

**SUPPORTING STATEMENT
FOR
UNITED STATES INTERNATIONAL TRADE COMMISSION
INFORMATION COLLECTIONS FOR IMPORT INVESTIGATIONS**

**Questionnaires Issued for Import Investigations
Institution Notices for Five-Year Reviews**

As part of the import injury investigations conducted under a series of statutes (antidumping, countervailing duty, escape clause, NAFTA safeguard, market disruption, and interference-with-programs-of-the USDA), the U.S. International Trade Commission (Commission) issues a series of questionnaires to firms participating in U.S. industrial and agricultural industries.¹ In addition, for certain investigations (namely, the five-year reviews of antidumping and countervailing duty orders and suspended investigations), the Commission publishes institution notices in the *Federal Register* that constitute an information collection as defined by the Paperwork Reduction Act of 1995. This supporting statement is for an extension, or renewal, of the current Commission “generic clearance” from the Office of Management and Budget (OMB) to issue information collections for import injury investigations.

Sample or “generic” questionnaires (U.S. producers’, U.S. importers’, U.S. purchasers’, foreign producers’, and related instructions) used for import injury investigations are available on the Commission’s website (at <http://info.usitc.gov/OINV/INVEST/OINVINVEST.NSF>); a separate set of questionnaires for use in the five-year reviews is also on the website (at <http://205.197.120.60/oinv/sunset.nsf>). The sample questionnaires are designed to illustrate the different types of data that the Commission usually seeks in its investigations and are representative of the average burden placed on questionnaire respondents. In most investigations, the data requested will closely resemble that shown in the sample questionnaires. The Commission will continue, in most circumstances, to request only three full years and two partial years of data in antidumping and countervailing duty investigations. However, somewhat more data typically is requested in the infrequent escape clause investigations. Also, additional periods of data may be requested in five-year reviews of the later-dated orders.

Included with this information clearance package is a sample notice of institution for five-year reviews. The notice includes specific requests for information that firms are to provide if their response is to be considered by the Commission.²

¹ It is understood that the Commission’s generic clearance to issue questionnaires will not apply to repetitive questionnaires such as those issued on a quarterly or annual basis. In addition, it will not apply to other investigations and research studies conducted under section 332 of the Trade Act of 1974. These investigations are differentiated from those included under the generic clearance in that they do not require an injury determination. The Commission will continue to request OMB approval of questionnaires for such investigations on an individual basis.

² The institution notice states that if the interested party “fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to section 776(b) of the Act {Tariff Act of 1930} in making its determination in the review.” Interested parties consist of 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.

Part A. Justification

(1) Request.--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:³

<u>Investigation name</u>	<u>Statute</u>
Antidumping	Sections 731-739, 751, 752, 761, and 762 of the Tariff Act of 1930, as amended (19 U.S.C. §§ 1673-1673h, 1675, 1675a, 1676, and 1676a)
Countervailing duty	Sections 701-709, 751, 752, 753, 761, and 762 of the Tariff Act of 1930, as amended (19 U.S.C. §§ 1671-1671g, 1675, 1675a, 1675b, 1676, and 1676a)
Escape clause	Sections 201-204 and the Trade Act of 1974, as amended (19 U.S.C. §§ 2251-2254)
NAFTA safeguard	Sections 301-317 of the North American Free Trade Agreement Implementation Act (19 U.S.C. §§ 3351-3358, 3371, 3372, and 3381)
Market disruption	Section 406 of the Trade Act of 1974, as amended (19 U.S.C. § 2436)
Interference with programs of the USDA	Section 22 of the Agricultural Adjustment Act of 1933, as amended (7 U.S.C. § 624)

The Commission conducts antidumping and countervailing duty investigations under provisions of Title VII of the Tariff Act of 1930 to determine whether domestic industries are being materially injured or threatened with material injury by reason of imports of products which are sold at less than fair value (antidumping cases) or subsidized (countervailing duty cases). Five-year reviews of antidumping and countervailing duty orders and of suspended investigations are conducted to determine whether revocation of the existing orders would be likely to lead to continuation or recurrence of material injury to the domestic industry. The Commission conducts escape-clause investigations to determine whether increased imports are a substantial cause of serious injury or threat of serious injury to a domestic industry. NAFTA safeguard investigations are conducted under the authority of the North American Free Trade Agreement and examine whether increased imports

³ A full text copy of the Tariff Act of 1930 and the Trade Act of 1974 was included in the clearance request made on April 16, 1980. A copy of Section 22 of the Agricultural Adjustment Act of 1921 was included with the May 15, 1981 submission. The Omnibus Trade and Competitiveness Act of 1988 (Public Law 100-418, 102 STAT 1107) amends portions of both the Tariff Act of 1930 and the Trade Act of 1974; a copy was included with the July 31, 1990 submission. A copy of sections 301-317 of the North American Free Trade Agreement Implementation Act was included with the May 3, 1996 clearance request. See also the *Summary of Statutory Provisions Related to Import Relief* on the Commission's website (at <http://www.usitc.gov/webinv.htm>). The Commission's regulations concerning the conduct of import injury investigation are found in 19 CFR, subchapters A and B of Chapter II, which is also posted on the website.

from Canada or Mexico are a substantial cause of serious injury or threat of serious injury to a domestic industry. Market disruption investigations are conducted to determine whether imports of an article produced in a Communist country are causing material injury to a domestic industry. The Commission also conducts investigations to determine whether imports are interfering with programs of the Department of Agriculture for agricultural commodities or products.

The Commission's authority for obtaining data by questionnaire is set forth in section 333(a) of the Tariff Act of 1930.

(2) Purpose.--The information collected through questionnaires issued under the generic clearance for import injury investigations is consolidated by Commission staff and presented to the Commission 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 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.

The submissions made to the Commission in response to the notices of institution of five-year reviews are evaluated to determine if they meet the criteria for adequacy. If the Commission concludes that interested parties' responses to the notice of institution are adequate, or otherwise determines that a full review should proceed, investigative activities pertaining to that review will continue. Alternatively, if the Commission concludes that interested parties' responses to the notice of institution are inadequate, it may decide to conduct an expedited review, which does not require gathering data using questionnaires.

Depending upon the specific type of investigation, the Commission is required to notify either the Department of Commerce or the President, in addition to the petitioner and other parties, of its determination and the relevant facts. Affirmative Commission determinations in antidumping and countervailing duty investigations result in the imposition of additional duties on imports entering the United States. If the Commission makes an affirmative determination in a five-year review, the existing antidumping or countervailing duty order will remain in place. The data developed in escape-clause, market disruption, and interference-with-USDA-program investigations (if the Commission finds affirmatively) are used by the President/U.S. Trade Representative to determine the type of relief, if any, to be provided to domestic industries. See the *Year in Review* (published on a fiscal year basis) on the Commission's website (at <http://www.usitc.gov/webpubs.htm>) for a listing of import injury investigations completed in each fiscal year.

(3) Information technology.--The Commission's receipt of questionnaire data does not currently involve the 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. While the Commission has explored the use of alternative methods of submission, it has proved most expedient to receive paper copies for a number of reasons. First, there is minimal time available to Commission staff to develop and issue a questionnaire for many investigations (often only a day or two). The specific questionnaires issued under the generic

clearance are not repetitive (i.e., are one-time submissions). While they are very similar in the types of data gathered and issues considered, the actual formats of the questionnaire can differ significantly from investigation to investigation. Further, each investigation involves a different set of firms, many of which may have never before received a questionnaire from the Commission.

Secondly, the questionnaires include substantial narrative questions and encourage and/or specifically request that respondents submit additional comments or company-specific documentation (items which cannot be easily transmitted electronically). Also, Commission regulations require that questionnaire submissions include signed certifications (by an authorized official of the firm) that the completed questionnaires are complete and accurate.

A final consideration is the requirement that interested parties to an investigation serve a copy of their completed questionnaires on the other parties under an administrative protection order (*see* 19 CFR § 207.7). In addition, a signed certificate, if appropriate, of service must accompany their submissions.

However, while there are certain impediments to the receipt of data in electronic form, the Commission will, as it has in the past, accept electronic submissions when large amounts of “repetitive” data are being requested. Further, the Commission now makes the questionnaires used in specific investigations available to firms on its website in both Word Perfect and pdf formats (*see* the Commission’s website at <http://info.usitc.gov/OINV/INVEST/OINVINVEST.NSF>). The Commission will also, upon request, e-mail an electronic version of a specific questionnaire to recipients. In addition, the Commission has conducted forums on issues relating to electronic filing and maintenance of documents (*see* the most recent notice issued December 17, 2001 on the Commission’s web site at <http://www.usitc.gov/invfrn.htm>).

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.

Information on the Commission’s procedures for disseminating the information gathered for specific investigations to the public is provided in response to question 16 of the Supporting Statement.

(4) Non-duplication.--The Commission contacts trade associations, government agencies, and other industry participants prior to developing a questionnaire in order to determine the amount and type of data already available and to avoid duplication. However, the Commission can rarely rely solely upon existing data sources.

For each investigation it conducts, the Commission generally is restricted to examining a relatively narrow group or range of products in assessing injury, or threat of injury, to a specific domestic industry. In most cases, the product categories of published data are too broad and/or do not correspond to the product(s) under investigation. It is also necessary for the Commission to ensure that for such items as shipments and pricing, the data it considers is collected using the same measurement criteria for producers, importers, and purchasers. Timeliness is also of concern. For example, the Commission usually examines data for the most recent three full years and two partial years in antidumping and countervailing duty investigations, ending with the last quarter for which firms have closed their books. Further, it is very often necessary for its staff to present and for the Commission to evaluate information on the individual operations of the firms within an industry (information not available on a public basis). In general, the Commission has found the use of

questionnaires to be the most expedient and valid method of obtaining the data which form the statistical base for its determinations. Public data which the Commission has been able to utilize on a regular basis consist primarily of the quantity and value of imports into the United States maintained by Commerce; some use has also been made of USDA statistics for cases involving agricultural commodities and data maintained by the American Iron and Steel Institute for steel investigations.

(5) Small businesses.--The Commission generally directs its data collection activities towards those firms which account for a significant percentage of the total trade of the products under investigation. Such firms are the larger businesses in the industry under investigation, but may be classified as "small businesses" under the rules of the Small Business Administration. The burden is minimized for any "small" firms included on a Commission mailing list since, in contrast to the "larger" firms, they will generally only produce, import, or purchase some of the products under investigation and thus, by definition, need only complete part of the questionnaire. In addition, the Commission's staff generally contacts questionnaire recipients to assist them in completing their response. Firms for which the questionnaire is particularly burdensome may receive additional time to complete the questionnaire and/or be encouraged to use estimates. (The instructions of each questionnaire provide the names and telephone numbers of Commission staff assigned to the investigation; they also state that carefully prepared estimates are acceptable.) Also, a firm (especially if small in size) whose operations upon examination appear to be of lesser relevance to the investigation may be exempted from completing all or a portion of the questionnaire.

(6) Consequence of non-collection.--As discussed above, the Commission would be severely hampered in making its determinations and recommendations if the information collections are not conducted.

The actual questions formulated for use in a specific investigation depend upon such factors as the nature of the industry, the relevant issues, the ability of respondents to supply the data, and the availability of data from secondary sources. However, the issues to be examined are largely determined by statutory mandate. The Tariff Act of 1930 identifies certain economic factors that the Commission is to take into account in arriving at determinations in countervailing duty and antidumping investigations. Section 771(7) of the Act directs the Commission to evaluate, in addition to any other relevant economic factors, the following: import volumes, prices, production, shipments, profitability, productivity, inventories, employment, wages, growth, ability to raise capital, and investment. The Commission is also provided with guidelines concerning the economic factors it is to take into account in making its determinations in escape clause investigations. Section 202(c)(1) of the Trade Act of 1974 directs the Commission to take into account all relevant economic factors, but specifically mentions the following: capacity utilization; profitability; unemployment; underemployment; sales; inventories; production; wages; import levels, both relative to production and absolute; and the proportion of the domestic market supplied by domestic producers. The Commission may also be required to examine injury to both national and regional industries in countervailing duty and antidumping investigations (Section 771(4)(C) of the Tariff Act of 1930) and in escape-clause and market disruption investigations (Sections 202(c)(4)(C) and 406(a)(2), respectively, of the Trade Act of 1974). In some investigations, questionnaires will solicit data pertaining to other economic factors not listed in the statutes (e.g., channels of distribution and lost sales) because such data have been found to be particularly useful in past Commission determinations or are relevant to the case in question.

(7) Special circumstances.--Except as noted below, there are no special circumstances that would cause a questionnaire issued under the generic clearance to be issued in a manner inconsistent with the items specified in item 7 of the specific instructions for the Supporting Statement.

The Commission cannot always allow respondents 30 days to prepare a written response to an information collection. Some of the questionnaires issued under the generic clearance are for those antidumping and countervailing duty investigations that have statutory deadlines of 45 days. For these investigations it is necessary that the data be returned to the Commission in time for the staff to compile it and prepare a final staff report by about day 39. On day 45, the Commission submits its determination to the Secretary of Commerce. For all other types of investigations, the Commission attempts to provide respondents 30 days or more to respond to its questionnaires. Extensions of the Commission's questionnaire deadlines frequently are provided upon request.

None of the special circumstances enumerated in item 7 of the supporting statement apply to the information collections contained within the Commission's notices of institution for the five-year reviews.

(8) Consultations.--The Commission's notice soliciting comments on the proposed information collection (for the generic clearance) prior to submitting it to OMB was published in the *Federal Register* on February 11, 2002 (copy attached), as required by 5 CFR § 1320.8(d). Further, a draft of this Supporting Statement was placed on the Commission's website which regularly is viewed by the trade law firms that appear before the Commission. No comments on the proposed information collection were received.

Overall questionnaire format and content are determined by the appointed Commissioners as a body. The Commission carefully considers the impact of its data collection activities, particularly concerning cost and burden imposed on the individual firms it surveys. For every individual investigation, industry representatives are solicited by Commission staff for their input and comments regarding the specific questionnaires that will be issued. The Commission staff works closely with questionnaire recipients to minimize burden. Further, the Commission has formalized the process where interested parties comment on data collection and draft questionnaires in final phase antidumping and countervailing duty investigations (including the five-year reviews). Interested parties are provided approximately 2 weeks to provide comments to the Commission on the draft questionnaires. After the comment period, each individual Commissioner reviews and approves the questionnaires through the Commission's "action jacket" procedure.⁴

With respect to the institution notices and questionnaires issued for the five-year reviews of antidumping and countervailing duty orders and suspended investigations, the Commission has also attempted to minimize the amount of information it collects from the industries involved in the reviews while still meeting its statutory obligations.⁵ As part of its preparation for beginning the five-

⁴ However, due to the short amount of time available, Commission staff is authorized to directly issue questionnaires in preliminary phase, or 45-day, antidumping and countervailing duty. The content of questionnaires in a 45-day investigation is based, in part, upon information provided and issues raised in the petition for the investigation.

⁵ For example, to minimize burden the Commission decided not to collect projected data (except for the capacity to produce by foreign manufacturers) in the five-year reviews and placed great emphasis on gathering

(continued...)

year reviews, the Commission invited public comment on issues pertaining to the reviews, including the questionnaire process, in its *Notice of Proposed Rulemaking* published in the *Federal Register* (62 FR 55185 (Oct. 23, 1997)).

(9) Payments or gifts to respondents.--There is no provision for any payment or gifts to respondents.

(10) Confidentiality.--The authority for accepting submissions of information as confidential is specified in 19 CFR 201.6. The respondents are informed in the questionnaires that:

The commercial and financial data furnished in response to the enclosed questionnaire 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 discussions of trends) will be treated as confidential business information only at the request of the submitter for good cause shown.

The following information describing the administrative protection order service requirement and providing certain information to the Department of Commerce is also provided to respondents in the questionnaires:

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 investigation, 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 solely in connection with this investigation; those individuals would be subject to severe penalties if the information were divulged to unauthorized individuals. In addition, if your firm is a U.S. producer, the information you provide on your production and imports and your responses to the questions in Part I of the producer questionnaire will be provided to the U.S. Department of Commerce, upon its request, for use in connection with (and only in connection with) its requirement pursuant to sections 702(c)(4) and/or 732(c)(4) of the Act (19 U.S.C. § 1671a(c)(4) and/or /1673a(c)(4)) to make a determination concerning the extent of industry support for the petition requesting this investigation.

In addition, the administrative protection order service requirement also applies to and is described in the notices of institution for five-year reviews and questionnaires for escape clause investigations.

The administrative protection order service requirement constitutes a third-party disclosure (i.e., a directive for a person to disclose information to other persons) under the Paperwork Reduction Act of

⁵ (...continued)

information from firms in narrative form, rather than collecting quantitative data, in responses to its institution notices.

1995. The “authorized applicants,” or those who are eligible to receive business proprietary information under the administrative protective order, are limited to persons who represent interested parties to a specific import injury investigation. In most investigations, the class of authorized applicants comprises certain representatives of petitioners, of other domestic producers, and of importers and foreign producers of the products subject to investigation. These persons have a clear ability to understand and act upon the information that is disclosed. As described earlier, party briefs and other submissions to the Commission are based in large part upon information released to them under the terms of the administrative protective order.

(11) Sensitive information.--Information on issues of a sensitive nature involving persons is not sought.

(12) Estimates of burden (August 2002 through July 2005).⁶--The Commission estimates that information collections issued under the requested generic clearance will impose an average annual burden of 143,000 burden hours on 3,500 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 August 2002 through July 2005.

Table 1 Projected annual burden data, by type of information collection, August 2002-July 2005						
Item	Producer questionnaires¹	Importer questionnaires²	Purchaser questionnaires³	Foreign producer questionnaires⁴	Institution notices for 5-year reviews⁵	Total
Estimated burden hours imposed annually for August 2002-July 2005						
Number of respondents	887	1,186	778	639	24	3,514
Frequency of response	1	1	1	1	1	1
Total annual responses	887	1,186	778	639	24	3,514
Hours per response	57.5	44.0	28.0	28.0	7.4	40.7
Total hours	51,002	52,184	21,784	17,892	178	143,040
Estimated burden hours imposed for August 2004-July 2005⁶						
Number of respondents	1,278	1,708	1,264	920	46	5,216
Frequency of response	1	1	1	1	1	1
Total annual responses	1,278	1,708	1,264	920	46	5,216
Hours per response	57.5	44.0	28.0	28.0	7.4	40.3
Total hours	73,485	75,152	35,392	25,760	340	210,129
<i>Notes on next page.</i>						

⁶ An August-July period is used since the current generic clearance expires on July 31, 2002.

FOOTNOTES

(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 (52.3 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 (43.1 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 rarely engage outside counsel. Therefore, there is no measurable 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 34 percent of the total foreign producer questionnaire burden (35.9 hours per response), outside review burden accounts for another 34 percent, and third-party disclosure burden accounts for 32 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. The Commission based its estimate of the number of respondents upon the number of responses per review received to date. Responding firm burden is estimated based on a comparison of the amount of information contained in notices received to date to completed producer questionnaires.

(6) Twelve-month period during which the greatest response burden is anticipated.

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 and methodology on next page.

DEFINITIONS AND METHODOLOGY

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 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. Commission staff conducted a survey of fewer than 10 law firms which have appeared before the Commission to derive a “petitioner” review burden estimate per party questionnaire and a “respondent” review burden estimate. Staff also reviewed a number of past investigations (33) to determine the average number of “parties” (i.e., respondent interested parties who were represented by outside counsel) per investigation and calculated the total number of review burden hours that would be incurred annually. The “petitioner/producer” review burden was applied to the producer questionnaire burden figures and the “respondent” review burden was divided among the importer and foreign producer questionnaires.

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. Commission staff included in its survey of law firms a request for the average third-party disclosure burden and using the same methodology described above for outside review burden applied the third-party disclosure burden to the hours per response figures for the producer, importer, and foreign producer questionnaires.

As indicated above, the caseload estimates are derived from the current Commission budget estimates. The caseload is, however, expected to vary from year to year, with the highest number of cases falling into FY 2005 (which roughly corresponds to the August 2004-July 2005 period). Table 1 also lists projected annual burden figures for August 2004-July 2005. It is these figures that are listed on the Form 83-I to ensure that the Commission response burden will remain below the approved burden total in any one year.

Variation in Estimated Burden.--The hourly burden estimates presented above can be expected to vary widely among individual respondents from one hour to several times the reported average burden. The reasons for the variation are as follows: (1) a respondent may not produce, import, or purchase the product(s) under investigation (such respondents need only to so certify and return the first page of the questionnaire to the Commission); (2) a respondent may only produce, import, or purchase the products during a short time period or handle only one of the products reviewed; and (3) the questionnaires include the maximum number of reporting categories to ensure that meaningful data will be obtained from firms with complex business operations, and some sections of the questionnaires will not apply to smaller-sized firms. In addition to variation in hourly burden among firms completing a specific questionnaire, there is also variation in hourly burden among questionnaires prepared for different investigations (i.e., some questionnaires are more complex than others). A key

factor which leads to variation in hourly burden among investigations is the number of product categories for which data must be collected.

Annualized cost to respondents.--The estimated total cost, on an annual basis, to respondents of the proposed information collections for August 2002 through July 2005 is \$13.6 million (table 2). This cost estimate consists of two components, namely, the burden cost imposed directly on responding firms plus their cost of purchasing outside services. The direct burden cost to responding firms was obtained by multiplying the number of burden hours estimated to be imposed by questionnaires cleared under the generic clearance by the average cost per hour to respond. This average cost was obtained from actual data reported by respondents to Commission questionnaires issued under the current generic clearance. Table 2 also provides the estimated annual cost of purchasing services for information collections conducted under the generic clearance (i.e., the outside reviews and third-party disclosures). Cost estimates for these data are based upon a survey of fewer than 10 trade law firms that appear before the Commission. Added to this is the burden cost of responding to the notices of institution for the five-year reviews. This cost was obtained by multiplying the estimated number of responses that will be received by the average cost of submitting them (an estimate also based upon the survey of fewer than 10 trade law firms).

Table 2						
Projected annual cost data, by type of information collection, August 2002-July 2005						
Item	Producer questionnaires	Importer questionnaires	Purchaser questionnaires	Foreign producer questionnaires	Institution notices for 5-year reviews	Total
Estimated cost imposed annually in August 2002-July 2005 on responding firms¹						
Total burden hours	46,412	51,140	21,784	6,083	0	125,419
Cost per category	<i>Costs in thousands of dollars</i>					
Clerical workers	\$346	\$430	\$174	\$52	0	\$1,002
Professionals & managers	2,493	3,096	1,253	396	0	7,238
Executives	485	602	244	73	0	1,404
Skilled & craft-labor & other technical workers	138	172	70	2	0	382
TOTAL responding firm cost	3,462	4,300	1,741	523	0	10,026
Estimated annual cost in August 2002-July 2005 for the purchase of services²						
Total burden hours	4,590	1,044	0	11,809	178	17,621
Cost per category ³	<i>Costs in thousands of dollars</i>					
Clerical workers	\$230	\$52	0	\$590	\$9	\$881
Professionals & managers	670	153	0	1,725	26	2,574
Additional service costs	18	4	0	47	1	70
TOTAL services cost	918	209	0	2362	36	3,525
TOTAL COST	4,380	4,509	1,741	2,885	36	13,551
<i>Notes on next page.</i>						

Continuation.

⁽¹⁾ Excludes the cost of the services of outside legal and financial advisors. Such costs are reported below as a purchase of services.

⁽²⁾ Includes the cost of the services of outside legal and financial advisors to review the questionnaires prior to their submission to the Commission (outside review burden) and, if applicable, to serve the questionnaires on other parties to an investigation under the administrative protective order (third-party disclosure burden).

⁽³⁾ Any costs imposed on executives and skilled & craft-labor & other technical workers were non-existent or minimal.

Note.--Figures do not always add to totals due to rounding error.

(13) Total annual cost burden.--The cost burden to respondents for item (b) (the “total operation and maintenance and purchase of services component”) is shown above in table 2. There is no known capital and start-up cost component imposed by the proposed information collections. Costs imposed will vary depending upon (1) the actual hourly burden imposed and (2) actual wages rates.

(14) Annualized cost to the Federal Government.--The total project cost for the Commission’s import injury investigations is budgeted at \$18.5 million for FY 2002. In addition to staff time, this figure includes travel, data processing, and printing costs plus the cost of personnel benefits and overhead. The total project cost is provided here since the questionnaires (and institution notices for the five-year reviews) issued by the Commission are an integral part of its investigations.

(15) Program changes and/or adjustments.--The current generic clearance authority for 175,000 hours of average annual burden expires July 31, 2002. For the period from August 1, 2002 to July 31, 2005, the Commission requests what appears to be an increase in approved annual burden or 210,129 hours. However, as shown in table 1, the average annual burden is estimated to be 143,040 hours, which represents a decrease of about 32,000 hours from the current generic clearance. The 210,129 hour figure recorded on the OMB Form 83-I represents the highest amount that is estimated to be used in any one year during the August 2002-July 2005 period.

The most significant factor in determining the total annual burden imposed by the Commission on questionnaire respondents is the Commission’s workload. That workload results from the number of petitions for investigations filed annually, supplemented by the number of review or sunset investigations for which data must be collected. See “Addendum. Historical burden data (August 1999 to July 2001)” for an analysis of the actual burden imposed by the Commission during the past three years.

(16) Plans for tabulation and publication.--After a questionnaire is mailed for a specific investigation, firms are usually contacted by Commission staff to ensure that they received the questionnaire and are able to supply the data. There is a telephone or mail follow-up of firms that do not respond by the due date. After the questionnaires are returned, Commission staff reviews each response for accuracy, resolves any questions with the respondents, and compiles responses using various forms of information technology. Data from questionnaires issued under the current generic clearance largely were processed using LOTUS 1-2-3. The tabulation process is basically one of compilation; no particularly complex analytical techniques as such are used. However, the process itself is somewhat complex in that it is designed to perform numerous edits and other checks needed to identify respondent and data-entry error. The computer programs also permit the compiled data to be

displayed in a variety of formats that highlight the pertinent issues and questions so as to aid the Commission in its analysis and subsequent determination.

Compiled data from the questionnaires are transmitted to the Commission in the form of a staff report. (Questionnaire data are also scanned into the Commission's Electronic Document Imaging System (EDIS) and made available electronically to authorized persons within the Commission.)⁷ A version of the Commission's report for each investigation with all confidential material deleted is published shortly after the end of a specific investigation in a document that also contains the Commission's determination for that investigation and the Commissioners' opinions. Copies of the published report are also disseminated to individuals on the Commission's mailing list (which consists largely of trade law firms, embassies, and congressional staff). Prior to the publication of the report, and immediately after the Commission's vote in a specific investigation, a press release is issued that provides the outcome of vote and lists factual highlights of the investigation. The press release and the Commissioners' opinions (but not the actual report) are also placed on the Commission's website. In addition, the Commission's determination for each investigation is published in the *Federal Register*.

The time schedule for the entire project depends upon the type and length of the specific investigation for which the information is needed. For antidumping and countervailing duty investigations, escape-clause investigations, and market disruption investigations, the Commission has statutory deadlines for reporting its determination, which range from 45 days to six months from the date of receipt of a petition, request from the President, or Congressional resolution. The deadlines for escape-clause review, changed circumstances, antidumping and countervailing duty review investigations, and investigations on interference with programs of the USDA are administrative and generally range from three to six months. The actual time schedule for an investigation is determined when the case is instituted.

(17) Approval to not display the expiration date for OMB approval.--Not applicable. The questionnaires and notices of institution of five-year reviews issued under the generic clearance will display the expiration date for OMB approval of the information collection.

(18) Consistency with CFR 1320.9 guidelines.--There are no known exceptions to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-1 for this proposed information collection.

Part B. Collections of Information Employing Statistical Methods

In general, the Commission does not use statistical methods for information collections conducted under the generic clearance.

For a specific investigation, the Commission usually sends producer questionnaires to all U.S. firms manufacturing the product(s) in question. In most investigations there are no more than a total of 20 to 30 firms in the United States, and often far fewer, producing the relevant product(s). Commission experience has shown that a universe size of 20 to 30 firms generally is too small to use sampling procedures and obtain precise estimates of population parameters. Also, some of the information

⁷ The Commission is exploring whether access to EDIS can be made available with adequate security to outside parties under an administrative protective order.

contained in the producers' questionnaire (e.g., questions as to the impact of imports on firms' operations) is relevant for the Commission's determinations regardless of the size of the respondent. Similarly, the Commission attempts to obtain data from all foreign manufacturers of the subject product, especially if they are exporting to the United States. Typically, there are fewer than 10 manufacturers in the country(ies) subject to investigation.

In contrast to domestic and foreign manufacturers, the Commission sometimes does not attempt to obtain data from all U.S. importers and purchasers of the relevant product(s). For cases involving an unusually large number of firms, questionnaires are sent only to a representative group of firms. Importer and purchaser questionnaires are also always mailed to significant importers/purchasers of the product(s). Concentrating staff effort on a smaller group of firms permits the Commission to fully edit and review returned questionnaires and minimize the burden on smaller respondents. Further, a key purpose of the purchasers' questionnaire is not to estimate population aggregates but to obtain an objective assessment of the factors of competition between domestically produced and imported products. Commission reports indicate when the entire universe of firms was not surveyed.

Notices of the institution of five-year reviews are not mailed to firms, but published in the *Federal Register*. Responses are solicited and are voluntary.

Addendum. Historical burden data (August 1999 to July 2001)

Table 3 below presents two years of aggregated burden data for questionnaires issued under the current generic clearance. As indicated in the notes to table 3, the data shown are compiled from actual burden hours reported by respondents to Commission questionnaires. A total of 144,460 burden hours (excluding outside review burden and third-party disclosure burden) were imposed on 3,585 respondents on an annual basis (for an average of 40.3 burden hours per firm). The current generic clearance authority (as modified in a Paperwork Reduction Act Change Work Sheet submitted November 26, 1999) provides for the annual imposition of 175,000 burden hours on 4,375 respondents (for an average of 40.0 burden hours per firm).

The Commission staff also prepares burden estimates for each specific questionnaire that is issued under the generic clearance and provides those estimates to OMB prior to mailing the questionnaires. In the August 1999-July 2000 period, 200 questionnaires and 25 institution notices (with an estimated burden of 157,211 burden hours) were issued and in the August 2000-July 2001 period, 187 questionnaires and 7 institution notices (with an estimated burden of 156,954 burden hours) were issued.⁸

As shown above, both the actual annual burden imposed by the questionnaires (average of 144,460 burden hours on an annual basis) and the aggregated burden estimates (average of 157,082 burden

⁸ Compiled from the OMB Generic Clearance Log which is maintained by the Commission.

Table 3 Historical respondent annual burden data,¹ by type of information collection, August 1999 to July 2001²						
Item	Type of information collection					
	Questionnaires³				Institution notices	Total
	Producer	Importer	Purchaser	Foreign producer		
<i>Respondent burden hours imposed on an annual basis</i>						
No. of respondents	884	1,217	774	662	48 ⁴	3,585
Frequency of response	1	1	1	1	1	1
Total annual responses	884	1,217	774	662	48 ⁴	3,585
Hours per response	52.3	43.1	28.0	35.9	7.0 ⁴	40.3
Total hours	46,233	52,453	21,672	23,766	336 ⁴	144,460
<p>⁽¹⁾ Figures are for burden to responding firm only and do <u>not</u> include outside review burden or third-party disclosure burden.</p> <p>⁽²⁾ Response data for questionnaires issued after July 2001 are not yet available.</p> <p>⁽³⁾ Data are compiled from actual burden hours reported by respondents to Commission questionnaires. These data do <u>not</u> include responses by firms that indicated they did not produce, import, or purchase the product in question. Providing such a response places a minimal burden on firms.</p> <p>⁽⁴⁾ Estimated.</p> <p>Note.—The Commission staff utilized estimates where the actual data were not available.</p> <p>Source: Compiled from responses provided to Commission questionnaires.</p>						

hours on an annual basis) prepared by Commission staff prior to mailing the questionnaires were comparable to the 175,000 burden hour estimate approved by OMB under the current generic clearance.⁹

⁹ Note, however, that the burden estimate approved by OMB includes the outside review burden and third-party disclosure burden, which the figures compiled by the Commission exclude.