

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 will also become a matter of public record.

Dated: December 21, 2004.

**Madeleine Clayton,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 04-28283 Filed 12-27-04; 8:45 am]

BILLING CODE 3510-33-P

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

#### National Defense Authorization Act; Notice and Request for Comments

**ACTION:** Notice and Request for Comments.

**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:** Written comments must be submitted on or before February 28, 2005.

**ADDRESSES:** Direct all written comments to Diana Hynek, Departmental Paperwork Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington DC 20230.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Stephen Baker, BIS ICB Liaison, Department of Commerce, Room 6622, 14th & Constitution Avenue, NW., Washington, DC, 20230.

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

This collection of information is required as the result of the amending of the Export Administration Regulations (15 CFR parts 730-799) (EAR) by revising the (EAR) requirements for exports and reexports contained in Sections 1211-1215 of the

National Defense Authorization Act (NDAA) for fiscal year 1998 (Public Law 105-85, 111 Stat. 1629), signed by the President on November 18, 1997. There is one component of this information collection authorization, a post-shipment report on the export of high performance computers, as well as exports of items used to enhance previously exported or reexported computers, to Tier 3 countries, where the CTP is greater than 85,000 MTOPS for commodities shipped on or after March 20, 2001. (For commodities shipped prior to that date, lower reporting thresholds apply, per 15 CFR Parts 740.7 and 742.12.) Exporters are required to provide a written report to BIS no later than the last day of the month following the month in which the export takes place. To simplify this process, BIS is developing an electronic form that will incorporate the relevant data elements and replace the written report, thereby standardizing the data format for the applicant, and enabling the use of information technology in the processing of the data.

#### II. Method of Collection

Submitted on forms.

#### III. Data

*OMB Number:* 0694-0107.

*Form Number:* BIS 742R, BIS 742S.

*Type of Review:* Regular submission for extension of a currently approved collection.

*Affected Public:* Individuals, businesses or other for-profit and not-for-profit institutions.

*Estimated Number of Respondents:* 5.

*Estimated Time Per Response:* 15 minutes per response.

*Estimated Total Annual Burden Hours:* 6 hours.

*Estimated Total Annual Cost:* No start-up capital expenditures.

#### 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. In addition, the public is encouraged to provide suggestions on

how to reduce and/or consolidate the current frequency of reporting.

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

Dated: December 21, 2004.

**Madeleine Clayton,**

*Management Analyst, Office of the Chief Information Officer.*

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## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

#### Computers and Related Equipment; Notice and Request for Comments

**ACTION:** Notice and request for comments.

**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:** Written comments must be submitted on or before February 28, 2005.

**ADDRESSES:** Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Stephen Baker, BIS ICB Liaison, Department of Commerce, Room 6622, 14th and Constitution Avenue, NW, Washington, DC 20230.

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

When BIS receives this information it is thoroughly reviewed by a licensing officer who, depending on the limits of parameters of the system, may submit the application for review by other government agencies. If the application is approved, the respondent is issued a validated export license that authorizes shipment of the computer system. If additional information is required, the respondent will be notified.

Applications may be rejected if it is determined that the export or reexport of the system poses a threat to U.S. national security.

## II. Method of Collection

Submitted, as required, with form BIS-748P.

## III. Data

OMB Number: 0694-0013.

Form Number: N/A.

Type of Review: Regular submission for extension of a currently approved collection.

Affected Public: Individuals, businesses or other for-profit and not-for-profit institutions.

Estimated Number of Respondents: 80.

Estimated Time Per Response: 32 minutes per response.

Estimated Total Annual Burden Hours: 86.

Estimated Total Annual Cost: No start-up capital expenditures.

## 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 will also become a matter of public record.

Dated: December 21, 2004.

**Madeleine Clayton,**

Management Analyst, Office of the Chief Information Officer.

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Separate-Rates Practice in Antidumping Proceedings Involving Non-Market Economy Countries

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

**ACTION:** Announcement of change in practice and request for comments.

**SUMMARY:** On May 3 and September 20, 2004, the Department of Commerce published notices in the **Federal Register** requesting comments on its separate rates practice (69 FR 24119 and 69 FR 56188). This practice refers to the Department's long-standing policy in antidumping proceedings of presuming that all firms within a non-market economy ("NME") country are subject to government control and thus should all be assigned a single, country-wide rate unless a respondent can demonstrate an absence of both *de jure* and *de facto* control over its export activities. In that case, the Department assigns the respondent its own individually calculated rate or, in the case of a non-investigated or non-reviewed firm, a weighted-average of the rates of the investigated companies, excluding any rates that were zero, *de minimis*, or based entirely on facts available. In the Department's previous NME antidumping investigations, exporters seeking a separate rate have had to respond to section A of the NME questionnaire for purposes of providing the Department evidence of the exporters' independence of government control over their export activities.

Taking into account the comments it has received and without ruling out any additional changes in the future, the Department has provisionally decided to adopt an application process for evaluating separate rate requests by non-investigated firms, and to consider instituting combination rates (also known as "chain" or "channel" rates) for all firms receiving a separate rate in NME cases. Because several of the interested parties requested an opportunity to comment on the application before a final decision is made, the draft application has been posted on the Import Administration Web site at the following address: <http://ia.ita.doc.gov/>. This model application is based on a PRC investigation. We expect it would be modified on a case-by-case basis, depending on the NME under investigation. This notice will also describe how the application process will function in greater detail and serve as an opportunity to provide additional comments on both the shift from a section A response to an application process as well as on specific fields in the application itself. In particular, the Department welcomes comments on whether the fields in the application and the supporting documents it requires are sufficient for a firm to demonstrate its eligibility for a separate

rate without being unnecessarily burdensome for the Department or for importers.

The second part of this notice, drawing on interested parties' comments, describes the Department's proposal to introduce combination rates in all of its NME antidumping cases in more detail, and clarifies how combination rates would work in practice. Because the Department recognizes that assigning combination rates in all of its NME cases would be a change in practice, and because parties have raised questions about the implementation and administration of this method of assigning antidumping margins, the Department is giving the public an additional opportunity to comment on this proposed change in practice. The Department is particularly interested in comments addressing how combination rates might work in practice, on whether there are obstacles to its effective implementation, and what the implications of combination rates might be for the Department or for respondents.

The Department is not ruling out additional changes to its separate rates practice, and will consider changes to its policy and practice in other areas. For this notice, however, the Department is most interested in comments on the application process and on its draft application, as well as on the proposal to institute combination rates for all NME exporters. The proposed application and application process are not yet finalized and are subject to modification. Furthermore, the Department has not made a final decision with respect to the draft application on the Import Administration Web site or on combination rates for all NME exporters. The Department's position with respect to both of these issues will be finalized after it has analyzed the comments it will receive in response to this notice.

**DATES:** Comments must be submitted by January 24, 2005.

**ADDRESSES:** Written comments (original and six copies) should be sent to James J. Jochum, Assistant Secretary for Import Administration, U.S. Department of Commerce, Central Records Unit, Room 1870, Pennsylvania Avenue and 14th Street NW., Washington, DC 20230. The Department recommends submission of comments in electronic form to accompany the required paper copies. Comments filed in electronic form should be submitted either by e-mail to the webmaster below, or on CD-ROM.

**FOR FURTHER INFORMATION CONTACT:** Lawrence Norton, Economist, or Anthony Hill, Senior International