

UNITED STATES INTERNATIONAL TRADE COMMISSION

Agency Information Collection Activities;
Proposed Collection; Comment Request

AGENCY: U.S. International Trade Commission.

ACTION: Notice of proposed collection; comment request.

SUMMARY: The proposed information collection is a 3-year extension, pursuant to the Paperwork Reduction Act of 1995 (P.L. 104-13), of the current "generic clearance" (approved by the Office of Management and Budget under control No. 3117-0016) under which the Commission can issue information collections (specifically, producer, importer, purchaser, and foreign producer questionnaires and certain institution notices) for a series of import injury investigations that are required by the Tariff Act of 1930 and the Trade Act of 1974, normally in response to petitions from domestic firms.

Comments concerning the proposed information collections are requested in accordance with 5 CFR 1320.8(d); such comments are described in greater detail in the section of this notice entitled supplementary information.

DATES: To be assured of consideration, written comments must be received not later than April 1, 2005.

ADDRESS: Signed comments should be submitted to Marilyn Abbott, Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, D.C. 20436.

FOR FURTHER INFORMATION CONTACT: Copies of the proposed information collections and draft Paperwork Reduction Act Submission and Supporting Statement to be submitted to the Office of Management and Budget may be obtained from: Debra Baker, Office of Investigations, U.S. International Trade Commission (telephone no.-202-205-3180; e-mail address-Debra.Baker@usitc.gov). Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its internet server

(<http://www.usitc.gov>). The draft Supporting Statement is also on the Commission's website (at <http://info.usitc.gov/OINV/INVEST/OINVINVEST.NSF>).

SUPPLEMENTARY INFORMATION:

Request for Comments

Comments are solicited as to (1) whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used; (3) the quality, utility, and clarity of the information to be collected; and (4) minimization of the burden of the proposed information collection on those who are to respond (including through the use of appropriate automated, electronic, mechanical, or other technological forms of information technology, e.g., permitting electronic submission of responses).

Summary of the Proposed Information Collections

(1) Need for the Proposed Information Collections

The information requested in the questionnaires and five-year sunset review institution notices is for use by the Commission in connection with the following statutory investigations: antidumping duty, countervailing duty, escape clause, North American Free Trade Agreement (NAFTA) safeguard, market disruption, and interference-with-programs of the U.S. Department of Agriculture (USDA). The Commission's generic clearance to issue questionnaires will not apply to repetitive questionnaires such as those issued on a quarterly or annual basis or to other investigations and research studies conducted under section 332 of the Trade Act of 1974.

Data received in response to the questionnaires issued under the terms of the proposed generic clearance are consolidated in the form of a staff report. In addition, in the majority of its investigations, the Commission releases completed questionnaires returned by industry participants to representatives of parties to its investigations under the terms of an administrative protective order, the terms of which safeguard the confidentiality of any business proprietary or business confidential information.

Representatives of interested parties also receive a confidential version of the staff report under the administrative protective order. Subsequent party submissions to the Commission for specific proceedings are based, in large part, upon their review of the information collected by the Commission. The information provided by firms in response to the questionnaires constitutes a major portion of the statistical base for the Commission's determinations.

Publicly-available data are utilized where possible by the Commission. However, the use of questionnaires is generally the most expedient and valid method of obtaining record data due to the requirement for comparability in measurement for production (both domestic and foreign), import, and purchase data as well as for timeliness and due to the frequent need to evaluate the individual operations of firms within an industry. Included in the proposed generic clearance are the institution notices for the five-year reviews of antidumping and countervailing duty orders and suspended investigations. Responses to the institution notices will be evaluated by the Commission and form much of the record for its determination to conduct either an expedited or full review.

(2) Information Collection Plan

Questionnaires for specific investigations are sent to all identified domestic producers manufacturing the product(s) in question. Importer and purchaser questionnaires are also sent to all significant importers/purchasers of the product(s). Finally, all foreign manufacturers of the product(s) in question that are represented by counsel are sent questionnaires, and, in addition, the Commission attempts to contact any other foreign manufacturers, especially if they export the product(s) in question to the United States. Firms receiving questionnaires include businesses, farms, and/or other for-profit institutions; responses are mandatory.

The institution notices for the five-year reviews are published in the *Federal Register* and solicit comment from interested parties (i.e., U.S. producers within the industry in question as well as labor

unions or representative groups of workers, U.S. importers and foreign exporters, and involved foreign country governments).

(3) Description of the Information to be Collected

Although the content of each questionnaire will differ based on the needs of a particular investigation, questionnaires are based on long-established, generic formats. Producer questionnaires generally consist of the following four parts: (part I) general questions relating to the organization and activities of the firm; (part II) data on capacity, production, inventories, employment, and the quantity and value of the firm's shipments and purchases from various sources; (part III) financial data, including income-and-loss data on the product in question, data on asset valuation, research and development expenses, and capital expenditures; and (part IV) pricing and market factors. (Questionnaires may, on occasion, also contain part V, an abbreviated version of the above-listed parts, used for gathering data on additional product categories.)

Importer questionnaires generally consist of three parts: (part I) general questions relating to the organization and activities of the firm; (part II) data on the firm's imports and the shipment and inventories of its imports; and (part III) pricing and market factors similar to that requested in the producer questionnaire.

Purchaser questionnaires generally consist of five parts: (part I) general questions relating to the organization and activities of the firm; (part II) data concerning the purchases of the product by the firm; (part III) market characteristics and purchasing practices; (part IV) comparisons between imported and U.S.-produced product; and (part V) actual purchase prices for specific types of domestic and subject imported products and the names of the firm's vendors.

Foreign producer questionnaires generally consist of (part I) general questions relating to the organization and activities of the firm; (part II) data concerning the firm's manufacturing operations; and may include (part III) market factors.

The notices of institution for the five-year reviews include 11 specific requests for information that firms are to provide if their response is to be considered by the Commission.

The Commission solicits input from petitioners and other potential recipients when preparing questionnaires for individual investigations to ensure that the questions are succinct and relevant to the investigation and that the scope of the information request is streamlined to the extent feasible. Further, the Commission has formalized the process where interested parties comment on data collection and draft questionnaires in final phase countervailing duty and antidumping investigations (and 5-year full reviews). Interested parties are provided approximately 2 weeks to provide comments to the Commission on the draft questionnaires.

(4) Estimated Burden of the Proposed Information Collection

The Commission estimates that information collections issued under the requested generic clearance will impose an average annual burden of 173,000 burden hours on 4,300 respondents (i.e., recipients that provide a response to the Commission's questionnaires or the notices of institution of five-year reviews). Table 1 lists the projected annual burden for each type of information collection for the period July 2005-June 2008:

Table 1
Projected annual burden data, by type of information collection, July 2005-June 2008

Item	Producer questionnaires ¹	Importer questionnaires ²	Purchaser questionnaires ³	Foreign producer questionnaires ⁴	Institution notices for 5-year reviews ⁵	Total
Estimated burden hours imposed annually for July 2005-June 2008						
Number of respondents	952	1,370	1,070	814	61	4,267
Frequency of response	1	1	1	1	1	1
Total annual responses	952	1,370	1,070	814	61	4,267
Hours per response	52.7	38.5	26.3	50.6	14.8	40.6
Total hours	50,170	52,745	28,141	41,188	904	173,148

¹ Producer questionnaires.--Estimates based upon the following variables: number of respondents (anticipated caseload (x) number of producer respondents per case) and hours per response (responding firm burden (+) outside review burden (+) third-party disclosure burden). *See definitions below.* Responding firm burden accounts for 91 percent of the total producer questionnaire burden (48.0 hours per response), outside review burden accounts for 6 percent of the total burden, and third-party disclosure burden accounts for the remaining 3 percent. (The averages per questionnaire of the outside review and third-party disclosure burdens are not listed here since they are incurred only for the questionnaires of parties; such averages for all questionnaires are not meaningful.)

² Importer questionnaires.--Estimates based upon the following variables: number of respondents (anticipated caseload (x) number of importer respondents per case) and hours per response (responding firm burden (+) outside review burden (+) third-party disclosure burden). *See definitions below.* Responding firm burden accounts for 98 percent of the total importer questionnaire burden (37.7 hours per response), outside review burden and third-party disclosure burden each account for about 1 percent of the total burden. (The averages per questionnaire of the outside review and third-party disclosure burdens are not listed here since they are incurred only for the questionnaires of parties; such averages for all questionnaires are not meaningful.)

³ Purchaser questionnaires.--Estimates based upon the following variables: number of respondents (anticipated caseload (x) number of purchaser respondents per case) and hours per response (responding firm burden). *See definitions below.* Purchasers are not interested parties to investigations by statute and typically do not engage outside counsel. Therefore, there is minimal outside review burden nor third-party disclosure burden for purchasers.

⁴ Foreign producer questionnaires.--Estimates based upon the following variables: number of respondents (anticipated caseload (x) number of foreign producer respondents per case) and hours per response (responding firm burden (+) outside review burden (+) third-party disclosure burden). *See definitions below.* Responding firm burden accounts for 62 percent of the total foreign producer questionnaire burden (31.4 hours per response), outside review burden accounts for another 20 percent, and third-party disclosure burden accounts for 18 percent of the total burden.

⁵ Institution notices for 5-year reviews.--Estimates based upon the following variables: anticipated five-year review caseload, number of respondents to each notice, and responding firm burden.

Note.--Above estimates include questionnaires for specific investigations where the mailing list consists of fewer than 10 firms. In such instances the majority or all firms within the industry under investigation may be said to receive questionnaires. According to the Paperwork Reduction Act of 1995, "(a)ny collection of information addressed to all or a substantial majority of an industry is presumed to involved ten or more persons."

Definitions on the next page.

DEFINITIONS

Anticipated caseload.--Derived from current Commission budget estimates.

Number of respondents per case.--Defined as the number of firms which return completed (*see* note 3 to table 3) questionnaires to the Commission. Current estimates of "number of respondents per case" for the questionnaires were derived, in part, from the number of respondents to Commission questionnaires that were issued under the current generic clearance.

Responding firm burden.--Defined as the time required by the firm which received the questionnaire to review instructions, search data sources, and complete and review its response. Commission questionnaires do not impose the burden of developing, acquiring, installing and utilizing technology and systems, nor require adjusting existing methodology or training personnel. Current estimates of "responding firm burden" for the questionnaires were derived, in part, from the actual burden reported by firms that responded to Commission questionnaires issued under the current generic clearance.

Outside review burden.--Time devoted by outside legal and financial advisors to reviewing questionnaires completed by the responding firms who are their clients prior to submitting them to the Commission.

Third-party disclosure burden.--Time required for outside legal advisors to serve their clients' questionnaires on other parties to the investigation or review under an administrative protective order.

The Commission further estimates that it costs responding firms \$72.27 per burden hour to complete a specific questionnaire issued under the generic clearance. (This estimate is based upon actual costs reported by respondents to questionnaires issued under the current generic clearance.) More complete information concerning costs to respondents, including costs incurred for the purchase of services, and estimates of the annualized cost to the Commission are presented in the draft Supporting Statement available from the Commission. There is no known capital and start-up cost component imposed by the proposed information collections.

(5) Minimization of burden

The Commission strives to minimize the burden on all questionnaire respondents and takes into account the needs of smaller firms. It periodically reviews its investigative processes, including data collection, to reduce the information burden. In recognition of the limitations of administrative resources or automated record systems, questionnaires clearly state that estimates are acceptable for certain items. They are designed in part with check-in type formats to simplify the response. The reporting burden for smaller firms is reduced in that the sections of the questionnaire that are applicable to their operations are typically more limited. For example, questionnaires are constructed so that meaningful data can be

obtained from larger firms with complex business operations; thus, many sections of the questionnaires may not apply to respondents with comparatively simple operations. Requests by parties to expand the data collection or add items to the questionnaire may not be accepted if the Commission believes such requests will increase the response burden while not substantially adding to the investigative record.

The Commission's collection of data through its questionnaires does not currently involve the interactive use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Completed questionnaires are almost always returned to the Commission in paper form (including by fax and e-mail). While the Commission has explored the use of alternative methods of submission, it has proved most expedient to use paper copies for a number of reasons. (The draft Supporting Statement available from the Commission addresses this issue in greater detail.) Likewise, it is the Commission's experience that it is most expedient that the information provided in response to its notices of institution for the five-year reviews be submitted in document form directly to its Office of the Secretary.

By order of the Commission.

Marilyn R. Abbott
Secretary to the Commission

Issued: January 27, 2005