

**SUPPORTING STATEMENT**  
**U.S. Department of Commerce**  
**International Trade Administration**  
**Procedures for Importation of Supplies**  
**for Use in Emergency Relief Work**  
**OMB Control No. 0625-0256**

**A. JUSTIFICATION**

**This is to request an extension of the Office of Management and Budget approval.**

**1. Explain the circumstances that make the collection of information necessary.**

The mission of the International Trade Administration (ITA) is to create prosperity by strengthening the competitiveness of the U.S. industry, promoting trade and investment, and ensuring their trade and compliance with trade laws and agreements. The Import Administration (IA) enforces the Antidumping and Countervailing Duty (AD/CVD) laws to help ensure fair competition in the international market. The primary responsibility of IA's Office of Operations is to administer the antidumping (AD) and countervailing duty (CVD) laws to ensure that domestic industries are not injured by unfair foreign competition in the U.S. market.

The regulations for this information collection were implemented to facilitate the flow of emergency goods and construction materials to disaster areas in the United States that were subject to antidumping or countervailing duties. The regulations established a clear procedure for seeking a waiver of duties on products destined for these areas and were developed to address problems that arose with our informal process during Hurricane Katrina. There has been no use of these regulations since their issuance.

The regulatory citation is 19 CFR 358. The procedures outlined in the regulations are as follows:

(1) Before importation, a written request shall be submitted to the Secretary of Commerce by the person in charge of sending the subject merchandise from the foreign country or by the person for whose account it will be brought into the United States. Three copies of the request should be submitted to the Secretary of Commerce, Attention: Import Administration, Central Records Unit, Room 1870, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230.

(2) The request shall state the following –

- Department antidumping and/or countervailing duty order case number;
- producer of the merchandise;
- detailed description of the merchandise;

- current Harmonized Trade System (HTS) number;
- price in the United States;
- quantity;
- proposed date of entry;
- proposed port of entry;
- mode of transport;
- person for whose account the merchandise will be brought into the United States;
- destination;
- use to be made of the merchandise at the designated destination; and
- any other information the person would like the Secretary to consider.

**2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.**

Any information collected will be used by IA/Office of Operations in its administration of the antidumping and countervailing duty laws. The frequency is completely dependent on outside events (e.g., natural disasters) and the subsequent voluntary application of outside parties.

The request is reviewed by the Department to determine whether a waiver is warranted. A public version of the request will be available for review in Import Administration's Central Records Unit. Per section 358.103(b) of the regulations, if the Department determines that a waiver is warranted, the Department will notify the person who submitted the request, instruct U.S. Customs and Border Patrol to allow entry of the merchandise identified in the request without regard to antidumping and countervailing duties, and post notification of the determination on the Department's website.

**3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.**

Not Applicable. A written document is required.

**4. Describe efforts to identify duplication.**

Import Administration is the only government office that determines this waiver. The information is also specific to the emergency event. There is no duplication.

**5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.**

The information collected is the minimum required to make a determination, no matter the size of the business.

**6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.**

If this collection was not conducted, a return to the more cumbersome and unclear process that existed prior to the issuance of these regulations. This would mean those affected by natural disasters in the future could face increased costs or shortages of needed emergency relief/reconstruction materials, if those products are subject to dumping or countervailing duties.

**7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.**

Not Applicable.

**8. Provide information of the PRA Federal Register Notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.**

A Federal Register Notice soliciting public comments was published on August 25, 2009 (Vol. 74, pg. 42852). No comments were received.

On June 22, 2006, the Department issued a request for comments on its proposed rule (71 FR 35846), including PRA concerns. On October 30, 2006, the Department issued its final rule (71 FR 63230) that included a summary and discussion of all comments received in response to its request. Only two comments related to PRA concerns. One commenter requested flexibility in the Department's information requirements under section 358.103(a)(2) given the changing needs and conditions during an emergency. The Department responded that it believed that the requested information was needed to make its decision on a waiver request as well as administer the waivers within the context of the antidumping and countervailing duty laws. It also believed that the information requirement were not particularly onerous but welcomed further comments on reporting burdens associated with the waiver requests. Two commenters argued that pricing information should be dropped from the list of required information as it was neither necessary nor appropriate for a waiver request analysis. The Department responded that the required information listed in the regulations was not limited solely to information needed to make a

decision on a waiver request. It also included information needed to administer waiver requests within the context of the antidumping and countervailing duty laws. The commenters incorrectly assumed that the price information was part of the waiver request analysis.

**9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.**

Not Applicable.

**10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.**

Release of proprietary information is subject to the Department's Administrative Protect Order (APO) process and regulations. Final APO regulations were published in the Federal Register (73 FR 3634, January 22, 2008) and are available on Import Administration's website.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.**

Not Applicable.

**12. Provide an estimate in hours of the burden of the collection of information.**

Estimated number of respondents/responses = 5  
Estimated time per response = 2 hours  
Estimated total of burden hours = 10

**13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in Question 12 above).**

The estimated cost burden per respondent is \$28.60 for postage to submit the request  
**\$28.60 x 5 = \$143 total burden cost.**

**14. Provide estimates of annualized cost to the Federal government.**

The annualized costs to the Federal government are minimal and completely dependent upon the number of waiver requests. The time needed to review and process the request and take the necessary steps to implement a waiver, if it should be granted, is fairly small, probably less than 15 total hours per application for all Import Administration officials involved in the process. Taking into account the various salary levels of the officials likely to be involved, the cost to the Federal government per application is estimated to be between \$500 and \$750. This results in an estimated annual cost to the Federal government of between \$2,500 and \$3,750. However, to date, there have been no requests and the cost to the Federal government has been \$0.

**15. Explain the reasons for any program changes or adjustments.**

There is an adjustment increase in the burden cost that was not included in the previous request. This increase is \$143 for postage to submit the estimated five requests to IA.

**16. For collections whose results will be published, outline the plans for tabulation and publication.**

Not Applicable. If a waiver is granted, the determination is posted on the Department's website.

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.**

Not Applicable. There are no forms involved.

**18. Explain each exception to the certification statement.**

Not Applicable.

**B. COLLECTIONS OF INFORMATION EMPLOYING STATICAL METHODS**

This collection does not employ statistical methods.