



## **INSTRUCTION BOOKLET**

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

#### **Polyethylene Retail Carrier Bags from China, Malaysia, and Thailand Investigation Nos. 731-TA-1043-1045 (Review)**

*Further information.--If you have any questions concerning the enclosed questionnaire(s) or other matters related to these reviews, you may contact the following member 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))  
regarding general questions and trade and related information;*

*Nancy Bryan, economist (202-205-2088; E-mail [nancy.bryan@usitc.gov](mailto:nancy.bryan@usitc.gov))  
regarding market related information.*

## **GENERAL INFORMATION**

**Background.**--On August 9, 2004, the Department of Commerce issued antidumping duty orders on imports of polyethylene retail carrier bags from China, Malaysia, and Thailand (69 FR 48201–48204). On June 29, 2009, the Commission instituted reviews 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 orders would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time (74 F.R. 31750-31752). If the Commission makes affirmative determinations, the orders will remain in place. If the Commission makes negative determinations, the Department of Commerce will revoke the order.

Questionnaires and other information pertinent to these reviews are available at [http://www.usitc.gov/trade\\_remedy/731\\_ad\\_701\\_cvd/investigations/2009/prcb/reviewphase.htm](http://www.usitc.gov/trade_remedy/731_ad_701_cvd/investigations/2009/prcb/reviewphase.htm). Address all correspondence to the United States International Trade Commission, Washington, DC 20436. Hearing-impaired individuals can obtain information regarding these reviews 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 **February 19, 2009**. 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 **February 19, 2009**. If you do not use the enclosed envelope, 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 reviews.**

**Service of questionnaire response(s).**--In the event that your firm is a party to these reviews, 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.

## **GENERAL INFORMATION--Continued**

**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 the reviews, 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 these reviews or other import-injury investigations or reviews 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**

**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 these reviews (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, Malaysia, and/or Thailand.**--Report the requested data for your establishment(s) located in China, Malaysia, and/or Thailand. **Firms operating more than one establishment should combine the data for all establishments into a single report. Firms operating establishments in more than one country (e.g. both China and Malaysia) should provide separate data for establishments in each country.**

**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/prcb/reviewphase.htm](http://www.usitc.gov/trade_remedy/731_ad_701_cvd/investigations/2009/prcb/reviewphase.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. NOS. 731-1043-1045**. *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 reviews, and service of the questionnaire is required, such service should be made in paper form.

## **DEFINITIONS**

**Polyethylene Retail Carrier Bags (“PRCBs”)**.-- The scope of these investigations covers PRCBs, which also may be referred to as t-shirt sacks, merchandise bags, grocery bags, or checkout bags. The subject merchandise is defined as non-sealable sacks and bags with handles (including drawstrings), without zippers or integral extruded closures, with or without gussets, with or without printing, of polyethylene film having a thickness no greater than 0.035 inch (0.889 mm) and no less than 0.00035 inch (0.00889 mm), and with no length or width shorter than 6 inches (15.24 cm) or longer than 40 inches (101.6 cm). The depth of the bag may be shorter than 6 inches but not longer than 40 inches (101.6 cm).

PRCBs are typically provided without any consumer packaging and free of charge by retail establishments, e.g., grocery, drug, convenience, department, specialty retail, discount stores, and restaurants to their customers to package and carry their purchased products. The scope of these investigations excludes (1) polyethylene bags that are not printed with logos or store names and that are closeable with drawstrings made of polyethylene film and (2) polyethylene bags that are packed in consumer packaging with printing that refers to specific end-uses other than packaging and carrying merchandise from retail establishments, e.g., garbage bags, lawn bags, trash-can liners.

Imports of merchandise included within the scope of these investigations are currently classifiable under statistical category 3923.21.0085 of the Harmonized Tariff Schedule of the United States (HTSUS). This subheading may also cover products that are outside the scope of these investigations. Furthermore, although the HTSUS subheading is provided for convenience and customs purposes, the written description of the scope of these investigations is dispositive.

**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, Malaysia, and Thailand involved in the production of PRCBs (as defined above), including auxiliary facilities operated in conjunction with (whether or not physically separate from) such facilities.

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

## **DEFINITIONS--Continued**

**Importer**--Any person or firm engaged, either directly or through a parent company or subsidiary, in importing PRCBs (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, Malaysia, and/or Thailand, including production consumed internally within your firm.

**Shipments**--Shipments of products produced in your establishment(s) in China, Malaysia, and/or Thailand.

**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) in U.S. dollars, f.o.b. your point of shipment in China, Malaysia, and/or Thailand.

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

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

**Export shipments**--Shipments to destinations outside China, Malaysia, and/or Thailand, including shipments to related firms.

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