



## **INSTRUCTION BOOKLET**

### **GENERAL INFORMATION, INSTRUCTIONS, AND DEFINITIONS FOR COMMISSION FOREIGN PRODUCER/EXPORTER QUESTIONNAIRES**

#### **Certain Passenger Vehicle and Light Truck Tires from China Investigation No. TA-421-7**

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

*Nathanael Comly, investigator (202-205-3174; E-mail [Nathanael.Comly@USITC.GOV](mailto:Nathanael.Comly@USITC.GOV))  
Amy Sherman, investigator (202-205-3289; E-mail [Amy.Sherman@USITC.GOV](mailto:Amy.Sherman@USITC.GOV))*

## **GENERAL INFORMATION**

**Background.**-- This investigation was instituted in response to a petition filed on April 20, 2009 by the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, Pittsburgh, PA. Import relief may be imposed by the President on the subject imports as a result of this investigation if the Commission determines that imports of the subject certain passenger vehicle and light truck tires (subject tires) from China are being imported in such increased quantities or under such conditions as to cause or threaten to cause market disruption to the domestic producers or the like or directly competitive products. The President may impose relief in the form of increased duties and/or other restrictions on subject tires from China that are the subject of an affirmative determination.

Questionnaires and other information pertinent to this investigation are available at [http://www.usitc.gov/trade\\_remedy/731\\_ad\\_701\\_cvd/investigations/2009/421\\_consumer\\_tires/safeguard.htm](http://www.usitc.gov/trade_remedy/731_ad_701_cvd/investigations/2009/421_consumer_tires/safeguard.htm). Address all correspondence to the United States International Trade Commission, Washington, DC 20436. Hearing-impaired individuals can obtain information regarding this investigation 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 **May 7, 2009**. Use of an overnight mail service may be necessary to ensure that your response actually reaches the Commission by **May 7, 2009**. Please make sure the completed questionnaire is sent to the attention of Nathanael Comly. **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 investigation.**

**Service of questionnaire response(s).**-- In the event that your firm is a party to this investigation, 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 § 206.47 and 206.17). 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 § 206.47 and 206.17).

**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. § 1332f). 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.

## **GENERAL INFORMATION--Continued**

### **Confidentiality.--Continued**

The information provided by your firm in response to the questionnaire(s), as well as any other confidential business information submitted by your firm to the Commission in connection with the investigation, may become subject to, and released under, the administrative protective order provisions of sections 206.47 and 206.17 of the Commission's Rules of Practice and Procedure (19 CFR §§ 206.47 and 206.17). This means that certain lawyers and other authorized individuals may temporarily be given access to the information for use solely in connection with this investigation; those individuals would be subject to severe penalties if the information were divulged to unauthorized individuals. In addition, the confidential business information that you submit may be provided to the President and U.S. Trade Representative in a confidential version of the report that the Commission transmits to the President and the U.S. Trade Representative, should the Commission transmit a confidential version. Confidential business information that you submit may also be used in any other market disruption investigations conducted by the Commission on the same or similar merchandise. Any such confidential business information will be deleted from the version of the report that the Commission releases to the public.

Information submitted in this questionnaire response and throughout this investigation may be used by the Commission, its employees, and contract personnel who are acting in the capacity of Commission employees, for developing or maintaining the records of this investigation or related proceedings for which this information is submitted, or in internal audits and investigations relating to the programs and operations of the Commission pursuant to 5 U.S.C. Appendix 3.

**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).**

## **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 investigation (i.e., a producer, importer, purchaser, and/or foreign producer questionnaire), you need not respond to duplicated questions in the questionnaires.

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

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

## **INSTRUCTIONS--Continued**

### **OPTIONS FOR FILING IN PAPER FORM**

- **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**

- **Fax.**—Fax to 202.205.3205.
- **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.*

### **OPTIONS FOR FILING ELECTRONICALLY**

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/2009/421\\_consumer\\_tires/safeguard.htm](http://www.usitc.gov/trade_remedy/731_ad_701_cvd/investigations/2009/421_consumer_tires/safeguard.htm). *Please do not attempt to modify the format or permissions of the questionnaire document.* You may complete the questionnaire electronically, print it out, and submit it in paper form as described above, or you may submit it electronically through one of the following means:

- **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.*
- **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). Type the following in the e-mail subject line: BPI Questionnaire, INV. NO. TA-421-7. *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.*

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

## **DEFINITIONS**

***Certain passenger vehicle and light truck tires (subject tires).***—New pneumatic tires, of rubber, of a kind used on motor cars, including station wagons, sport utility vehicles, minivans, vans or on-the-highway light trucks, the foregoing whether tube or tubeless, and including radial and other tires. Such tires have, at the time of importation, the symbol “DOT” on the sidewall, certifying that the tire conforms to applicable motor vehicle safety standards.<sup>1</sup> Subject tires are covered by subheadings 4011.10.10, 4011.10.50, 4011.20.10, and 4011.20.50 of the Harmonized Tariff Schedule of the United States (HTS).

Specifically excluded from the scope of this investigation and from the definition of subject tires are the following types of tires:

- New pneumatic tires, of rubber, of a kind used on commercial medium, large, and heavy trucks, and busses;
- New pneumatic tires, of rubber, of a kind used on racing cars;
- New pneumatic tires, of rubber, of a kind used on agricultural or forestry vehicles and machines and construction or industrial handling vehicles or machines;
- New pneumatic tires, of rubber, of a kind used on aircraft, bicycles, motorcycles, trailers, all-terrain vehicles, and vehicles for turf, lawn, and garden, and golf applications;
- Pneumatic tires, of rubber, that are not new, including recycled and retreaded tires;
- Non-pneumatic tires, such as solid rubber tires.

***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 China involved in the production of subject tires (as defined above), including auxiliary facilities operated in conjunction with (whether or not physically separate from) such facilities.

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

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<sup>1</sup> Such tires may also have the following designations that are used by the Tire and Rim Association:

Prefix letter designations:

P—Identifies a tire intended primarily for service on passenger cars;

LT—Identifies a tire intended primarily for service on light trucks;

Suffix letter designations:

LT—Identifies light truck tires for service on trucks, buses, trailers, and multipurpose passenger vehicles used in nominal highway service.

## **DEFINITIONS--Continued**

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

**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).

**Production**--All production in your establishment(s) in China, including production consumed internally within your firm.

**Shipments**--Shipments of products produced in your establishment(s) in China. Quantities reported should be net of returns.

**Home market commercial shipments**--Shipments, other than internal consumption and transfers to related firms, within China.

**Home market internal consumption/transfers to related firms**--Shipments made to related firms in China, including product consumed internally by your firm.

**Export shipments**--Shipments to destinations outside China, including shipments to related firms.

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