



INSTRUCTION BOOKLET

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

Lemon Juice from Argentina and Mexico Investigation Nos. 731-TA-1105-1106 (Reviews)

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):

Amy Sherman, investigator (202-205-3289; Email: amy.sherman@usitc.gov)
regarding general questions and trade and related information; and

Amelia Preece, economist (202-205-3250; Email: amelia.preece@usitc.gov)
regarding market related information.

GENERAL INFORMATION

Background.--On September 10, 2007, the Department of Commerce suspended the investigations on imports of lemon juice from Argentina (72 FR 53991) and Mexico (72 FR 53995). On August 1, 2012, 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 termination of the suspended investigations would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time (77 FR 45653). If the Commission makes affirmative determinations, the suspension agreements will remain in place. If the Commission or Commerce makes a negative determination on a particular review, the Department of Commerce will terminate that suspension agreement.

Questionnaires and other information pertinent to these reviews are available at http://www.usitc.gov/trade_remedy/731_ad_701_cvd/investigations/2012/lemon_juice/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).--Please submit the completed questionnaire(s) to the United States International Trade Commission so as to be received by no later than **March 15, 2013**. 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 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 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.** 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 processor, importer, purchaser, and/or foreign producer questionnaire), you need not respond to duplicated questions in the questionnaires. Questionnaires may be filed either electronically or in paper form.

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

Electronic completion.--Your firm is encouraged (but not required) to complete the questionnaire electronically in MS Word format. The MS Word versions of all the questionnaires in this proceeding are available online at the ITC web page or may be obtained directly from the Commission's Investigator, Amy Sherman (amy.sherman@usitc.gov, or 202-205-3289).

Electronic submission.--To the degree that it is possible and not overly burdensome, the Commission requests that responding firms submit their questionnaire responses electronically in MS Word format. The submission of questionnaire responses in the MS Word format allows the Commission to compile, assess, and analyze submitted data more promptly. There are three electronic submission options detailed below. Paper submissions are also accepted.

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/2012/lemon_juice/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:

• **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/oinv/> **Pin:** LJ

• **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-TA-1105-1106. *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

Lemon juice.--Consists of certain lemon juice for further manufacture, with or without addition of preservatives, sugar, or other sweeteners, regardless of the GPL (grams per liter of citric acid) level of concentration, brix level, brix/acid ratio, pulp content, clarity, grade, horticulture method (e.g., organic or not), processed form (e.g., frozen or not--from concentrate), FDA standard of identity, the size of the container in which packed, or the method of packing. Excluded from the scope are: (1) lemon juice at any level of concentration packed in retail-sized containers ready for sale to consumers, typically at a level of concentration of 48 GPL; and (2) beverage products such as lemonade that typically contain 20 percent or less lemon juice as an ingredient. Lemon juice is classifiable under statistical reporting numbers 2009.31.4000, 2009.31.6020, 2009.31.6040, 2009.39.6020, and 2009.39.6040 of the Harmonized Tariff Schedule of the United States (HTS).

Grams per liter (GPL)--Measurement for the level of concentration of citric acid in fruit juices.

Brix degree--Measurement for the level of concentration of fruit juices. A higher Brix degree means a higher concentration, i.e., more water has been removed from the juice and more fruit solids per unit of juice remains.

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 Argentina or Mexico involved in the production of lemon juice (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.

Importer.--Any person or firm engaged, either directly or through a parent company or subsidiary, in importing lemon juice (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).

DEFINITIONS--Continued

Production.--All production in your establishment(s) in Argentina or Mexico, including production consumed internally within your firm.

Shipments.--Shipments of products produced in your establishment(s) in Argentina or Mexico.

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 Argentina or Mexico.

Home market commercial shipments.--Shipments, other than internal consumption and transfers to related firms, within Argentina or Mexico.

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

Export shipments.--Shipments to destinations outside Argentina or Mexico, including shipments to related firms.

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