. No. 731-TA-1012, Certain Frozen Fish Fillets from Vietnam (Review))

Background.--On August 12, 2003, the Department of Commerce issued an antidumping duty order on imports of certain frozen fish fillets from Vietnam (68 F.R. 47909). On July 1, 2008, the Commission instituted a review pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. § 1675(c)) (the Act) to determine whether revocation of the order would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time (73 F.R. 37487). If the Commission makes an affirmative determination, the order will remain in place. If the Commission makes a negative determination, the Department of Commerce will revoke the order.

Questionnaires and other information pertinent to this review are available at on the Commission's website (www.usitc.gov), under the "antidumping and countervailing duty investigations" (left-hand side of home page) and then "active investigations" (right-hand side of second page), or directly at:

http://www.usitc.gov/trade_remedy/731_ad_701_cvd/investigations/active/index.htm

On this page there should be a link for the certain frozen fish fillets from Vietnam page under the "Five-Year Review (Sunset) Investigations" header. Address all correspondence to the United States International Trade Commission, Washington, DC 20436. Hearing-impaired individuals can obtain information regarding this review 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:

MARCH 10, 2009

Please make sure the completed questionnaire(s) is sent to the attention of Elizabeth Haines. 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 the investigations.

Service of questionnaire response(s).--In the event that your firm is a party to this review, you are required to serve a copy of the questionnaire(s), once completed, on other 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 or on the web at http://www.usitc.gov/secretary/fed_reg_notices/serv_lists.htm. 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).

GENERAL INFORMATION--Continued

(Instruction Booklet, in Inv. No. 731-TA-1012, Certain Frozen Fish Fillets from Vietnam (Review))

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 the review, 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 review or other import-injury investigations 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.

INSTRUCTIONS

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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 a question appears not to be applicable to the circumstances of your firm, please indicate "not applicable." **If information is not readily available from your records in exactly the form requested, furnish carefully prepared estimates--and indicate in the footnotes of the table(s) or other appropriate locations in which line items you have provided 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).

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.

Electronic completion.--Your firm is encouraged to complete the questionnaire electronically in MS Word format. The MS Word version of the questionnaire(s) is available online at the ITC web page for this review or directly from the Commission's Investigator, Elizabeth Haines (202-205-3200, elizabeth.haines@usitc.gov). Please note that you have several options for submitting the questionnaire(s), once completed, as detailed under "submission instructions" below. If completing the form electronically, please do not attempt to modify the format or permissions of the questionnaire document.

Submission instructions.--Questionnaires may be submitted to the Commission in either paper or electronic form as indicated on the following page.

INSTRUCTIONS--Continued

(Instruction Booklet, in Inv. No. 731-TA-1012, Certain Frozen Fish Fillets from Vietnam (Review))

OPTIONS FOR PAPER FORM SUBMISSIONS

- 1) **Overnight mail service**--Mail to the following address:

United States International Trade Commission
Attn: Elizabeth Haines
Office of Investigations, Room 615-U
500 E Street SW
Washington, DC 20024
- 2) **Fax**--Fax to 202.205.3205. (This option is not recommended, as faxed submissions are at times difficult to decipher).
- 3) **U.S. mail**--Mail to the address above, but using zip code 20436. (This option is not recommended as U.S. mail sent to government offices undergoes additional processing to screen for hazardous materials; this additional processing results in substantial delays in delivery).

OPTIONS FOR ELECTRONIC SUBMISSIONS

- 4) **E-mail**--E-mail the completed questionnaire(s) to Elizabeth Haines (elizabeth.haines@usitc.gov) in MS Word form and include a scanned PDF (or other image file) of the signed certification page(s) (page 1). In the subject line of your e-mail submission, please include: **BPI Questionnaire certain frozen fish fillets, 701-1012**. Please note that submitting your questionnaire by e-mail may subject your firm's business proprietary information to transmission over an insecure 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.
- 5) **Compact disc (CD)**--Copy or burn the completed questionnaire(s) in MS Word onto a CD, and include a scanned PDF (or other image file) of the signed certification page(s) (page 1), and mail to the address above. If you choose this option for submission, please use an overnight mail service as the additional processing that regular U.S. mail undergoes when sent to government offices results not only in substantial delays in delivery but also damaged (melted) CDs.

Note to parties--If you are a party to the review, and service of the questionnaire(s) is required, such service should be made in paper form pursuant to the applicable Commission rules.

DEFINITIONS

(Instruction Booklet, in Inv. No. 731-TA-1012, Certain Frozen Fish Fillets from Vietnam (Review))

Certain frozen fish fillets.--

Frozen fish fillets.--For the purpose of this review, frozen fish fillets include regular, shank, and strip fillets and portions thereof, whether or not breaded or marinated. The term fillet includes all lengthwise cuts of whole fish, such as regular fillets, shank fillets, and strip fillets. The term fillet excludes whole fish, fish steaks, and fish nuggets.

Included products:

Regular fillets.--Lengthwise, boneless cuts of fish with the belly flap intact.

Shank fillets.--Lengthwise, boneless cuts of fish with the belly flap removed.

Strip fillets.--Lengthwise, boneless cuts of fish with that have been cut into strips, chunks, blocks, skewers, or any other shape.

Excluded products:

Whole fish.--Whole fish include any whole fish whether or not they are dressed, de-headed, skinned, and eviscerated (*i.e.*, as long as the bone structure is still attached to the fish).

Fish steaks.--Fish steaks teaks are bone-in, cross-section cuts of dressed fish.

Fish nuggets.--Fish nuggets are the belly-flaps if removed from lengthwise fillet cut.

Merchandise subject to the antidumping duty order.--Any frozen fish fillets of the species *Pangasius Bocourti* (“basa”), *Pangasius Hypophthalmus* (“tra”) (also know as *Pangasius Pangasius*), and *Pangasius Micronemus* (has no common name) (collectively “basa and tra”).

Original domestic like product.--Since there is no known domestic production of basa and tra in the United States, the Commission determined in its original investigation that domestic production of catfish is most like that of imported basa and tra.¹ The domestic like product in the original investigation (“original domestic like product”) therefore was defined to include frozen fish fillets of any member of the *Ictaluridae*, *i.e.*, catfish, family. U.S. production in the original investigation related, however, primarily to *Ictalurus Punctatus* (“channel catfish”), the only species at that time of the original investigation that was being commercially produced into frozen fish fillets in the United States.

Certain frozen fish fillets.--The term “certain frozen fish fillets” for the purpose of this review includes any frozen fish fillets of merchandise subject to the antidumping duty order (*i.e.*, frozen fish fillets of basa and tra) and any frozen fish fillets of the original domestic like product (*i.e.*, frozen fish fillets of fish in the *Ictaluridae* or catfish family), whether imported or domestically produced.

¹ *Certain Frozen Fish Fillets from Vietnam, Inv. No. 731-TA-1012 (Final)*, USITC Publication 3617 (August 2003), p. 11.

DEFINITIONS--Continued

(Instruction Booklet, in Inv. No. 731-TA-1012, Certain Frozen Fish Fillets from Vietnam (Review))

Applicable HTS numbers.--Certain frozen fish fillets are classifiable or may have been classified under the harmonized tariff schedule of the United States as follows:

Prior to 2007	2007 and afterwards
0304.20.6030	0304.29.6032 (catfish)
0304.20.6032	0304.29.6033 (basa and tra)
0304.20.6033	0304.29.6034 (other siluriformes)
0304.20.6034	0304.29.6043 (other)
0304.20.6043	0304.29.6057 (sole)
0304.20.6057	0304.29.6070 (ocean catfish)
0304.20.6070	0304.29.6099 (other)
0304.20.6096	

Although the statistical reporting numbers of the harmonized tariff schedule of the United States are provided above for convenience above, the written description under "certain frozen fish fillets" is dispositive.

Offal.--Any byproduct produced from the production of certain frozen fish fillets, such as fish bones, skin, gut, et cetera.

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 in the United States involved in the production, importation, and/or purchase of certain frozen fish fillets (as defined above), including auxiliary facilities operated in conjunction with (whether or not physically separate from) such facilities.

United States.--For purposes of this review, 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 certain frozen fish fillets (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

DEFINITIONS--Continued

(Instruction Booklet, in Inv. No. 731-TA-1012, Certain Frozen Fish Fillets from Vietnam (Review))

the United States).

Purchaser.--Any person or firm engaged, either directly or through a parent company or subsidiary, in purchasing certain frozen fish fillets (as defined above) from another firm that produces, imports, or otherwise distributes certain frozen fish fillets. A retail firm that is the importer of record may be considered a purchaser.

Purchases.--Purchases from all sources, *not* including direct imports from foreign producers (which should be reported as imports in a U.S. importers' questionnaire).

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

Shipments.--Shipments of products produced in or imported by your U.S. 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 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.\

Spoilage.--Unaccounted for merchandise, *e.g.*, product that went bad and therefore not sold, was stolen and therefore not sold, or is unaccounted for some reason. Spoilage does not represent any waste byproducts such as offal that is not considered subject merchandise.

Channels of Distribution:

Food service distributor.--Any firm that purchases certain frozen fish fillets from your firm for subsequent distribution to any firm or entity responsible for meal preparation. For the purposes of this review, food service distributors EXCLUDE restaurant chains or purchasers directly related to restaurant chains. Food service distributors INCLUDE any distributors that subsequently sell certain frozen fish fillets to unrelated restaurant chains.

DEFINITIONS--Continued

(Instruction Booklet, in Inv. No. 731-TA-1012, Certain Frozen Fish Fillets from Vietnam (Review))

Restaurants.--Any firm that purchases certain frozen fish fillets from your firm for use in individual restaurants or restaurant chains. For the purposes of this review, restaurant chains INCLUDE any purchasers that are directly related to specific restaurant chains.

Other.--Any end user of certain frozen fish fillets other than restaurants or restaurant chains, such as, schools, grocery chains, hospitals, catering, et cetera.

The following definitions apply only to the U.S. PRODUCERS' QUESTIONNAIRE:

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 U.S. establishment(s), including production consumed internally within your firm and production for another firm under a toll agreement.

PRWs.--Production and related workers ("PRWs"), 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. For the January-March periods, calculate similarly and divide by 3.

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.

Purchases other than direct imports.--Purchases from U.S. producers, U.S. importers, and other U.S. sources, excluding direct imports (which should be reported as imports in a U.S. importers' questionnaire).