UNITED STATES INTERNATIONAL TRADE COMMISSION
OUII No Participation Survey

The U.S. International Trade Commission (USITC or Commission) is implementing a survey process to aid in a qualitative evaluation of three alternative staffing participation levels used by the Office of Unfair Import Investigations ("OUII") in staffing investigations conducted under Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337. The three participation levels are: (1) Full Participation; (2) Selective Participation; and (3) No Participation. This submission concerns the No Participation Survey. The USITC's request for generic clearance for this qualitative survey was approved by OMB, OMB Control No. 3117-0222, ICR reference No. 201107-3117-001. The Commission's notice of submission to OMB requesting generic clearance under expedited approval provisions was published in the Federal Register on July 7, 2011. The notice is posted on the USITC Internet site at http://www.usitc.gov/secretary/fed_reg_notices/miscellaneous/2011-16905.pdf.

A. The Survey Population

For each investigation in which OUII did not participate as an independent party in the investigation, the Commission will request the private parties and USITC staff to respond on a voluntary basis to the No Participation Survey after the investigation has been terminated. Private parties include representatives of the complainant and named respondents. USITC staff are personnel who were involved in the completed investigation and include staff in OUII, the Office of Administrative Law Judges, the General Counsel's Office, and the Commissioners' offices. A copy of the No Participation Survey is attached.

B. Field Testing

In February 2012, the Commission field-tested the survey with regard to the reporting burden, clarity of questions, navigation through the survey, and survey format. The individuals set out in the table below were identified as participants for the field test of the survey. All of the individuals have significant experience in Section 337 investigations.

NAME	CATEGORY	EMAIL ADDRESS
Jean Jackson	OGC	Jean.Jackson@USITC.gov
Dana Lofgren	Commissioner. Johanson	Dana.Lofgren@usitc.gov
Smith Brittingham	Outside Firm - Finnegan Henderson	smith.brittingham@finnegan.com
Barbara Murphy	Outside Firm - Foster Murphy	bmurphy@fostermurphy.com
Charles Schill	Outside Firm – Steptoe & Johnson	cschill@steptoe.com
Michael McKeon	Outside Firm –Fish & Richardson	mckeon@fr.com
Tom Miller	Motorola Mobility	tvmiller@motorola.com

Attached are: (1) a copy of the No Participation Survey; and (2) a table providing comments from field test participants and actions taken in response to those comments.

C. Reporting Burden and Projected Cost

The cost/burden matrix was provided in the generic clearance package under the heading "Op 2 IP-Based Inv. User Survey." For the No Participation survey, the reporting burden is estimated to be:

Total number of survey respondents:	(No.)	289
Frequency of response:	(No.)	1
Average completion time per survey:	(hours)	0.75
Total burden:	(hours)	216.75
Total cost:	(dollars)	$14,955.75

SurveyNoPart – *Post Review*

Response #	1.INVESTIGATION NAME AND NUMBER	2. AFFILIATION	3. EMAIL ADDRESS	24. RECOMMENDATIONS TO IMPROVE SURVEY	
1		5	dana.lofgren@usitc.gov	**Recommendation**	**Comment/Solution**
				Is question 10 referring to the ALJ's decision making, the parties or the Commission's? Should there be a question about OUII participation in uncontested matters?	**Decision: Remove "if any" and "to expeditious and informed decisionmaking"**
2	Hypothetical	1	mckeon@fr.com	**Recommendation**	
				Comment/Solution- On Question 8 you need an "N/A	See reasoning explained on "Selective" survey notes **Decision: add "other" as an option**
3	Certain Electronic Things, 337-TA-999	1	smith.brittingham@finnegan.com	**Recommendation**	**Comment/Solution**
				Survey is simple and understandable. Does not take long. But having to put written explanations in these little teeny boxes, where you can't see what you've written, is a problem.	**Decision: Boxes to be expanded to 1,000 characters and make 3 lines viewable.**
4	Certain Hypothetical Widgets, 337-TA-###	1	bmurphy@fostermurphy.com	**Recommendation**	**Comment/Solution**
				Very easy to follow and understand. Suggest making the comment boxes larger so you can see your full comment at once.	*Duplicate comment* **Decision: Boxes to be expanded to 1,000 characters and make 3 lines viewable.**
5	N/A	1	akipel@steptoe.com	**Recommendation**	**Comment/Solution**
				The questions were understandable, but I don't understand why the termination question ddi was not a check-the-box, and did not also include hearing and SD.	Question 6 to have an additional option added: "Before a final determination on the merits (e.g. settlement, entering of a consent order, withdrawal of the allegations of the complaint)
				I found the a. notations by please explain	Numbering convention is necessary for reporting and analysis

SurveyNoPart – *Post Review*

Response #	1.INVESTIGATION NAME AND NUMBER	2. AFFILIATION	3. EMAIL ADDRESS	24. RECOMMENDATIONS TO IMPROVE SURVEY	
				Recommendation	**Comment/Solution**
6	337-TA-740, toner Cartridges	10	jean.jackson@usitc.gov	The survey seems to assume less than full participation by OUII. Question 10 says what issues would it have been useful for OUII to participate. What if OUII has participated fully? I didn't see	Question was withdrawn based on better understanding of the scope of the specific survey being reviewed. **Decision: Improved delivery instructions and improved header will eliminate this confusion in the future.**

Additional items discussed during review:

1. For #10:
    a. Change the first option in the list of #11 from "Discovery" to "Discovery and Discovery Disputes".
    b. Remove "if any".