Generic Clearance Renewal for Information Collections
OMB #3117-0016

The U.S. International Trade Commission (Commission) submits this statement in support of its request for a renewal of its current generic clearance from the Office of Management and Budget (OMB)[1] to issue information collections in connection with certain statutory provisions that the Commission administers under U.S. trade remedy laws. These statutory authorities require the Commission to conduct investigations or reviews relating to trade in goods and services, generally after receiving a petition or request. The Commission must then make determinations, based on factual information collected during the investigation or review that relates to certain statutory factors, on the impact of imports on a domestic industry or industries. Such investigations and reviews are conducted under –

(1) The U.S. antidumping and countervailing duty laws (these account for almost all investigations and reviews), including preliminary and final phases of original investigations, and five-year reviews of antidumping and countervailing duty orders;
(2) The U.S. global safeguard laws, including provisional relief investigations, full investigations, monitoring investigations (after import relief is imposed), advice investigations (relating to modification of relief), extension of relief investigations, and effectiveness of relief investigations;
(3) Other provisions, including safeguard provisions in U.S. free trade agreement implementation acts, and a recently enacted provision under the United States-Mexico-Canada Agreement (USMCA) Implementation Act that concerns the impact of cross-border long-haul trucking services by persons of Mexico on the U.S. long-haul trucking service industry. These provisions are similar procedurally to those in the global safeguard law.
(4) Other provisions not used in recent years, but still in force, including those that address injury from nonmarket economies or that address imports that interfere with a U.S. Department of Agriculture (USDA) price support program.

In the course of each such investigation or review, the Commission collects information either through a written questionnaire sent to domestic producers, importers, purchasers, foreign producers, or other entities likely to have the needed information, or through a notice published in the *Federal Register*. Most Commission decisions under these statutory authorities are reviewable by a U.S. court or an international panel or body. Failure to seek and obtain substantial evidence to support the Commission's determinations pursuant to the relevant

[1] OMB No. 3117-0016, expiration date of June 30, 2020. The Commission has issued questionnaires for its import injury investigations under a generic clearance since 1980.

statute can result in reversal of the determination, or court or panel direction to modify the determination or the action based on the determination.[2]

Generic questionnaires—Sample or generic questionnaires (U.S. producers, U.S. importers, U.S. purchasers, foreign producers) used in antidumping and countervailing duty investigations or five-year reviews are attached to this submission.

The Commission will continue to request data and other information in connection with the investigations and reviews described above. In antidumping and countervailing duty investigations, the Commission will typically request three (3) years of data and part-year data, if appropriate, in a preliminary or final investigation; and generally three (3) and up to six (6) years of data and part-year data, as appropriate, in five-year reviews of outstanding orders. In a global safeguard investigation, the Commission will generally request five (5) years of data in a provisional relief or full investigation, and it may request less in a monitoring, modification, extension, or effectiveness investigation.

Copies of sample questionnaires are available to the public on the Commission's website at https://usitc.gov/trade_remedy/question.htm. The sample questionnaires show the different types of data and other information that the Commission typically seeks in its investigations and reviews, and they are representative of the average burden placed on questionnaire respondents. In most investigations or reviews, the data requested will closely resemble that shown in the sample questionnaires.

Federal Register notice—Included within this submission is a sample notice that the Commission would publish in the *Federal Register* requesting information relating to the Commission's institution of a five-year review. The notice identifies specific types of information that firms must provide if they wish the Commission to consider their response in determining whether to conduct an expedited or full five-year review.

[2] The generic clearance that the Commission seeks here to issue questionnaires does not apply to repetitive questionnaires, such as those issued on a quarterly or annual basis. In addition, it does not apply to other investigations and research studies that the Commission conducts under section 332 of the Tariff Act of 1930.

Part A. Justification

(1) Request.—The Commission requests information in its questionnaires in its conduct of the following statutory investigations and reviews:[3]

Type of investigation/review	Statute
Antidumping duty	Sections 731-739, 751, 752, 762, and 771-783 of the Tariff Act of 1930, as amended (19 U.S.C. §§ 1673-1673h, 1675, 1675a, 1676a, and 1677-1677n)
Countervailing duty	Sections 701-709, 751, 752, 753, 762, and 771-783 of the Tariff Act of 1930, as amended (19 U.S.C. §§ 1671-1671g, 1675, 1675a, 1675b, 1676a, and 1677-1677n)
Global safeguard provisions	Sections 201-204 of the Trade Act of 1974, as amended (19 U.S.C. §§ 2251-2254); sections 301-302 of the USMCA Implementation Act (19 U.S.C. § 4501 note)
USMCA provisions	Sections 301-302 and 321-327 of the USMCA Implementation Act (19 U.S.C. § 4501 note)
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)
Bilateral safeguard provisions	19 U.S.C § 2112 note; 19 U.S.C. § 3805 note; 19 U.S.C. § 4061(b)

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 materially injured or threatened with material injury or the establishment of a domestic industry is

[3] The Commission included a full text copy of the Tariff Act of 1930 and the Trade Act of 1974 in the clearance request made on April 16, 1980. The Commission included a copy of Section 22 of the Agricultural Adjustment Act of 1921 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; the Commission included a copy with the July 31, 1990 submission. See also the summary of statutory provisions providing for import relief investigations on the Commission's website at: https://usitc.gov/import_injury/documents/pub4468_2014.pdf.

The Commission's rules of practice and procedure for the conduct of import injury investigations are set forth in title 19 of the Code of Federal Regulations, subchapters A and B of Chapter II, which is also posted on the website (at: https://usitc.gov/secretary/fed_reg_notices/rules_and_procedures).

materially retarded by reason of imports of the subject merchandise that the U.S. Department of Commerce (Commerce) determines are sold at less than fair value (antidumping duty cases) or subsidized (countervailing duty cases). The Commission conducts five-year reviews of antidumping and countervailing duty orders and of suspended investigations to determine whether revocation of the existing orders or termination of the suspended investigations would be likely to lead to continuation or recurrence of material injury to the domestic industry.

The Commission conducts global safeguard investigations to determine whether an article is being imported into the United States in such increased quantities as to be a substantial cause of serious injury or threat thereof to a domestic industry. When the Commission makes an affirmative determination, it must make a finding under the USMCA Implementation Act as to whether imports from Canada or Mexico account for a substantial share of total imports and whether they contribute importantly to the serious injury, or threat thereof, caused by imports. The Commission conducts market disruption investigations under section 406 of the Trade Act of 1974 to determine whether imports of an article produced in a Communist country are causing material injury or threat thereof to a domestic industry. The Commission also conducts investigations to determine whether imports are interfering with USDA programs for agricultural commodities or products. Newly enacted legislation in the USMCA Implementation Act requires the Commission, on receipt of a petition, to determine whether a person of Mexico who has received a grant of authority to provide long-haul trucking services in the United States is causing or threatens to cause material harm to a United States long-haul trucking services industry.

The Commission's statutory authority for obtaining information and for requiring a person to furnish requested information is set forth in sections 333(a), 776, and 782 of the Tariff Act of 1930.

(2) Purpose.—Commission staff consolidates the information collected through questionnaires issued under this generic clearance and presents it to the Commission in the form of a staff report, which the Commission votes on and adopts as its own. The information provided by firms in response to the questionnaires constitutes a major portion of the information on which the Commission bases its determinations.

In addition, in most of its investigations, the Commission is required to release completed questionnaires, including business proprietary or confidential business information, to authorized representatives of interested parties to its investigations or reviews under the terms of an administrative protective order, which protects the confidentiality of any such business proprietary or confidential business information. Such authorized representatives may also receive a confidential version of the Commission staff report under the administrative

protective order.[4] Subsequent party submissions to the Commission for specific proceedings address, in large part, the information collected by the Commission. At the end of the investigation, the authorized representatives must return or destroy the information obtained under the administrative protective order, and a violation of the protective order may lead to a sanction against the person violating the order, including a letter of reprimand and other actions.

The Commission evaluates submissions made in response to the notices of institution of five-year reviews to determine whether 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 five-year review is warranted, 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 additional data using questionnaires.[5]

Depending upon the specific type of investigation or review, the Commission is required to notify 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 or suspended investigation will remain in place. The president, or the U.S. Trade Representative on the president's behalf, uses the data developed in safeguard, market disruption, and interference-with-USDA-program investigations (if the Commission finds affirmatively) to determine the type of relief, if any, to provide to domestic industries.

The following tabulation shows the number of grouped import injury investigations and reviews (where the Commission makes determinations based on questionnaires issued under the current generic clearance) that the Commission instituted in fiscal years (FYs) 2017-2019:

[4] Interested parties consist of U.S. producers within the industry in question, labor unions or representative groups of workers, U.S. importers, foreign producers and exporters, and involved foreign country governments. *See* 19 U.S.C. § 1677(9).

[5] The institution notices state that: "[p]ursuant to section 207.61(c) of the Commission's rules [of practice and procedure], any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and 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 [Tariff] Act in making its determination in the review."

Type of investigation/review	FY 2017	FY 2018	FY 2019
Antidumping duty	58	31	36
Countervailing duty	26	22	16
Title VII changed circumstances review (751(b))	0	0	0
Title VII five-year review (751(c))[1]	32	34	22
Global safeguard (202/204)	2	0	2

[1] This does not include five-year reviews that Commerce revoked and in which the Commission subsequently terminated its reviews. While all five-year reviews require the submission of responses to the Commission's notice of institution and may request responses to brief purchaser surveys, reviews that the Commission expedites do not require the issuance of questionnaires.

Note. Data for investigations are provided on a fiscal-year basis. The numbers of cases provided refer to individual filings for each statute and country (and not to the number of grouped filings for statutes and countries combined).

Source: Case data retrieved from U.S. International Trade Commission website at https://usitc.gov/investigations/import_injury.

(3) Information technology.—The Commission has made continued progress with its data collection efforts. It now creates questionnaires as fillable forms in Microsoft (MS) Word format and distributes them electronically to industry participants. The Commission makes available questionnaires in MS Word for specific investigations on its website at https://usitc.gov/investigations/import_injury. Responding firms receive instructions for returning completed questionnaires by uploading them to a secure file transfer application on the Commission's website.[6] This has made filing easier and more cost effective for firms, and it has resulted in a reduction in the use of paper. Electronic completion and submission of questionnaires has facilitated the Commission's electronic processing of data, which has reduced time spent on manual data entry. These efforts have improved the accuracy of the Commission's investigative data. The Commission has and will continue its practice of regularly evaluating questionnaires to reduce the burden on responding firms. For example, it has added auto-population and auto-computation features in parts of its questionnaires, which has reduced computation errors and time commitments for questionnaire respondents and Commission staff. The Commission has also reduced the reporting burden by limiting data to a terminal year when a time series is not required. Moreover, it has reduced the reporting burden for smaller firms because the sections of the questionnaire that are applicable to their operations are typically more limited and, when pertinent, there are fewer requested data points. Parties to the investigation must, where service of the questionnaire is required, provide the service in paper form to the other parties under the administrative protective order (*see* 19 CFR 207.7, 206.17(f)).[7]

(4) Non-duplication.—The Commission contacts trade associations, government agencies, and other industry participants in order to determine the amount and type of data already available and to avoid duplication in the data collected by questionnaire. Public data that 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; it has also made some use of USDA statistics for cases involving agricultural commodities and data maintained by the American Iron and Steel Institute for steel investigations.

However, the Commission can rarely rely solely upon existing data sources. For each investigation that it conducts, the Commission generally is restricted to examining a relatively narrow group or range of products in assessing injury, threat of injury, or material retardation to a specific domestic industry. In most cases, the product categories of published data are too broad or do not correspond to the product(s) under investigation. It is also necessary for the Commission to ensure that, for items such as shipments and pricing, the data that it considers is collected using the same measurement criteria for producers (both domestic and foreign),

[6] The Commission provides firms with the specific web address and a case-specific password for accessing the secure drop box in the questionnaire instructions. (See, e.g., https://www.usitc.gov/trade_remedy/question.htm).

[7] A signed certificate of service must accompany the documents.

importers, and purchasers. Timeliness is also of concern. For example, the Commission usually examines data for the most recent three full years and partial years (where appropriate) in antidumping and countervailing duty investigations, ending with the last quarter for which firms have closed their books. Finally, to ensure that its determinations are made using the most accurate data possible, where possible, the Commission reviews information on the individual operations of the firms within an industry (data that is not available on a public basis).

(5) Small businesses.—While the Commission's data collection activities generally involve all firms in a domestic industry pursuant to statute, including those classified as small businesses under the rules of the Small Business Administration, Commission staff generally contacts questionnaire recipients to assist them in completing their responses. Firms for which the questionnaire is particularly burdensome may receive additional time to complete the questionnaire or encouragement to submit estimates. The instructions of each questionnaire provide the names and contact information of Commission staff assigned to the investigation; they also state that carefully prepared estimates are acceptable.

(6) Consequence of non-collection.—Restricting the Commission's authority to collect information through questionnaires would severely hamper its ability to make the determinations and recommendations discussed above. In virtually all cases, publicly available data do not exist at the product and industry level that would allow the Commission to make the kinds of determinations and recommendations required by statute and expected by courts and international panels that may review Commission determinations and recommendations.

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 factors that the Commission must consider are largely required by statute, and, set forth in international agreements that the United States has entered in to, generally under World Trade Organization Agreements and bilateral free trade agreements. The data that the Commission is required to collect includes: import volumes, market share, prices, production, shipments, profitability, productivity, inventories, employment, wages, growth, ability to raise capital and to service debt, return on investment and on capital, research and development, capacity utilization, unemployment, underemployment, and sales. The Commission may also be required to examine information at both the national and regional levels.

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

For all types of investigations other than preliminary phases of antidumping and countervailing duty investigations that have statutory deadlines of 45 days, the Commission attempts to provide respondents 30 days or more to respond to its questionnaires. The Commission frequently provides extensions to the questionnaire deadlines upon request.

(8) Consultations.—As required by 5 CFR 1320.8(d),[8] on January 29, 2020, the Commission published in the *Federal Register* its notice soliciting comments on the proposed information collection (for the generic clearance) before submitting it to OMB (85 FR 5237). In addition, the Commission issues annual customer feedback surveys to solicit feedback to facilitate the overall process and minimize burden on firms.

Consultations applying to questionnaire content.—The generic questionnaires included with this submission provide, as indicated above, an indication of the types of data collected in import injury investigations. The electronic versions of these documents also function as clerical aids to obviate the need to replicate substantial portions of the questionnaires issued in actual investigations. Questionnaires for newly instituted investigations (including the preliminary phases of antidumping and countervailing duty investigations) are structured, in part, using information provided in the petition about the specific case submitted by the petitioning firms. For every individual antidumping and countervailing duty final investigation or full five-year review, the Commission circulates draft questionnaires for comment by interested parties to the investigation or review so that the Commission can collect the data relevant to its statutory requirements in a form that firms in the industry can readily meet. Further, the Commission typically allows such parties two weeks to provide comments. However, the Commission may not accept requests by parties to expand the data collection or add items to the questionnaire if it determines that such requests will increase the response burden without substantially adding relevant information to the investigative record.

Consultations applying to questionnaire burden.—In every questionnaire issued under the generic clearance, the Commission requests that firms report the actual number of hours required and the cost incurred in preparing the reply to the questionnaire and in completing the form. The Commission tabulates the firms' responses, which provide the basis for the burden estimates and costs incorporated into this extension request.

Comments received.—The Commission did not receive any public comments in response to its 60-day public comment notice.

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

[8] In addition, this submission also incorporates the text of the 30-day *Federal Register* notice that the Commission will publish.

(10) Confidentiality.—The Commission's definitions of the terms "confidential business information" and "business proprietary information"[9] are set out in 19 CFR 201.6. In particular, section 201.6(a) states that: "The term 'confidential business information' includes 'proprietary information' within the meaning of section 777(b) of the Tariff Act of 1930 (19 U.S.C. § 1677f(b))."

In antidumping and countervailing duty investigations and reviews, the Commission informs questionnaire respondents in instructions in the questionnaires that:

> The commercial and financial data furnished in response to this 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 general 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 Commission also provides the following information to questionnaire respondents describing the administrative protective order service requirement and providing certain information (in preliminary investigations) to Commerce in the instructions of the questionnaires:

> The information provided by your firm in response to this questionnaire, as well as any other business proprietary information submitted by your firm to the Commission in connection with this proceeding, 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 this proceeding or other import-injury proceedings 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.

As indicated above, the administrative protective order service requirement constitutes a third-party disclosure (i.e., a directive for a person to disclose information to other persons) under

[9] The term "business proprietary information" is used only in the context of antidumping and countervailing duty investigations and reviews, pursuant to 19 U.S.C.§ 1677f(b), but the terms otherwise have the same meaning.

the Paperwork Reduction Act of 1995. The authorized applicants, or those who are eligible to receive business propriety information under the administrative protective order, are limited to persons who represent interested parties in a specific import injury investigation or review (primarily trade attorneys and consultants or experts under the direction and control of those attorneys). As described earlier, party briefs and other submissions to the Commission address in large part information obtained from the questionnaire responses and released to these authorized applicants under the terms of the administrative protective order.

The administrative protective order service requirement also applies to and is described in the notices of institution for five-year reviews.

Pursuant to Section 202(i) of the Trade Act of 1974 (19 U.S.C. § 2252(i)), the Commission also releases confidential business information obtained in the course of global safeguard investigations to authorized representatives of interested parties. For such proceedings, the Commission has issued procedural rules that are similar to those in place for the release of information in antidumping and countervailing duty investigations and reviews.

Section 322 of the USMCA Implementation Act (19 U.S.C. § 4501 note) similarly provides for the release of confidential business information under an administrative protective order, similar to those that apply in global safeguard investigations and antidumping and countervailing duty investigations and reviews.

(11) **Sensitive information**.—The Commission's questionnaires do not seek information on issues of a sensitive nature involving persons.

(**12)** **Estimates of burden (July 2020 through June 2023).**[10]—The Commission estimates that information collections issued under the requested generic clearance will impose an average annual burden of 409,250 burden hours on 12,935 respondents (i.e., recipients that provide a response to the Commission's questionnaires, administrative protective order forms, or the notices of institution of five-year reviews). Table 1 lists the number of responses and associated burden hours and costs from the current generic clearance period and the requested generic clearance period. There have been two non-substantive changes to the current generic clearance burden as the Commission's more recent caseload has increased (in terms of the sheer volume of antidumping and countervailing duty petitions) from the historical three-year period used to estimate the annual amounts, and these petitions have shifted toward products with less concentrated industries and markets (such as agricultural products and consumer goods). The Commission anticipates that this trend will continue from July 2020 through June 2023. Moreover, since the Commission prepared its prior estimates, it has conducted two proceedings under the global safeguard provisions, the first in more than 10 years. In addition,

[10] A July-June period is used because the Commission's current generic clearance expires on June 30, 2020.

from July 2020 through June 2023, the Commission anticipates that it will conduct new investigations under the newly enacted USMCA Implementation Act.

Table 1
Responses and burden for current and proposed generic clearances

	July 2017 - June 2020[1]	July 2020 - June 2023	Percent Change
Responses	31,244	38,805	24.2
Time Burden (Hours)	890,443	1,227,750	37.9
Cost Burden (Dollars)	103,745,401	135,951,000	31.0

[1] Two non-substantive changes increased from 20,367 respondents (578,994 hours), reflecting the recent increase in caseload and shift to products with less concentrated industries and markets.

Tables 2 and 3 list, respectively, the projected annual time (in hours) and cost (in dollars) burdens for each type of information collection in the proposed generic clearance and the current generic clearance, as well as the actual burden for the current generic clearance period.

Table 2
Projected annual burden data, by type of information collection, July 2020 - June 2023

Item	Producer question-naires[1]	Importer question-naires[2]	Purchaser question-naires[3]	Foreign producer question-naires[4]	Institution notices for 5-year reviews[5]	Other[6]	Total
Number of respondents	1,500	3,900	3,100	3,500	135	800	12,935
Frequency of response	1	1	1	1	1	1	1
Total annual responses	1,500	3,900	3,100	3,500	135	800	12,935
Hours per response	55	40	20	30	10	3	32
Total hours	82,500	156,000	62,000	105,000	1,350	2,400	409,250

[1] Producer questionnaires.—Estimates are based on the following variables: number of respondents (anticipated caseload (x) number of producer respondents per case) and hours per response.

[2] Importer questionnaires.—Estimates are based on the following variables: number of respondents (anticipated caseload (x) number of importer respondents per case) and hours per response.

[3] Purchaser questionnaires.—Estimates are based on the following variables: number of respondents (anticipated caseload (x) number of purchaser respondents per case) and hours per response.

[4] Foreign producer questionnaires.—Estimates are based on the following variables: number of respondents (anticipated caseload (x) number of foreign producer respondents per case) and hours per response.

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

[6] *E.g.,* Administrative protective order forms and questionnaires to purchasers in the adequacy phase of a review investigation. Estimates are based on the following variables: number of respondents (anticipated caseload (x) number of respondents per case) and hours per response.

Note.—The 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. Under 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 that return completed questionnaires to the Commission. Current estimates of the number of respondents per case were derived from the number of firms responding to Commission questionnaires that were issued under the current generic clearance.

Responding firm burden.—Defined as the time required by the firm that 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, or utilizing technology and systems, nor do they 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 economic advisors to reviewing questionnaires completed by the responding firms who are their clients before submitting them to the Commission. The number of questionnaires to be reviewed is based on the share of total responding firms during the period covered by the previous generic clearance that were interested parties (22 percent). The time per questionnaire is estimated based upon the review experience of Commission staff, which ranges from 2 to 4 hours per questionnaire, but not, as discussed earlier, including time required by Commission staff to prepare and review follow-up requests.

Third-party disclosure burden.—Time required for outside legal advisors to serve their clients' questionnaires on other parties to the investigation or review them under an administrative protective order. The number of questionnaires to be served is based on the share of total responding firms during the period covered by the current generic clearance that were interested parties.

The estimated total cost, on an annual basis, to respondents of the proposed information collections for July 2020 through June 2023 is $54.2 million (see Table 3). This cost was obtained by multiplying the number of burden hours estimated to be imposed by questionnaires cleared under the requested generic clearance by the average cost per hour to respond. The average cost per hour to respond is based on actual cost data reported by respondents to Commission questionnaires issued under the current generic clearance (see Table IV-5).

Table 3
Projected annual cost data, by type of information collection, July 2020 - June 2023

Item	Questionnaires				Institution notices for 5-year reviews	Other	Total
	Producer	Importer	Purchaser	Foreign producer			
Total burden hours[1]	82,500	156,000	62,000	105,000	1,350	2,400	409,250
Cost per burden hour[2]	$113.04	$134.93	$173.87	$120.89	$115.94	$71.39	([3])
Total cost ($1,000)[4]	9,326	21,050	10,780	12,693	157	171	54,176

[1] The component of total response burden from Table 1 that is attributable to the burden on responding firms (but excludes outside review and third-party review burden).

[2] Actual cost per hour incurred by firms, except for the institution notices that are an average of data reported by domestic firms. Data are calculated from the total cost to complete the questionnaires reported by firms in their responses to questionnaires issued under the current generic clearance. Firms were not requested to separate their costs into wage or other categories.

[3] Not calculated.

[4] Data were not adjusted upward to account for inflation over the three-year period covered by a generic clearance.

Source: Estimated based on historical data (2017 - 2019) reported in response to Commission questionnaires for the current generic clearance.

Variation in estimated burden and costs.—The hourly burden and cost estimates presented above can vary widely from one proceeding to another and among individual respondents. The reasons for the variation are as follows: (1) depending on the time of year that a petition is filed or an order is to be reviewed, the Commission may or may not examine partial-year data; (2) questionnaires for the original investigations and five-year reviews after the first review generally examine three years of data (plus partial periods if applicable), while questionnaires for the first five-year reviews typically examine data from the time of the original investigation or last review to the present; (3) a respondent may only produce, import, or purchase the products during a short time period or handle only one of the products under investigation or review; (4) the time required to extract the data from existing records will vary depending both on the product subject to investigation (and the likelihood that certain data are already aggregated for that product), as well as on variations in firm-specific record systems; (5) whether the firm's operations are centralized or spread among various locations; and (6) the

questionnaires include the maximum number of reporting categories to ensure that meaningful data will be obtained from firms with complex business operations, therefore some sections of the questionnaires will not apply to smaller-sized firms.

Tables 4 and 5 present the reported average (aggregated for an entire investigation and by individual respondents) burden and costs for various types of Commission questionnaires issued under the current generic clearance.

Table 4
Reported average in burden hours, by type of information collection, January 2017-December 2019

Type of proceeding	Type of questionnaire				
	Domestic producer	Importer	Purchaser	Foreign producer	Other
	Estimated hours per questionnaire for current generic clearance period				
Average	50	40	25	20	([1])
	Average reported burden hours across all cases				
Preliminary	48	36	9	27	([1])
Final	52	35	15	28	([1])
Review	65	38	21	34	([1])
All cases	53	37	15	30	([1])
	Estimated hours per questionnaire for future generic clearance period				
Average	55	40	20	30	([1])

[1] Not applicable.

Source: Compiled from data reported in response to Commission questionnaires for the current generic clearance that was available as of January 2020.

Table 5
Reported average cost per hour, by type of information collection, January 2017-December 2019

Type of investigation	Type of questionnaire				
	Domestic producer	Importer	Purchaser	Foreign producer	Other
	Estimated cost per hour for current generic clearance period				
Average	94.13	82.02	92.56	87.35	([1])
	Average reported cost per hour across all cases				
Preliminary	126.77	131.80	127.79	163.87	([1])
Final	116.09	128.86	210.01	117.26	([1])
Review	100.34	147.38	141.22	134.24	([1])
All cases	113.04	134.93	173.87	120.89	([1])
	Estimated cost per hour for future generic clearance period				
Average	113.04	134.93	173.87	120.89	([1])

[1] Not applicable.

Source: Compiled from data reported in response to Commission questionnaires for the current generic clearance that was available as of January 2020.

(13) **Total annual cost burden**.—The total annual cost burden to responding firms is shown above in Table 3. There are no known capital and start-up cost components. However, the estimated cost of the outside review (i.e., the services of outside legal and financial advisors to review the questionnaires before their submission to the Commission) and third-party-disclosure burden (i.e., service of the questionnaires on other parties to an investigation under the administrative protective order) is provided as a maintenance and purchase of services component cost in Table 6.

Table 6
Estimated purchase of services component cost[1]

Item	Questionnaires				Institution notices for 5-year reviews	Other[3]	Total
	Producer	Importer	Purchaser	Foreign producer			
	Estimated cost imposed annually in July 2020-June 2023						
Total cost	794	194	15	1,474	157	84	2,575

[1] Does not include the estimated cost imposed on responding firms provided in Table 3.

[2] Data were not adjusted upward to account for inflation over the three-year period covered by a generic clearance.

[3] *E.g.,* Administrative protective order forms and questionnaires to purchasers in the adequacy phase of a review investigation.

Source: Calculated from historical cost data (January 2017 - December 2019) applied to outside review and third-party disclosure burden estimated per the definitions provided in Table 1.

(14) Annualized cost to the Federal Government.—The total project cost for the Commission's import injury investigations was $30.2 million for FY 2019. In addition to staff compensation and benefits, this amount includes travel, data processing, printing costs, and overhead. The total project cost is provided here because 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 296,814 hours of average annual burden expires on June 30, 2020. As shown in Table 1, this request for an extension projects a total respondent burden of 409,250 hours. This increase reflects the increase in the type and number of investigations/reviews and the resulting number of questionnaires, as well as the increased complexity of the investigations/reviews. This burden estimate is based on the hour and dollar burden data submitted by firms for the previous three years (calendar years 2017 - 2019).

(16) Plans for tabulation and publication.—After issuing a questionnaire for a specific investigation/review, Commission staff initially contact each firm to ensure that it received the questionnaire and can supply the requested data. If a firm fails to return its questionnaire by the due date, Commission staff again contacts the firm. Commission staff reviews each submitted questionnaire response for accuracy, resolves any questions with the responding firm, and compiles responses using various forms of information technology. Commission staff processed data from questionnaires issued under the current generic clearance via electronic extraction of data using Microsoft Excel. The Commission's computer programs also allow it to

display the compiled data in a variety of formats that highlight the pertinent issues and questions in order to aid the Commission in its analysis and subsequent determination.[11]

The data compiled from the questionnaires are made part of a staff report on the investigation that Commission staff transmits to the Commissioners, who make a determination or recommendation based in part on the information in the report. (Commission staff uploads the questionnaire data to the Commission's Electronic Document Information System (EDIS) and makes it available electronically to authorized persons within the Commission.) Once the Commission has made its determination, Commission staff compiles a final report that includes that determination, the information contained in the staff report, and the Commission (and any separate Commissioner) opinions. In antidumping and countervailing duty investigations and reviews, the Commission transmits its final report to Commerce. In safeguard investigations, the Commission transmits a copy of the final report (which also contains recommendations) to the U.S. Trade Representative and the president. Shortly after completion of a final report, Commission staff prepares and releases a public version of the report for each investigation with all confidential material redacted. Copies of the public version of the report are available on the Commission's website at https://www.usitc.gov/trade_remedy/publications_/opinions_index.htm. The Commission also typically issues a press release at the time the Commissioners vote on their determination. And at the conclusion of each investigation, the Commission publishes its determination in the *Federal Register*.

The time for completing an investigation is set by statute, but it may vary based on a number of factors, including the type and length of the specific investigation. For example, in antidumping and countervailing duty investigations, the Commission's deadline for completing the preliminary phase of an investigation is set by statute at 45 days, but its deadline for completing the final phase of the investigation will depend on when Commerce notifies the Commission of its final subsidy or dumping determination. If Commerce makes a negative final determination in its investigation, the Commission will not make a final determination at all. There are separate statutory deadlines for completing a five-year review. In a global safeguard investigation, the Commission generally has 180 days in which to make a determination and any recommendation, and to transmit its report to the president. However, the Commission has up to 60 additional days if the petitioner requests provisional relief pending completion of a full investigation. There are separate rules for completing Commission investigations that occur after relief is granted.

[11] As indicated above in Section (2) of this statement, the Commission releases completed questionnaires to authorized representatives of interested parties under the terms of an administrative protective order. The Commission provides the releases on a CD-ROM or through a secure online portal, which permits the representatives to access the data electronically and assists in the representatives' preparation of subsequent submissions to the Commission.

(17) Approval to not display the expiration date for OMB approval.—Not applicable. All questionnaires and notices of institution under this generic clearance will display the expiration date for OMB approval of the information collection.

(18) Consistency with 5 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.