



**GENERAL INFORMATION, INSTRUCTIONS, AND  
DEFINITIONS FOR COMMISSION PRODUCER,  
IMPORTER, AND PURCHASER QUESTIONNAIRES**

**CERTAIN PASTA from ITALY AND TURKEY  
Investigation Nos. 701-TA-365-366 and 731-TA-734-735 (Second 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 members of the Commission's staff (Fax 202-205-3205):***

***Michael Szustakowski, investigator (202-205-3188; E-mail MGS@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; and***

***Steven Trost, economist (202-205-3220; E-mail STEVEN.TROST@USITC.GOV) regarding pricing, market, and related information.***

## GENERAL INFORMATION, INSTRUCTIONS, AND DEFINITIONS

### GENERAL INFORMATION

***Background.***--On July 24, 1996, the Department of Commerce issued countervailing and antidumping duty orders on imports of certain pasta from Italy and Turkey (61 FR 38544). Following five-year reviews by Commerce and the Commission, effective November 16, 2001, Commerce issued a continuation of the countervailing and antidumping duty orders on imports of certain pasta from Italy and Turkey (66 FR 57703). On October 2, 2006, the Commission instituted second five-year 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 still be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time (71 F.R. 57999). On February 2, 2007, the Commission determined that responses to its notice of institution of the subject five-year reviews were such that full reviews pursuant to section 751(c)(5) of the Act should proceed (72 F.R. 5996). To the extent that the Commission makes affirmative determinations, the orders will remain in place. To the extent that the Commission makes negative determinations, the Department of Commerce will revoke the orders.

Additional questionnaires will be supplied promptly upon request, or photocopies of the enclosed questionnaire(s) may be used. 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 May 1, 2007. 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 (in hardcopy or on CD) actually reaches the Commission by May 1, 2007. If submitting in CD format, please also submit a hardcopy of the signed first page of the questionnaire. If you do not use the enclosed envelope, please make sure the completed questionnaire is sent to the attention of Michael Szustakowski. **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).

## **GENERAL INFORMATION, INSTRUCTIONS, AND DEFINITIONS--Continued**

### **GENERAL INFORMATION--Continued**

***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 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.

## GENERAL INFORMATION, INSTRUCTIONS, AND DEFINITIONS--Continued

### 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 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.**

#### **NOTE**

THE IMPORTS OF PASTA THAT ARE **SUBJECT** TO THESE REVIEW INVESTIGATIONS (I.E., THE IMPORTS THAT ARE ASSESSED ANTIDUMPING OR COUNTERVAILING DUTIES) CONSIST OF “CERTAIN PASTA” FROM ITALY AND TURKEY, AS DEFINED ON THE FOLLOWING PAGE. HOWEVER, THE COMMISSION ALSO IS COLLECTING DATA ON **ALL DRY PASTA** PRODUCED IN THE UNITED STATES AND IMPORTED INTO THE UNITED STATES.

THE ENCLOSED QUESTIONNAIRE(S) SHOULD BE COMPLETED BY ALL PRODUCERS, IMPORTERS, AND PURCHASERS OF DRY PASTA, WHETHER OR NOT SUCH DRY PASTA IS SOLD COMMERCIALY, “CO-PACKED” (SOLD FROM ONE PRODUCER TO ANOTHER PRODUCER), CAPTIVELY CONSUMED AS A COMPANY TRANSFER OR INTERNAL TRANSFER, OR SUBSEQUENTLY INCORPORATED INTO DOWNSTREAM PRODUCTS.

## **GENERAL INFORMATION, INSTRUCTIONS, AND DEFINITIONS--Continued**

### **DEFINITIONS**

***Dry pasta.***--All dry pasta (i.e., dry pasta regardless of package size and end use, including dry egg pasta), other than oriental-style noodles. Such pasta that has been dried into a brittle form that is ready for cooking, such as spaghetti, macaroni, or noodles. Dry pasta that is subsequently incorporated into other products such as soups or broths is included in this definition. All dry pasta can be separated into two categories:

***Certain dry pasta.***--Certain dry pasta consists of non-egg dry pasta in packages of 5 pounds (2.27 kilograms) or less, whether or not enriched or fortified or containing milk or other optional ingredients such as chopped vegetables, vegetable purees, milk, gluten, diastases, vitamins, coloring and flavorings, and up to 2 percent egg white. Certain dry pasta is typically sold in the retail market in fiberboard or cardboard cartons or polyethylene or polypropylene bags, of varying dimensions.

Certain dry pasta includes whole wheat pasta, which is defined as pasta made from semolina flour that is milled from the entire wheat kernel (bran, germ, and endosperm) rather than only the endosperm.

Imports of certain dry pasta from the Italian firm Lensi (formerly Italian American Pasta Co.) are no longer subject to either the countervailing or duty orders (70 FR 6832, February 9, 2005, and 71 FR 36318, June 26, 2006), and those data should be reported separately in the importers' questionnaire.

***Other dry pasta.***--Dry pasta not specified above, including dry pasta for industrial use (i.e, pasta in packages of more than 5 pounds (2.27 kilograms)), dry egg pasta (i.e., dry pasta containing egg yolk or containing more than 2 percent egg white, and dry pasta containing no egg yolk or containing up to 2 percent egg white), and organic dry pasta.

Excluded from these reviews are all pasta that is not dry, i.e., moist, fresh, refrigerated, or frozen; and canned pastas. Also excluded are oriental-style noodles. Dry pasta is covered by subheadings 1902.11.20 and 1902.19.20 of the Harmonized Tariff Schedule of the United States (HTS). These HTS item numbers are provided for convenience and customs purposes. The written description remains dispositive.

***Captive production/internal consumption.***--Refers to production of dry pasta that is not sold in the merchant market and that is processed into a higher-valued downstream product by the same producer.

***Downstream product.***--An article distinct from dry pasta but in which dry pasta is used as an ingredient, even if the dry pasta is further processed (e.g., by cooking).

## **GENERAL INFORMATION, INSTRUCTIONS, AND DEFINITIONS--Continued**

### **DEFINITIONS--Continued**

**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 dry pasta (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.

**Food service market.**--Restaurants, cafeterias, institutional users such as hospitals and schools, and government purchasers. Food service distributors include companies such as Sysco, Alliant, or Sexton Rykoff.

**Industrial market.**--End users who produce products for commercial sale that use dry pasta as an ingredient, even if the dry pasta is further processed (e.g., by cooking).

**Merchant market.**--Refers to sales of dry pasta to unrelated customers.

**Retail market.**--National and regional grocery stores/chains, mass merchandisers, wholesale clubs, drug stores, local specialty stores, wholesale distributors, specialty distributors, and direct store distributors (DSDs). Listed below are examples of each of these market segments:

**Grocery stores/chains.**--Includes stores such as Safeway, Kroger, and Winn Dixie.

**Mass merchandisers.**--Includes stores such as Wal-Mart and K-Mart.

**Wholesale clubs.**-- Includes stores such as Sam's Club, Costco, and BJ's.

**Direct store distributors (DSDs).**--Includes distributors such as Victoria Packing Corp. and Kehe.

**Specialty distributors.**--Includes distributors such as Alanric Food Distributors.

**Wholesale distributors.**--Includes distributors such as SUPERVALU, Inc. and Fleming Companies, Inc.

## **GENERAL INFORMATION, INSTRUCTIONS, AND DEFINITIONS--Continued**

### **DEFINITIONS--Continued**

***Importer.***--Any person or firm engaged, either directly or through a parent company or subsidiary, in importing dry pasta (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 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 dry pasta (as defined above) from another firm that produces, imports, or otherwise distributes dry pasta. 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 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 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).

## **GENERAL INFORMATION, INSTRUCTIONS, AND DEFINITIONS--Continued**

### **DEFINITIONS--Continued**

#### **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).

**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.

## **GENERAL INFORMATION, INSTRUCTIONS, AND DEFINITIONS--Continued**

### **DEFINITIONS--Continued**

**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.

**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.