

DEPARTMENT OF COMMERCE**U.S. Census Bureau****Proposed Information Collection; Comment Request; Current Population Survey (CPS) Basic Demographic Items**

AGENCY: U.S. Census Bureau, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: To ensure consideration, written comments must be submitted on or before February 14, 2011.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at dHynek@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to David M. Sheldon, U.S. Census Bureau, 7H108D, Washington, DC 20133–8400 at (301) 763–7327 (or via the Internet at David.M.Sheldon@census.gov).

SUPPLEMENTARY INFORMATION:**I. Abstract**

The Census Bureau plans to request clearance from the Office of Management and Budget (OMB) for the collection of basic demographic information on the Current Population Survey (CPS) beginning in June 2011. The current clearance expires May 31, 2011.

The CPS has been the source of official government statistics on employment and unemployment for over 50 years. The Bureau of Labor Statistics (BLS) and the Census Bureau jointly sponsor the basic monthly survey. The Census Bureau also prepares and conducts all the field work. At the OMB's request, the Census Bureau and the BLS divide the clearance request in order to reflect the joint sponsorship and funding of the CPS program. The BLS submits a separate clearance request for the

portion of the CPS that collects labor force information for the civilian non-institutional population. Some of the information within that portion includes employment status, number of hours worked, job search activities, earnings, duration of unemployment, and the industry and occupation classification of the job held the previous week. The justification that follows is in support of the demographic data.

The demographic information collected in the CPS provides a unique set of data on selected characteristics for the civilian non-institutional population. Some of the demographic information we collect are age, marital status, gender, Armed Forces status, education, race, origin, and family income. We use these data in conjunction with other data, particularly the monthly labor force data, as well as periodic supplement data. We also use these data independently for internal analytic research and for evaluation of other surveys. In addition, we use these data as a control to produce accurate estimates of other personal characteristics.

II. Method of Collection

The CPS basic demographic information is collected from individual households by both personal visit and telephone interviews each month. All interviews are conducted using computer-assisted interviewing. Households in the CPS are in sample for four consecutive months, and for the same four months the following year. This is called a 4–8–4 rotation pattern; households are in sample for four months, in a resting period for eight months, and then in sample again for four months.

III. Data

OMB Control Number: 0607–0049.

Form Number: There are no forms. We conduct all interviews on computers.

Type of Review: Regular submission.

Affected Public: Households.

Estimated Number of Respondents: 59,000 per month.

Estimated Time per Response: 1.5265 minutes.

Estimated Total Annual Burden Hours: 18,013.

Estimated Total Annual Cost: There is no cost to the respondents other than their time.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13, U.S.C., Section 182, and Title 29, U.S.C., Sections 1–9.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: December 10, 2010.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

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DEPARTMENT OF COMMERCE**International Trade Administration****De Facto Criteria for Establishing a Separate Rate in Antidumping Proceedings Involving Non-Market Economy Countries**

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Request for comments.

SUMMARY: In antidumping proceedings involving non-market economy (“NME”) countries,¹ the Department of Commerce (“the Department”) has a rebuttable presumption that the export activities of all companies within the country are subject to government control and, thus, should be assessed a single antidumping duty rate (*i.e.*, the NME-Entity rate). It is the Department's policy to assign to all exporters of merchandise subject to investigation in an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a “separate rate” (*i.e.*, a

¹ The Department currently considers the following countries to be non-market economy countries—Armenia, Belarus, Georgia, Kyrgyzstan Republic, Moldova, the People's Republic of China, the Republic of Azerbaijan, the Socialist Republic of Vietnam, Tajikistan, Turkmenistan and Uzbekistan.

dumping margin separate from the margin assigned to the NME-Entity). Exporters can demonstrate this independence through the absence of both *de jure* and *de facto* governmental control over their export activities.

The Department is now considering revising its current policy and practice with respect to the *de facto* criteria examined for purposes of determining whether to grant separate rate status to individual exporters in antidumping proceedings involving NME countries. Through this notice, the Department invites the public to comment on amending the test as discussed below. Interested parties are invited to comment on this proposal.

DATES: To be assured of consideration, comments must be received no later than January 31, 2011.²

FOR FURTHER INFORMATION CONTACT:

Albert Hsu, Senior International Economist, Office of Policy or Eugene Degnan, Program Manager, Office 8, Office of Antidumping and Countervailing Duty Operations, Import Administration, U.S. Department of Commerce, at 202-482-4491 or 202-482-0414, respectively.

SUPPLEMENTARY INFORMATION:

Background

In proceedings involving NME countries, the Department has a rebuttable presumption that the export activities of all companies within the country are subject to government control and, thus, should be assessed a single antidumping duty rate (*i.e.*, the NME-Entity rate). It is the Department's policy to assign all exporters of merchandise subject to an antidumping investigation or review in an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a "separate rate" (*i.e.*, a dumping margin separate from the margin assigned to the NME-Entity). Exporters can demonstrate this independence through the absence of both *de jure* and *de facto* governmental control over their export activities. The Department analyzes each entity exporting the subject merchandise that applies for a separate rate under a test first articulated in *Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China*, 56 FR 20588 (May 6, 1991) ("*Sparklers*"), as further developed in

Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China, 59 FR 22585 (May 2, 1994) ("*Silicon Carbide*").³ However, if the Department determines that an exporter of NME-produced merchandise is wholly foreign-owned or located in a market economy country, under current practice a separate-rate analysis is not necessary to determine whether it is independent from government control.

The Department is not revisiting the *de jure* criteria currently examined for purposes of establishing a company's separate rate. The Department is considering, however, the extent to which it might incorporate additional *de facto* criteria into its analysis when assessing and verifying whether a foreign producer/exporter in a non-market economy is sufficiently free of government control to be granted separate rate status.

Typically, the Department considers four factors in evaluating whether a respondent is subject to *de facto* governmental control of its export functions. They are: (1) Whether the export prices are set by or are subject to the approval of a governmental agency; (2) whether the respondent has authority to negotiate and sign contracts and other agreements; (3) whether the respondent has autonomy from the government in making decisions regarding the selection of management; and (4) whether the respondent retains the proceeds of its export sales and makes independent decisions regarding disposition of profits or financing of losses.⁴ The Department has determined that an analysis of *de facto* control is critical in determining whether

exporters or producers are, in fact, subject to a degree of governmental control which would preclude the Department from assigning separate rates.

Currently, when conducting its *de facto* separate rate analysis, the Department asks of those being considered for separate rate status questions regarding: (1) Ownership and whether any individual owners hold office at any level of the NME government; (2) export sales negotiations and prices; (3) selection of company management and whether any managers held government positions; (4) disposition of profits; and (5) affiliations with any companies involved in the production or sale in the home market, third-country markets, or the United States of merchandise which would fall under the description of merchandise covered by the scope of the proceeding. The Department's full Separate Rate Status Application is available on the Department's Web site at <http://www.trade.gov/ia>.

The Department's current practice focuses on direct government involvement in a firm's export activities and, to that extent, it may not take sufficient account of the government's role in the NME and how that role may impact an exporter's behavior with regard to its export activities and setting prices. For this reason, the Department is considering modifying the *de facto* criteria to look beyond direct government control of export activities in assessing whether an entity should be granted separate rate status. The Department welcomes comments on this proposed reassessment of its current practice. Further, the Department invites comments and suggestions regarding additional *de facto* criteria to examine in assessing a company's eligibility for separate rate status. Comments should include a description of the criteria parties propose the Department examine, specific questions the Department might ask a separate rate applicant, and the type of documentation the Department would expect to review, and procedures followed, at verification.

Submission of Comments:

As specified above, to be assured of consideration, comments must be received no later than January 31, 2011. All comments must be submitted through the Federal eRulemaking Portal at <http://www.regulations.gov>, Docket No. ITA-2010-0010, unless the commenter does not have access to the Internet. Commenters that do not have access to the Internet may submit the original and two copies of each set of comments by mail or hand delivery/

³ See also Policy Bulletin 05.1, which states: "[w]hile continuing the practice of assigning separate rates only to exporters, all separate rates that the Department will now assign in its NME investigations will be specific to those producers that supplied the exporter during the period of investigation. **Note**, however, that one rate is calculated for the exporter and all of the producers which supplied subject merchandise to it during the period of investigation. This practice applies both to mandatory respondents receiving an individually calculated separate rate as well as the pool of non-investigated firms receiving the weighted-average of the individually calculated rates. This practice is referred to as the application of "combination rates" because such rates apply to specific combinations of exporters and one or more producers. The cash-deposit rate assigned to an exporter will apply only to merchandise both exported by the firm in question and produced by a firm that supplied the exporter during the period of investigation."

⁴ See *Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China*, 59 FR 22585 (May 2, 1994); see also *Notice of Final Determination of Sales at Less Than Fair Value: Furfuryl Alcohol From the People's Republic of China*, 60 FR 22544, 22545 (May 8, 1995).

² The Department typically allows 30 days for filing comments in instances such as this. However, due to the intervening holiday season, the Department is allowing 45 days in this particular instance to ensure that all parties have adequate time to comment.

courier. All comments should be addressed to the Secretary of Commerce, *Attention:* Wendy J. Frankel, Director, Office 8, Antidumping and Countervailing Duty Operations, Room 1870, Import Administration, U.S., Department of Commerce, 14th Street and Constitution Ave., NW., Washington, DC 20230.

The Department will consider all comments received before the close of the comment period. The Department will not accept comments accompanied by a request that part or all of the material be treated confidentially because of its business proprietary nature or for any other reason. All comments responding to this notice will be a matter of public record and will be available for inspection at Import Administration's Central Records Unit (Room 7046 of the Herbert C. Hoover Building) and on the Department's Web site at <http://www.trade.gov/ia/>.

Any questions concerning file formatting, document conversion, access on the Internet, or other electronic filing issues should be addressed to Andrew Lee Beller, Import Administration Webmaster, at (202) 482-0866, *e-mail address:* webmaster-support@ita.doc.gov.

Dated: December 10, 2010.

Ronald K. Lorentzen,

Deputy Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

Proposed Methodology for Respondent Selection in Antidumping Proceedings; Request for Comment

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce ("the Department") seeks public comment on its proposed methodology for respondent selection and related issues.

DATES: To be assured of consideration, comments must be received no later than January 18, 2011.

FOR FURTHER INFORMATION CONTACT: Albert Hsu, Senior Economist, Office of Policy, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; *telephone:* (202) 482-4491.

SUPPLEMENTARY INFORMATION:

Background

When the number of producers/exporters ("companies") involved in an antidumping investigation or review is so large that the Department finds it impracticable to examine each company individually, the Department has statutory authority to limit its examination to (1) a sample of exporters, producers, or types of products that is statistically valid based on the information available to the administering authority at the time of selection, or (2) exporters and producers accounting for the largest volume of subject merchandise from the exporting country that can be reasonably examined (see sections 777A(c)(2)(A) and (B) of the Tariff Act of 1930, as amended ("the Act")). The Department has, to date, used the second option in virtually every one of its proceedings. A consequence of this practice is that companies under investigation or review with relatively smaller import volumes have typically not been selected by the Department for individual examination.

Sampling companies with varying import volumes under section 777A(c)(2)(A) of the Act is one way to remedy this problem. If the Department were to select respondents on the basis of a sample, the statute requires that the sample be "statistically valid." The Department has interpreted this requirement as referring to the manner in which the Department selects respondents and not to the size of the sample or precision of the sample results. See *Brake Rotors From the People's Republic of China: Final Results and Partial Rescission of the 2004/2005 Administrative Review and Notice of Rescission of 2004/2005 New Shipper Review* 71 FR 66304 (Nov. 14, 2006), and accompanying Issues and Decision Memorandum at Comment 1A.

Therefore, to ensure the statistical validity of the samples, in the methodology described below, the Department proposes to employ a sampling technique that (1) is random, (2) is stratified, and (3) uses probability-proportional-to-size ("PPS") samples. Random selection ensures that every company has a chance of being selected as a respondent and captures potential variability across the population. Stratification by import volume ensures the participation of companies of different import volume in the investigation or review, given the small samples that would be used. Finally, PPS samples ensure that the probability of each company being chosen as a respondent is proportional to its share of imports in its respective stratum.

Proposed Methodology

1.1 When To Sample

Given the benefits of sampling described above, where possible, the Department proposes to use sampling to select respondents rather than limiting its examination to companies accounting for the largest import volume that can be reasonably examined. However, the Department will, in general, forgo sampling under the following circumstances: (1) If, due to resource constraints, the Department is unable to examine at least three companies, (2) when the largest companies by import volume account for at least 75 percent of total imports, or (3) when characteristics of the underlying population make it highly likely that results obtained from the largest possible sample, given resource constraints, would be unreasonable to represent the population.

To make a determination under (3) above, for a segment of a proceeding in which the Department intends to apply sampling for respondent selection, the Department proposes to announce a ten-day period for interested parties to comment on the existence of significant variation in company characteristics that are likely to have a substantial effect on the variation in dumping margins of the companies in the population in question. The comments can take into account sampled company margins from previous segments of the proceeding, if such data exist, that may indicate significant variation in the individual margins of sampled companies. If the Department receives any comment, there will be a five-day rebuttal period before the Department announces its decision on the respondent selection method for that segment of the proceeding. If the Department does not find that selecting respondents through sampling is appropriate for that particular segment based on information and comments on the record at the time of respondent selection, the Department will choose as respondents those companies accounting for the largest import volume that can be reasonably examined, in accordance with section 777A(c)(2)(B) of the Act.

1.2 Definition of Population

Currently, the Department generally chooses companies for individual examination based on import volumes reported in case-specific Customs and Border Protection ("CBP") import data. It also assigns an antidumping duty rate to all other companies that are not selected for individual examination. The Department currently does not require