



## **INSTRUCTION BOOKLET**

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

#### **FRESH AND CHILLED ATLANTIC SALMON FROM NORWAY Investigation Nos. 701-TA-302 and 731-TA-454 (Third 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 (Fax 202-205-3205):*

*Jennifer Merrill, investigator (202-205-3188; E-mail [JENNIFER.MERRILL@USITC.GOV](mailto:JENNIFER.MERRILL@USITC.GOV))  
regarding general questions and trade and related information; and*

*Amelia Preece, economist (202-205-3250; E-mail [AMELIA.PREECE@USITC.GOV](mailto:AMELIA.PREECE@USITC.GOV))  
regarding market related information; and*

*Charles Yost, economist (202-205-3432; E-mail [CHARLES.YOST@USITC.GOV](mailto:CHARLES.YOST@USITC.GOV))  
regarding pricing, market, and related information.*

## **GENERAL INFORMATION**

**Background.**-- On April 12, 1991, the Department of Commerce issued an antidumping duty order and a countervailing duty order on imports of fresh and chilled Atlantic salmon from Norway (56 F.R. 14920 and 14921). On January 3, 2011, 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 orders would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time (76 F.R. 166). 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 these reviews are available at [http://www.usitc.gov/trade\\_remedy/731\\_ad\\_701\\_cvd/investigations/2011/salmon/reviewphase.htm](http://www.usitc.gov/trade_remedy/731_ad_701_cvd/investigations/2011/salmon/reviewphase.htm). 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).**-- Please submit the completed questionnaire(s) to the United States International Trade Commission so as to be received by **no later than September 26, 2011**. Because Commission staff might contact you with questions during the course of the proceeding, save the final version of the document(s) and retain all files and worksheets associated with the completed questionnaire(s). Please also retain a copy of any paper original document that you submit.

**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 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 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 proceedings 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 this review (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 in paper form or electronically.

## **INSTRUCTIONS--Continued**

### **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/salmon/reviewphase.htm](http://www.usitc.gov/trade_remedy/731_ad_701_cvd/investigations/2011/salmon/reviewphase.htm). *Please do not attempt to modify the format or permissions of the questionnaire document.* 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/salmon/> *Pin:* Salmon

- **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. 302 *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**

***Product.***-- ***Fresh and chilled Atlantic salmon.***--The product covered by the orders in these reviews is the species Atlantic salmon (*Salmon salar*) marketed as specified herein; the order excludes all other species of salmon: Danube salmon, Chinook (also called "king" or "quinnat"), Coho ("silver"), Sockeye ("redfish" or "blueback"), Humpback ("pink") and Chum ("dog"). The subject Atlantic salmon is a whole or nearly-whole fish, typically (but not necessarily) marketed gutted, and cleaned, with the head on. The subject merchandise is typically packed in fresh-water ice ("chilled"). Excluded from the subject merchandise are fillets, steaks and other cuts of Atlantic salmon. Also excluded are frozen, canned, smoked or otherwise processed Atlantic salmon. Atlantic salmon is provided for under statistical reporting numbers 0302.12.0003 and 0302.12.0004 of the Harmonized Tariff Schedule of the United States (HTS).

Atlantic salmon proceed through several stages of development and production prior to being marketed as dressed fresh and chilled Atlantic salmon, including eyed eggs, fry, smolt, and round (adult):

***Eyed eggs.***--Atlantic salmon eggs are generally stripped from brood stock and fertilized around November of each year. These "green eggs" are placed in an incubator and develop eyes (become "eyed eggs") during the following January. The eyed eggs hatch within a month and tiny fish-like "alevin" emerge, each living off an attached yolk sac.

***Fry.***--Within another month, the yolk sac is consumed and juvenile markings appear. At this "fry" stage feeding begins, and within several more months the fish is transferred from the incubator tank to a large freshwater "grow-out" tank. Over the summer the fry grow quickly and by the fall they reach the size referred to as "parr".

***Smolt.***--In their second spring, Atlantic salmon lose their juvenile markings and develop a silvery skin ("smoltify"). As smolt, they may be transferred to salt water "cages" or "pens" where they mature into adult Atlantic salmon.

***Ungutted ("round") adult Atlantic salmon (round Atlantic salmon).***--Atlantic salmon typically reach marketable adult size in about three years (after their second summer in salt water). The fish are taken from the saltwater cages ("harvested") and generally killed and drained of blood ("bled") at or near the cage site.

***Dressed salmon.***--Atlantic salmon that has been eviscerated ("gutted"), cleaned, and packed in freshwater ice (chilled), with the head on.

***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.

## **DEFINITIONS—Continued**

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

**Producer.**--The terms “producer” and “production” as used in this questionnaire include both farmers/farming and processors/processing of Atlantic salmon.

**Farming.**--The raising of Atlantic salmon, including hatchery operations, freshwater grow-out tanks, and saltwater cages. A firm has actively pursued investment in such facilities, for the purposes of raising Atlantic salmon, is a producer for purposes of this questionnaire.

**Processing.**--The gutting, cleaning, and packaging in ice of Atlantic salmon. “Processing” as used in this questionnaire excludes “further processing” into fillets and steaks, or freezing, smoking, and canning.

**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 fresh and chilled Atlantic salmon (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 (but not including antidumping and/or countervailing duties) at the U.S. port of entry, including ocean freight and insurance costs, brokerage charges, and normal import duties (i.e., including all charges except inland freight in the United States and antidumping and/or countervailing duties).

**Purchaser.**--Any person or firm engaged, either directly or through a parent company or subsidiary, in purchasing fresh and chilled Atlantic salmon (as defined above) from another firm that produces, imports, or otherwise distributes fresh and chilled Atlantic salmon. 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 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.

## **DEFINITIONS--Continued**

**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.

**The following definitions apply only to the PRODUCER 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).



## **DEFINITIONS--Continued**

**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, 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-June periods, calculate similarly and divide by 6.

**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.

**Continued Dumping and Subsidy Offset Act (Byrd Amendment) funds received.**--Funds disbursed by the Bureau of Customs and Border Protection under the Continued Dumping and Subsidy Offset Act of 2000 (the "Byrd Amendment"). The Byrd Amendment provides for the annual distribution of the duties collected pursuant to antidumping and countervailing duty orders. The distribution is available to "affected domestic producers for qualifying expenditures."

**Purchases other than direct imports.**--Purchases from U.S. producers, U.S. importers, and other U.S. sources.