

**SUPPORTING STATEMENT FOR
Petition Requirements; Investigations; Domestic Industry Study;
Application for Reconsideration**

OMB CONTROL NO. 1205-0NEW

This ICR seeks to replace the current 1205-0342 with the 1205-0NEW package that was included in our recent Notice of Proposed Rulemaking [84 FR 60150] and retain the 1205-0342 collection number.

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

This new ICR is necessary to accommodate regulatory changes the Department proposed in a Notice of Proposed Rulemaking (NPRM) RIN 1205-AB78, Trade Adjustment Assistance for Workers. The Department did not submit this ICR under OMB Control Number 1205-0342 because at the time of the development of the NPRM, an extension request was already pending in the reginfo.gov database, which is OMB's system for processing requests, and only one ICR per control number may be pending at OMB during any given time. The extension of OMB Control Number 1205-0342 was approved.

The Office of Trade Adjustment Assistance is charged with the administration of the Trade Adjustment Assistance for Workers program by Section 249A of the Trade Act of 1974, as amended (Act). One of the principal functions of OTAA is the investigation of Petitions for Trade Adjustment Assistance filed under Section 221 of the Act. Under the Act, OTAA is required to render determinations on petitions within 40 days of their filing. To meet that deadline, OTAA must be efficient in the collection of information from petitioners and firms. OTAA must also ensure that its processes are as efficient as possible. The manner in which information is collected from petitioners and firms greatly impacts that efficiency. Updating and revising collection requests allows OTAA to continue to improve on the efficiency of the investigative process.

Through this ICR, the Department seeks to reactivate ETA Form 8561 A/B/C, Standard Questionnaire for Manufacturing Firms by revising as ETA Form 8561, Domestic Industry Study. ETA Form 8561 A/B/C was previously approved under OMB Control Number 1205-0194, which expired in 1990 – and use of the form ended at that time.

Section 221 (a) of Title II, Chapter 2 of the Act (19 USC § 2271 et seq.) authorizes the Secretary of Labor and the Governor of each State to accept petitions for certification of eligibility to apply

for adjustment assistance. The petitions may be filed by a group of workers, a state workforce office, the certified or recognized union or duly authorized representative of the workers, employers of such workers, one-stop operators or one-stop partners. Form ETA-9042, Petition for Trade Adjustment Assistance and its Spanish translation, ETA-9042A, establish a format used for filing such petitions. There are minor revisions made to these forms to comply with the updated TAA Program regulations.

Section 224 of the Act requires the Secretary to conduct a study and prepare a report each time the International Trade Commission begins an investigation under Section 202 of the Act with respect to an industry. The Secretary is required to provide the President a report that contains the number of workers in the domestic industry producing the like or directly competitive article who have been or are likely to be certified as eligible for adjustment assistance, and the extent to which the adjustment of such workers to the import competition may be facilitated through the use of existing programs.

The remaining forms are undertaken in accordance with Sections 222, 223 and 249 of the Act (19 USC § 2272, 2273 et seq.), which require the Secretary to certify groups of workers for whom petitions have been submitted as eligible to apply for worker trade adjustment assistance (TAA). A determination of eligibility is reached after reviewing all the information relating to the petition for worker adjustment assistance filed with the Department. The information collected in these data collections is necessary for the Department to specifically determine to what extent, if any, foreign competition has impacted the selling market of the subject workers' firm, or a shift in production outside the United States, and thereby determine whether the statutory criteria of eligibility to apply for TAA is met. These forms, which are used to investigate whether the petitioning worker group may be adversely affected by trade, are submitted to companies that are connected to the petitioning worker group, either as direct employers, or as some part of the petitioning worker group's customer base. These forms are listed below with italicized headings providing the collection format:

- *ETA-9042 Petition for Trade Adjustment Assistance*
 - *Including a web-based version. (Screenshots included.)*
- *ETA-9042A Petition for Trade Adjustment Assistance (Spanish)*
- *ETA-9043 Business Data Request*
- *ETA-8561 Domestic Industry Study*
- *ETA-8562A Business Customer Survey*
- *ETA-8562A-1 Business Customer Survey – Second Tier*
- *ETA-8562A-2 Business Customer Survey – Foreign*
- *ETA-8562A-3 Business Customer Survey – Anonymous*

- *ETA-8562B Business Bid Survey*
- *ETA-9118 Business Information Request*
- *ETA-9185 Application for Reconsideration*

In the current collection, there are two versions of the ETA-9043 form: one for firms that produce articles (ETA-9043a), and the other for firms that provide services (ETA-9043b). Through this submission, the Department is merging these into a single version of the form, ETA-9043.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

The information in this collection is submitted by various parties, including: individuals, company officials, unions, and state agencies. This information is collected in paper, by fax, via online forms, and by e-mail. The information provided by these groups is used as part of investigations by the Department to reach determinations of whether or not groups of workers have been adversely affected by foreign trade, under the conditions and criteria established in Section 222 of the Act.

The outcomes of investigations are published in the Federal Register and on the Department's website. Determinations are also sent to state workforce agencies and the petitioner(s). If an affirmative determination is made, workers within the certified worker group become eligible to apply for trade adjustment assistance (TAA) benefits on an individual basis through cooperating state agencies.

Some of the specific data collected during this process is also used to satisfy the requirements of various sections of the Act that require the production of specific reports, including: Section 224, Section 249B(b)(1), and Section 249B(c) through (e).

The submissions will only be used by Employment and Training Administration (ETA) staff who review the collected information in order to assess whether the subject worker group meets the statutorily mandated criteria for group eligibility under Sections 222 and 223 of the Act (19 USC § 2272 and 2273 et seq.) Failure to implement the collection would prevent the proper administration of TAA Program benefits and services as provided by the Act. Failure to collect the information required for the industry study under Section 224 would result in no report being available to the President, and subsequently, to the public.

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

forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.

Respondents may use email, fax, couriers, U.S. Postal Service, or a number of express delivery services to provide the responses to the information collection.

In addition, an electronic petition filing application has been developed that allows for users to go to the Department's website, complete the application online, sign the petition electronically and then transmit the petition to both the Department and the relevant State agency. It should be noted that the electronically filed petition application does not replace the paper petition, but is available to provide an additional paperless option for those users who prefer this method and to expedite the initiation of the investigation process. The Department is also currently developing a web-based portal to allow for the submission of all forms in this collection request.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item A.2 above.

There is no duplication for this collection. The information requested via this collection is not available elsewhere.

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

The collection of this information does not significantly impact small business or small entities.

6. Describe the consequence to federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

The forms in this collection are designed to allow the investigation of each petition to proceed more efficiently. Only 40 days are statutorily permitted from the date of receipt of a petition to reach a determination regarding worker eligibility to apply for TAA. In order for the 40-day statutory time limit to be met, OTAA must not only issue relevant requests for the business information requested by the Business Data Request, Business Customer Survey and Business Information Request Questionnaire forms in applicable successive order, but also must obtain responses as quickly as possible. If the surveys were conducted less frequently, the Certifying Officers would not have access to the information required in order to be able to make the determinations as required by law.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- **requiring respondents to report information to the agency more often than quarterly;**
- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **requiring respondents to submit more than an original and two copies of any document;**
- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **requiring the use of statistical data classification that has not been reviewed and approved by OMB;**
- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

The ETA-9043 Business Data Request, Business Customer Surveys (ETA 8562A, 8562A-1, 8562A-2, 8562A-3 and 8562B), and ETA-9118 Business Information Request are not consistent with the guidelines in 5 CFR 1320.5, because the requested information is to be returned in less than 30 days. This is necessary in order to meet the 40-day statutory requirement for reaching a determination as described in Item number 6 above. Frequently, several different forms must be administered within the same 40 day period. Since these data collections are undertaken sequentially, respondents need to complete and return the form in less than 30 days. This collection does not include any record keeping requirements.

8. If applicable, provide a copy and identify the date and page number of publication in the *Federal Register* of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in

response to these comments. Specifically address comments received on cost and hour burden.

Describe 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.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years -- even if the collection-of-information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

The Department engaged the public through a Notice of Proposed Rulemaking *Federal Register* notice, published on November 7, 2019 at 84 FR 60150; the regulatory comment period closed on December 9, 2019. This ICR was also posted in the same notice as the proposed rule, with a 60-day comment period; the ICR comment period closed January 6, 2020. There were no comments received relative to the ICR.

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

There are no payments to respondents.

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

This information, in the form of a confidentiality statement, is provided to respondents on the information collection instruments. The exact statement varies by form, based on the use of the form and the information provided by the respondent.

The Department is responsible for protecting the privacy of any individual data or confidential business information and will maintain the data in accordance with all applicable Federal laws, with particular emphasis upon compliance with the provisions of Section 222(d)(3)(C) of the Act, the Privacy Act and the Freedom of Information Act. The only personal data collected during the TAA investigation process are the addresses of the petitioners. If those addresses are the home address of an individual, that information is redacted from the petition prior to the posting of the petition on the Department's website. Any confidential business information received is used exclusively by the Department in the investigation of a petition. That information is not shared with the public and can only be disclosed under the order of a court.

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. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

The data collection includes no questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.**

It is estimated that the Department will receive approximately 1,200 ETA-9042 petition forms on an annual basis (including the online and Spanish versions). This estimate is based on average monthly petition activity of 100 petitions per month – derived from current data trends. On an annualized basis, this results in:

100 petitions * 12 months = 1,200 petitions annually

Since receipt of this petition form will trigger the issuance of all subsequent investigation forms authorized under OMB 1205-0342, this number (1,200) is used as part of the calculation in establishing the burden hours and costs for all of the forms.

During the year, it is estimated that each ETA-9042 or ETA-9042A (Spanish version) will require an average time burden of 20 minutes per petition.

1,200 respondents x 0.333 hours (20 minutes) = 400 hours

The annual cost to respondents for submitting the ETA-9042 and its variants is estimated at \$25,472. The petition form may be filed by 3 workers, a union representative, a company official, a state agency, or a community based organization. Therefore, the fully loaded hourly rates could range from \$48.08 per hour for a worker, to \$120.88 per hour for a company official.

In FY2017, 62% of petitions were filed by state agencies, 15% by company officials, 17% by workers, and 6% by union officials. For hourly wage purposes, the Department used the same rate for company officials and union officials (OCC 11-1021). Applying the ratio of petitioner by type to the various hourly wage rates, results in a weighted, fully-loaded hourly rate of \$63.38 per hour.

For a more detailed breakdown of cost burden for TAA Petition (ETA-9042 and ETA-9042A) see Table 12A:

TABLE 12A: SUMMARY OF BURDEN COST TO RESPONDENTS-TAA PETITION					
A	B	C	D	E	F
Role of individual(s) regarding petition	Estimated number of responses	Individual Time burden	Time Burden for all forms (hours) (B*C)	Loaded Hourly Salary	Total Cost Burden
Petition filers	1,200	0.333 hours (20 minutes)	400	\$63.68	\$25,472.00
TOTAL BURDEN	1,200	0.333 hours (20 mins)	400		\$25,472.00

Sources: BLS Occupational Employment Statistics May 2017, Mean Hourly Wage, Private Ownership, 00-0000 All Occupations, 11-1021 General and Operations Managers

Employment Cost Index Historical Listing – Volume V - Continuous Occupational and Industry Series, September 1975-December 2017 (December 2005=100), January 2018. Available at <https://www.bls.gov/web/eci/ecicois.pdf>.

Bureau of Labor Statistics. (2018). 2017 Employer Costs for Employee Compensation. Retrieved from: <https://www.bls.gov/ncs/ect/data.htm>.

BLS, May 2017 National Industry-Specific Occupational Employment and Wage Estimates, NAICS 999200 - State Government, excluding schools and hospitals (OES Designation), Social Workers (Occupation Code 21-1020), Mean Hourly Wage. Available at https://www.bls.gov/oes/current/naics4_999200.htm#21-0000

For the state government employees, we use a fringe benefits rate of 59 percent and an overhead rate of 41 percent. The fringe benefits rate is derived from the ratio of average total compensation to average wages and salaries in 2017.

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OMB Expiration Date: xx/xx/xx

Bureau of Labor Statistics. (2018). 2017 Employer Costs for Employee Compensation. Retrieved from: <https://www.bls.gov/ncs/ect/data.htm>. Total compensation for all workers. Average Series ID CMU301000000000D, CMU301000000000P. To calculate the average total compensation in 2017, we averaged the total compensation for all workers for Quarters 1–4.

Bureau of Labor Statistics. (2018). 2017 Employer Costs for Employee Compensation. Retrieved from: <https://www.bls.gov/ncs/ect/data.htm>. Wages and salaries for all workers. Average Series ID CMU302000000000D, CMU302000000000P. To calculate the average wage and salary in 2017, we averaged the wages and salaries for all workers for Quarters 1–4.

For the private sector employees, we use a fringe benefits rate of 44 percent and an overhead rate of 56 percent. The fringe benefits rate is derived from the ratio of average total compensation to average wages and salaries in 2017 for the private sector.

Bureau of Labor Statistics. (2018). 2017 Employer Costs for Employee Compensation. Retrieved from: <https://www.bls.gov/ncs/ect/data.htm>. Total compensation for all workers. Average Series ID CMU201000000000D, CMU201000000000P. To calculate the average total compensation in 2017, we averaged the total compensation for all workers for Quarters 1-4.

Bureau of Labor Statistics. (2018). 2017 Employer Costs for Employee Compensation. Retrieved from: <https://www.bls.gov/ncs/ect/data.htm>. Wages and salaries for all workers. Average Series ID CMU202000000000D, CMU202000000000P. To calculate the average wage and salary in 2017, we averaged the wages and salaries for all workers for Quarters 1–4.

For the Federal Government, we use a fringe benefits factor of 1.63 and an overhead factor of 0.37.

Department of Labor. (2017). “DOL-Only Performance Accountability, Information, and Reporting System Information Collection Request (ICR); OMB CONTROL No. 1205-0521.” Retrieved from: https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=201802-1205-003.

BREAKOUT OF FOUR TYPES OF RESPONDENTS WHO FILL OUT ETA-9042 and ETA-9042A

The table below (Table 12B) further delineates the distribution of hour burden by breaking out categories of people filling out TAA petitions (ETA-9042 and ETA-9042A), broken out by public sector and private sector:

TABLE 12B: Breakout of Petitioner Types for ETA-9042 / ETA-9042A				
Type of Petitioner	Estimated Petition Activity	Audience	Estimated petition activity	Percent of Estimated Petition Activity
Company official	180	Private	252	21%
Unions	72			
State/Local	744	Public	744	62%
Workers	204	Individuals	204	17%
Total	1,200		1,200	100%

NOTE: A similar table is not provided for the subsequent information collections below because all forms in Information Collection #II are filled out by company officials or their representatives. The collection of this information can be compelled under federal subpoena.

INFORMATION COLLECTION #II; BUSINESS DATA REQUESTS, BUSINESS CONFIDENTIAL INFORMATION REQUESTS, BUSINESS CUSTOMER SURVEYS

Business Data Requests: ETA-9043

It is estimated that for submissions of ETA-9042 variants that are received, an ETA-9043 will be issued to the petitioning worker group's company in 100 percent of cases. To estimate the burden hours, OTAA used a random sample of past responses to TAA data responses. It is estimated that the revised form ETA-9043 should take 4 hours per response. Using the average, ETA estimates a total of 4,800 hours for ETA-9043. For further elaboration, see Table 12C:

Table 12C: Time Burden for ETA-9043			
ETA Form Number	Number of Responses/	Time Burden per response	Total Time Burden
A	B	C	D
ETA Form Number	Number of Responses	Time Burden per response (hours)	Total Time Burden (hours) (B*C)
ETA-9043	1,200	4	4,800
	1,200		4,800

In order to determine the annualized cost, OTAA estimates the fully loaded hourly wage of company officials completing the forms to be \$120.88 an hour. The resulting calculations are noted below, in Table 12D.

TABLE 12D: SUMMARY OF BURDEN COST TO RESPONDENTS			
A	B	C	D
ETA Form Number	Total Time Burden (See Table 12b, Column "D")	Estimated Hourly Salary for Staff	Total Burden Cost (B*C)
ETA-9043	4,800	\$120.88	\$580,224.00
	4,800		\$580,224.00

Customer Surveys: ETA-8562A, ETA-8562A-1, ETA-8562A-2, ETA-8562A-3, ETA-8562B

Based on the most recent annualized activity, it is estimated that the customer survey information collected by the current ETA-8562 is needed in 50 percent of all petitioning worker group investigations, or 600 of 1,200 petition forms that are anticipated annually. Using a sample of cases requiring customer surveys, OTAA approximates that about 4 customer surveys will be sent for each petitioning worker group, leading to a total of 2,400 survey questionnaires to be sent. Four customers reducing purchases from the subject firm represents an average number used to represent the subject firm's sales decline.

It is anticipated that some version of the ETA-8562A (8562A, 8562A-2, or 8562A-3) will be issued in 50 percent of all cases where petition has been filed on behalf of a group of workers, or 600 of 1,200 petitions. In turn, it is assumed that a customer survey for those businesses that solicit work through a bid process (ETA-8562B) will be necessary in 20 percent of all cases that are initiated by the ETA- 9042, or 240 each. The ETA-8562A-1, which will only be issued to the customers of the petitioning worker groups' customers, is only collected in cases where the ETA-8562A is first issued and is estimated to be collected once for every 5 instances where an ETA-8562A is involved, or 10 percent of all 1,200 petition investigations (120).

TABLE 12E: SUMMARY OF TIME BURDEN FOR ETA-8562A, ETA-8562A-2, ETA-8562A-3, ETA-8562B and ETA-8562A-1					
A	B	C	D	E	F
ETA Form Number	Number of Petition Investigations requiring this form/Estimated Percent of 1,200 petitions	Number of Responses per Petition	Number of Responses Total (B*C)	Individual Time Burden for Each Form (hours)	Sum of Time Burden (hours) (D*E)
ETA-8562A / 8562A-2 / 8562A-3	600/50%	4	2,400	2.5	6,000
ETA-8562B	240/20%	1	240	2.5	600
ETA-8562A-1	120/10%	3	360	4	900
	960/NA		3,000		7,500

In order to determine the annualized cost, OTAA estimates the fully loaded hourly wage of company officials to be completing the forms to be \$120.88 an hour. The resulting calculations are noted in Table 12F:

TABLE 12F: SUMMARY OF BURDEN COST FOR ETA-8562A, ETA-8562A-2, ETA-8562A-3, ETA-8562B and ETA-8562A-1			
A	B	C	D
ETA Form Number	Time Burden (see TABLE 12E, Column "F")	Estimated Hourly Salary for Staff	Total Cost Burden (B*C)
ETA-8562A / 8562A-2 / 8562A-3	6,000	\$120.88	\$725,280.00
ETA-8562B	600		\$72,528.00
ETA-8562A-1	1,440		\$174,067.20
	8,040.00		\$971,875.20

ETA-9118 Business Information Request

ETA-9118 Business Information Request is submitted to the employer of a petitioning worker group that exclusively provides contract support for companies that may produce an article or

supply a service that is adversely affected by trade. It is estimated that contracting petitioning worker groups file ETA-9042 petition forms in 5 percent of the estimated annual submission of 1,200 petitions, for a total of 60 possible situations.

TABLE 12G: SUMMARY OF TIME BURDEN FOR ETA-9118			
A	B	C	D
ETA Form Number	Percent of 1,200 / Number of Responses	Individual Time Burden	Total Burden Hours
ETA-9118	60/5%	2 hours	120

In order to determine the annualized cost, OTAA estimates an hourly salary of company officials to be completing the forms to be \$120.88 an hour. The resulting calculations are noted in Table 12H:

TABLE 12H: SUMMARY OF BURDEN COST FOR ETA-9118			
A	B	C	D
Form Number	Total Burden Hours (See TABLE 12G, Column "D")	Hourly Staff Salary	Total Cost Burden
ETA-9118	120	\$120.88	\$14,505.60

ETA-8561 Domestic Industry Study

ETA-8561 Domestic Industry Study is submitted to firms within an industry subject to an investigation by the International Trade Commission under Section 202 of the Trade Act. The Department uses the information collected from the firms to produce a report for the President, as required under Section 224 of the Trade Act. Since 1998, only three studies have been conducted. However, the Department concludes it is more prudent to estimate that there will be one study per year. It is estimated that the Department will survey 12 firms in the subject industry per study. The form is calculated to take 60 minutes to complete. The previous collection under OMB Control Number 1205-0194, estimated 700 respondents and 2,800 hours, or 4 hours per form (51 FR 11656). So, this revised version represents a significant burden reduction.

TABLE 12I: SUMMARY OF TIME BURDEN COST FOR ETA 8561			
A	B	C	D

Form Number	Total Number of Annual Respondents	Individual Time Burden	Total Burden Hours
ETA-8561	12	1 hour	12

In order to determine the annualized cost, OTAA estimates an hourly salary of company officials to be completing the forms to be \$120.88 an hour. The resulting calculations are noted in Table 12J, below:

TABLE 12J: SUMMARY OF BURDEN COST FOR ETA-8561			
A	B	C	D
Form Number	Total Burden Hours (See TABLE 12I, Column "D")	Hourly Staff Salary	Total Cost Burden
ETA-8561	12	\$120.88	\$1,450.56

INFORMATION COLLECTION #III; APPLICATION FOR RECONSIDERATION

ETA-9185 Application for Reconsideration

This form standardizes the information required by regulations at 29 CFR 90.18(b) for an aggrieved party to seek administrative reconsideration of a termination of investigation, termination or partial termination of a certification, or a negative determination of a petition. Based on recent data from the past few fiscal years, the Department receives an average of 25 applications for reconsiderations each year. The form is calculated to take 1 hour to complete.

TABLE 12K: SUMMARY OF TIME BURDEN COST FOR ETA 9185			
A	B	C	D
Form Number	Total Number of Annual Respondents	Individual Time Burden	Total Burden Hours
ETA-9185	25	1 hour	25

In order to determine the annualized cost, OTAA estimates an hourly salary of company officials to be completing the forms to be \$120.88 an hour. The resulting calculations are noted in Table 12L below:

TABLE 12L: SUMMARY OF BURDEN COST FOR ETA 9185			
A	B	C	D

Form Number	Total Burden Hours (See TABLE 12K, Column “D”)	Hourly Staff Salary	Total Cost Burden
ETA-9185	25	\$120.88	\$3,022.00

**SUMMARY OF BURDEN TIME & COST FOR ALL FORMS IN THIS REVISION OF OMB
 No. 1205-0342**

Time burden for all estimates provided in Tables 12A-12L are summarized below, in Table 12M.
 Note that, in terms of frequency, all of the forms below are “one time” collections.

TABLE 12M: SUMMARY OF TIME BURDEN AND COST BURDEN FOR ALL FORMS (OMB CONTROL #1205-0342)							
ETA Form Numbers	Number of Respondents	No. of Responses per Respondent	Total Responses	Average Burden (Hours)	Total Burden (Hours)	Hourly Wage Rate	Total Burden Cost
ETA-9042 ETA-9042A	1,200	1	1,200	.33 hours	400	\$63.68	\$25,472.00
ETA-9043	1,020	1.1764705 9	1,200	4 hours	4,800	\$120.88	\$580,224.00
ETA-8562A ETA-8562A-1 ETA-8562A-2 ETA-8562A-3 ETA-8562B	3,000	1	3,000	2.5 hours	7,500	\$120.88	\$906,600.00
ETA-9118	60	1	60	4 hours	240	\$120.88	\$29,011.20
ETA-8561	12	1	12	1 hour	12	\$120.88	\$1,450.56
ETA-9185	25	1	25	1 hour	25	\$120.88	\$3,022.00
<i>Unduplicated Totals</i>	5,317		5,497		12,977		\$1,545,779.76

* When petitions are filed by firms that employ TAA petitioning worker groups, the same respondent will complete *both* a TAA Petition form (ETA-9042 or ETA-9042A), and a Business Data Request Form (ETA-9043). As a result, the calculation for the number of unique respondents in the second two forms is as follows:

$$\begin{array}{r}
 1,200 \text{ (number of responses for TAA Petition)} \\
 \text{MINUS } 180 \text{ (number of responses based on company filed petitions)} \\
 \text{EQUALS } 1,020
 \end{array}$$

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

- **The cost estimate should be split into two components: (a) a total capital and start up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of service component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**
- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**
- **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.**

There are no capital or start-up costs involved in the collection of the data for the petition form. The burden hours associated with editing, analyzing, validating in inputting the data are described in Item 12.

14. Provide estimates of the annualized cost to the Federal Government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 into a single table.

The following assumptions utilizes the hourly salary for a GS-9, Step 1 employee located in Washington, D.C., of \$26.94. The fully loaded rate utilizes a fringe rate of 1.63 and overhead factor of 0.37, resulting in a fully loaded hourly rate of \$53.88.

The annualized cost to the Federal Government for each of the 1,200 ETA-9042 (or ETA-9042A) forms is \$0.00. These forms are submitted by petitioners. There is no preparation of the form required on behalf of the government.

The annualized cost to the Federal Government for each of the 1,200 ETA-9043 forms is \$5,388. This is an estimated at \$4.49 per form, or 5 minutes of staff time at a rate of \$53.88 an hour. This estimate is based on the assumption that entering correct petitioning worker group information and updating the relevant time periods on the form requires five minutes of staff time at an approximate salary of \$53.88 per hour.

The annualized cost to the Federal Government for each of the 3,000 questionnaires (ETA-8562 variants) is estimated at \$4.49 for each form, or a total of \$13,470.00. This is based on the assumption that it takes approximately 5 minutes of staff time to modify the form to reflect accurate contact information, product description and relevant time periods, at a salary estimated at \$53.88 per hour.

The annualized cost to the Federal Government for each of the 12 ETA-8561, Domestic Industry Study, is estimated at \$4.49 each, or a total of \$53.88.

The annualized cost to the Federal Government for each of the 25 ETA-9185, Request for Reconsideration, is \$0. These forms are submitted by aggrieved parties. There is no preparation of the form required on behalf of the government.

TABLE 14: ESTIMATED COST TO THE FEDERAL GOVERNMENT			
ETA Form Number	Staff Salary/Cost (B)	Number of Responses (C)	Total Cost (B * C)
ETA-9042 ETA-9042A	\$0.00	1,200	\$0.00
ETA-9043	\$4.49	1,200	\$5,388.00
ETA-8562A ETA-8562A-1 ETA-8562A-2 ETA-8562A-3 ETA-8562B	\$4.49	3,000	\$13,470.00
ETA-9118	\$4.49	60	\$269.40
ETA-8561	\$4.49	12	\$53.88
ETA-9185	\$0.00	25	\$0.00
Totals			\$19,181.28

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

This is a new collection. The forms in the proposed collection for OMB No. 1205-0342 have all been modified from those in the current collection. Due to ongoing trends, there is a change in burden for: (1) total responses, and; (2) total hour burden. The volume of responses and burden hours changed due to a variety of factors. Specific changes are noted under the form series underlined below.

- Business Data Request (ETA-9043)

The existing ETA-9043a and ETA-9043b are combined under this proposed collection. There is no change to the numbers of respondents, total annual responses, burden hours or total costs.

- Customer Surveys (ETA-8562A, ETA-8562A-1, ETA-8562A-2, ETA-8562A-3, ETA-8562B)

Based on feedback from respondents and changes to the layout of the forms, the time per response for each variant of the form as been set at 2.5 hours. In the previous revision, there was an increase in burden estimates as a result of a correction to the estimate based on actual experience of investigators. Previous estimates for the forms did not take into account the number of times *per petition* that the customer survey forms were collected. In addition, the percentage of times that these forms were collected per petition investigation was also revised in the previous collection to reflect changes in current investigation trends. Those assumptions are carried forward to this proposed collection.

There is a slight increase in the total annual burden hours, from 6,000 to 7,500, due to the adjustments of the estimated time to complete the responses from 2 hours to 2.5 hours. The Department will continue to collect information from respondents on the actual time needed to complete the response and adjust the burden hours as needed in future collection approval requests.

- Business Information Request (ETA-9118)

Based on a reassessment of the time burden to prepare the response, there is an increase in the burden hours from 60 in the current collection to 240 hours in the proposed collection. This does not represent an increase in the information that is requested from the respondent, but rather a more accurate estimate of the time needed to prepare the response.

- Domestic Industry Study (ETA-8561)

As stated above, the *Domestic Industry Study* is a reactivation of the ETA-8561 A/B/C, *Standard Questionnaire for Manufacturing Firms*, previously approved under OMB Control Number 1205-0194. The previous collection estimated 700 annual responses and 2,800 burden hours. The Department has been unsuccessful in locating a copy of that collection. Since 1998, only three studies under Section 224 of the Trade Act have been conducted. However, the Department concludes it is more prudent to estimate that there will be one study per year. We have determined that to prepare the report, the Department will need to collect information from 12 firms in the subject industry. Based on the new version of the form, we have estimated the time

burden to be 1 hour. This reduction is based, partly, on the significant increase in the availability of technology used by firms that enables more efficient responses to the questions. This revised version represents a significant burden reduction of hours and cost.

- Request for Reconsideration (ETA-9185)

Based on data from the past few fiscal years, the Department estimates 25 Request for Reconsideration to be filed annually. These requests for reconsideration are currently covered under 29 CFR 90.18(b). That regulation also provides the required information that must be submitted with each request. There is currently no standard form for the submission of this information. The reconsideration process was established via a Final Rule, published in the *Federal Register* on June 28, 1977 (42 FR 32771). This submission predated the Paperwork Reduction Act of 1995, and its predecessor, the Paperwork Reduction Act of 1980. The Department surmises that no burden statement was included in the Final Rule because the language in 29 CFR 90.18(b) was determined to not be a, “collection of information,” under the Federal Reports Act of 1942 (Pub. L. 77-831). The Department estimates 25 response per year and a time burden estimate for the new form of 1 hour.

- Petition for Trade Adjustment Assistance (ETA-9042 / ETA-9042A)

The petition forms have been updated to reflect changes made in TAA Program regulations regarding who may file a petition. The new regulations allow a petition to be filed by two workers instead of three. The forms have been modified to allow for this changes. There have also been minor formatting changes to simplify the form. Screenshots of the web-based version of the ETA-9042 are also included in this submission.

16. For collections of information whose results will be published, outline plans for tabulations, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

Information collected via the ETA-9042, and its variants, as well as a redacted version of each completed petition form, are posted to the Department’s website. This information is updated daily and represents existing practice.

No complex analytical techniques or projected timelines are applicable to this collection.

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

The expiration date for OMB approval of the information collection will be displayed on all forms.

18. Explain each exception to the certification statement.

There are no exceptions to the certification statement.

Petition Requirements; Investigations; Domestic Industry Study; Application for Reconsideration
OMB Control Number 1205-0NEW
OMB Expiration Date: xx/xx/xx

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS.

This collection does not employ statistical methods.