

Dated: February 9, 1996.  
 Caroline Anderson,  
 Acting Chief, Branch of Permits, Office of  
 Management Authority.  
 [FR Doc. 96-3376 Filed 2-14-96; 8:45 am]  
 BILLING CODE 6717-01-P

### Office of Surface Mining Reclamation and Enforcement

#### Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information, the related form and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirements should be made directly to the Bureau clearance officer listed below and to the Office of Management and Budget, Paperwork Reduction Project (1029-0090), Washington, DC 20503, telephone 202-395-7340.

*Title:* Abandoned Mine Reclamation Fund—Fee Collection and Coal Production Reporting, 30 CFR 870.

*OMB Number:* 1029-0090.

*Abstract:* Section 402 of the Surface Mining Control and Reclamation Act of 1977 requires fees to be paid to the Abandoned Mine Reclamation Fund by coal operators on the basis of coal tonnage produced. This information collection requirement is needed to support verification of the moisture deduction allowance. The information will be used by the regulatory authority during audits to verify that the amount of excess moisture taken by the operator is appropriate.

*Bureau Form Number:* None.

*Frequency:* On Occasion.

*Description of Respondents:* Coal Mine Operators.

*Annual Responses:* None.

*Annual Burden Hours:* 2,100.

*Estimated Recordkeeping Time:* 2 hours.

*Bureau clearance officer:* John A. Trelease (202) 208-2617.

Dated: January 26, 1996.

Gene E. Krueger,  
 Acting Chief, Division of Technology  
 Development and Transfer.  
 [FR Doc. 96-3412 Filed 2-14-96; 8:45 am]  
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### INTERNATIONAL TRADE COMMISSION

#### Agency Information Collection Activities; Proposed Collection; Comment Request

**AGENCY:** International Trade Commission.

**ACTION:** Notice of proposed collection; comment request.

**SUMMARY:** The proposed information collection is a 3-year extension, pursuant to the Paperwork Reduction Act of 1995 (Pub L. 104-13), of the current "generic clearance" (approved by the Office of Management and Budget under control no. 3117-0016) under which the Commission can issue specific questionnaires for the following types of investigations with statutory deadlines: countervailing duty, antidumping, escape clause, market disruption, and "interference with programs of the USDA." Comments concerning the proposed information collection are requested in accordance with 5 CFR 1320.8(d); such comments are described in greater detail in the section of this notice entitled supplementary information.

**DATES:** To be assured of consideration, written comments must be received not later than April 23, 1996.

**ADDRESSES:** Signed comments should be submitted to Donna R. Koehnke, Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, D.C. 20436.

**FOR FURTHER INFORMATION CONTACT:** Copies of the proposed information collection (and related instructions) and draft Paperwork Reduction Act Submission and Supporting Statement to be submitted to the Office of Management and Budget may be obtained from either of the following persons: Debra Baker, Office of Investigations, U.S. International Trade Commission, telephone 202-205-3180, or Lynn Featherstone, Director, Office of Investigations, U.S. International Trade Commission, telephone 202-205-3160.

#### SUPPLEMENTARY INFORMATION:

##### Request for Comments

Comments are solicited as to (1) whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used; (3) the quality,

utility, and clarity of the information to be collected; and (4) minimization of the burden of the proposed information collection on those who are to respond (including through the use of appropriate automated, electronic, mechanical, or other technological forms of information technology, e.g., permitting electronic submission of responses). Comments are also solicited as to whether questionnaires gather adequate information on the burden respondents incur in answering the questionnaire. Historically, the Commission has requested that questionnaire respondents report the actual number of hours required and the cost to them of preparing the reply and completing the form. (This information is compiled by the Commission for each specific questionnaire issued under the "generic clearance" and submitted to the Office of Management and Budget for their review on a quarterly basis. It also forms the basis for the Commission's burden estimates reported below.) Under the proposed information collection, the Commission will request that respondents divide the cost data they report into two components (or wage rate categories), namely costs incurred (1) by managers, accountants, attorneys, and other professional and supervisory personnel and (2) for clerical support.

#### Need for the Proposed Information Collection

The Commission conducts countervailing duty and antidumping investigations under the provisions of Title VII of the Tariff Act of 1930 to determine whether domestic industries are being injured or threatened with injury by reason of imports of the product(s) in question which are being subsidized (countervailing duty cases) or sold at less than fair value (antidumping cases). Escape-clause investigations are conducted by the Commission to determine whether increased imports are a substantial cause of serious injury or threat of serious injury to a domestic industry. If the Commission makes an affirmative determination in escape-clause investigations it is also required to recommend a remedy that will eliminate the injury to the domestic industry. Market disruption investigations are conducted to determine whether imports of an article produced in a Communist country are causing injury to a domestic industry. In addition, the Commission conducts investigations to determine whether imports are interfering with programs of the Department of Agriculture for agricultural commodities or products.

Specific investigations are instituted in response to petitions received from U.S. manufacturers of the product(s) in question or, in rare instances, in response to a request from the U.S. trade representative or the Department of Commerce. Data received in response to the questionnaires issued under the terms of the proposed information collection (or "generic clearance") are consolidated and form much of the statistical base for the Commission's determinations in these statutorily-mandated investigations.

**Information Collection Plan**

Using the sample "generic clearance" questionnaires as a guide, questionnaires for specific investigations are prepared and are sent to all U.S. producers manufacturing the product(s) in question and to all significant importers of the products, particularly those importing from the country(ies) subject to investigation, except in cases involving an unusually large number of firms. In these instances, questionnaires are sent to a representative sample of firms. Purchaser questionnaires are also sent to all significant purchasers of the product(s) in cases involving as many as 50 consuming firms. Firms receiving questionnaires include businesses,

farms, and/or other for-profit institutions; responses are mandatory.

**Description of the Information to be Collected**

Producer questionnaires generally consist of the following four parts: (part I) general questions relating to the organization and activities of the firm; (part II) data on capacity, production, inventories, employment, and the quantity and value of the firm's shipments and purchases from various sources; (part III) financial data, including income-and-loss data on the production in question, data on asset valuation, research and development expenses, and capital expenditures; and (part IV) price-related information. (Questionnaires may, on occasion, also contain part V, an abbreviated version of the above-listed parts, used for gathering data on additional product categories.)

Importer questionnaires generally consist of three parts: (part I) general questions relating to the organization and activities of the firm; (part II) data on the firm's imports and the shipment and inventories of its imports; and (part III) data on price-related information similar to that requested in the producer questionnaire.

Purchaser questionnaires generally consist of six parts: (part I) general questions relating to the organization

and activities of the firm; (part II) data concerning the purchases of the product by the firm; (part III) general questions about the market for the production in question and about the purchaser's purchasing practices; (part IV) a number of questions related to competition between the domestic product and the subject imports; and (parts V and VI) actual purchase prices for specific types of domestic and subject imported products and the names of the firm's vendors.

The Commission solicits input from petitioners and other potential recipients when preparing questionnaires for individual investigations. Where possible, the Commission also circulates draft questionnaires to parties for their comment.

**Estimated Burden of the Proposed Information Collection**

The Commission estimates that questionnaires issued under the proposed information collection will impose an average annual burden of 90,000 response hours on 2,800 respondents (i.e., recipients that provide a response to the Commission's questionnaires). The tabulation below lists the estimated average annual burden for each type of questionnaire for August 1997 through July 2000.

	Producers' questionnaire	Importers' questionnaire	Purchasers' questionnaire
No. of respondents .....	940	980	880
Frequency of response .....	1	1	1
Total annual responses .....	940	980	880
Hours per response .....	36.4	37.2	22.0
<b>Total hours .....</b>	<b>34,200</b>	<b>36,450</b>	<b>19,350</b>

These estimates are based upon an analysis of the burden actually imposed by specific questionnaires issued under the Commission's currently approved "generic clearance" authority for fiscal years 1993 through 1995. The methodology is based on the average number of times questionnaires were sent to 10 or more recipients per investigation, the average number of responses per questionnaire, the average burden per respondent, and the Commission's anticipated workload. The estimates are annual averages and take into consideration the increase in workload expected for the Commission in fiscal years 1997 and 1998 resulting from the mandated sunset review of title VII determinations issued previously.

The estimated annual cost to respondents of the proposed information collection for August 1997

through July 2000 is \$3.8 million in fiscal year 1995 dollars. The cost was obtained by multiplying the estimated number of questionnaires to be cleared under the generic clearance by the average cost of completing the questionnaire by respondents. In fiscal year 1995 dollars, the average reported cost per producing firm was \$897; the average reported cost per importing firm was \$1,734; the average reported cost per purchasing firm was \$1,007. The cost estimate provided is an average and is not broken out by wage rate categories. (Information to be collected by the proposed information collection will permit such analysis in the future.) Because the specific questionnaires issued under the "generic clearance" are not repetitive, all of the costs imposed on respondents fall into the "total operation and maintenance and

purchase of services" component. There are no known capital and start-up costs (e.g., purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities) to respondents. (Estimates of annualized cost to the Commission are presented in a draft Paperwork Reduction Act Submission and Supporting Statement available upon request from the Commission.)

**Variation in Estimated Burden**

The hourly burden estimates presented above can be expected to vary widely from one hour to several times the reported average burden. The reasons for the variation are as follows: (1) the respondent may not produce, import, or purchase the product(s) under investigation (such respondents need only to so certify and return the

first page of the questionnaire to the Commission); (2) the respondent may only produce, import, or purchase the products during a short time period or handle only one of the products reviewed; and (3) the questionnaires include the maximum number of reporting categories to ensure that meaningful data will be obtained from firms with complex business operations, and some sections of the questionnaires will not apply to smaller-sized firms.

In addition to variation in hourly burden among firms completing a specific questionnaire, there is also variation in hourly burden among questionnaires prepared for different investigations. The Tariff Act of 1930 identifies certain economic factors that the Commission is to take into account in arriving at determinations in countervailing duty and antidumping investigations; the Commission is also provided with guidelines concerning the relevant economic factors it is to assess in escape clause investigations. In some investigations, questionnaires will solicit data pertaining to other economic factors not listed in the statutes (e.g., channels of distribution) because such data have been found to be particularly useful in past Commission determinations or are relevant to the case in question. A key factor which leads to variation in hourly burden among investigations is the number of product categories for which data must be collected.

#### Description of Efforts to Reduce Burden

To facilitate the preparation of its questionnaires, the Commission has proposed to amend its rules to require that the petition identify the proposed domestic like product(s) and further identify each product on which the Commission should seek information in its questionnaires (see Notice of Proposed Amendments to Rules of Practice and Procedure, 60 FR 51748, Oct. 3, 1995). Further, the Commission has issued proposals to formalize the process for parties to comment on data collection in final phase countervailing and antidumping duty investigations. The Commission has also adopted a new format and otherwise revised the basic content of Commission questionnaires (60 FR 51748, Oct. 3, 1995). The content of the new generic forms are described above and are available from the Commission; they are much shorter in length than those used in the past and facilitate the development of a less burdensome questionnaire for use in specific investigations. Finally, the Commission may utilize a "short form" for use in cases where numerous small businesses

must be surveyed. This form is a simplified and abbreviated version of the questionnaire sent to larger firms. To further reduce respondent burden, the Commission permits the submission of carefully prepared data estimates and will accept information in electronic format.

Issued: February 9, 1996.  
By order of the Commission.

Donna R. Koehnke,  
Secretary.

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#### [Inv. No. 337-TA-370]

#### **Certain Salinomycin Biomass and Preparations Containing Same; Notice of Commission Decision Not To Review a Final Initial Determination Terminating the Investigation Based on a Finding of No Violation of Section 337**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined not to review the final initial determination (ID) issued on November 6, 1995, by the presiding administrative law judge (ALJ) in the above-captioned investigation, thereby terminating the investigation with a finding of no violation of section 337 of the Tariff Act of 1930.

**FOR FURTHER INFORMATION CONTACT:** Jean H. Jackson, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-3104.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation, which concerns allegations of violations of section 337 of the Tariff Act of 1930 in the importation, sale for importation, and sale after importation of certain salinomycin biomass and preparations containing same on February 6, 1995. The Commission named the following firms as respondents: Hoechst Aktiengesellschaft, Hoechst Veterinar GmbH, and Hoechst-Roussel Agri-Vet Co. (collectively, Hoechst), and Merck & Co. Inc. (Merck).

An evidentiary hearing was held commencing June 5, 1995, and continuing through June 20, 1995, in which Kaken, Hoechst, and the Commission investigative attorney (IA) participated. On September 18, 1995, the ALJ issued an ID finding that Merck's activities did not violate section

337 and terminated Merck from the investigation. That ID became the Commission's final determination on October 10, 1995.

On November 6, 1995, the ALJ issued his final ID in which he found no violation of section 337. His decision was based on his finding that the patent at issue was invalid due to concealment of best mode and unenforceable due to inequitable conduct in its procurement. Petitions for review were filed by complainant Kaken and respondent Hoechst on November 21, 1995. Responses to the petitions were filed on December 1, 1995, by Kaken, Hoechst, and the IA.

This action is taken under the authority of section 337 of the Tariff Act of 1930, 19 U.S.C. § 1337, and section 210.42(h)(3) of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.42(h)(3).

Copies of the nonconfidential version of the ID and all other nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone 202-205-2000. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

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Donna R. Koehnke,  
Secretary.

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#### DEPARTMENT OF JUSTICE

#### **Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §§ 9601 to 9675**

Notice is hereby given that a proposed consent decree in *United States v. Amtel, Inc., et al.*, Civil Action No. 91-CV-10366-BC, was lodged on December 18, 1995 with the United States District Court for the Eastern District of Michigan, Northern Division. The proposed consent decree resolves the United States' claims against Frank Barber for unreimbursed past costs incurred in connection with the Hedblum Superfund Site located in Oscoda, Michigan in return for a payment of \$50,000.