

CHAPTER 2

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LIST OF ACRONYMS & ABBREVIATIONS

AD	ANTIDUMPING
APO	ADMINISTRATIVE PROTECTIVE ORDER
AS	ASSISTANT SECRETARY
CFR	CODE OF FEDERAL REGULATIONS
CIT	COURT OF INTERNATIONAL TRADE
CRIMS	CENTRAL RECORDS INFORMATION MANAGEMENT SYSTEM
CRU	CENTRAL RECORDS UNIT
CVD	COUNTERVAILING DUTY
DAS	DEPUTY ASSISTANT SECRETARY
DOC	DEPARTMENT OF COMMERCE
GATT	GENERAL AGREEMENT ON TARIFFS AND TRADE
FR	FEDERAL REGISTER
FOUO	FOR OFFICIAL USE ONLY
IA	IMPORT ADMINISTRATION
ITC	INTERNATIONAL TRADE COMMISSION
LOU	LIMITED OFFICIAL USE
OF	OFFICIAL FILE

LIST OF ACRONYMS & ABBREVIATIONS

PF	PUBLIC FILE
PM	PROGRAM MANAGER
SAA	STATEMENT OF ADMINISTRATIVE ACTION
ANTIDUMPING AGREEMENT	AGREEMENT ON INTERPRETATION OF ARTICLE VI OF THE GATT
THE ACT	THE TARIFF ACT OF 1930, AS AMENDED

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References:

- The Tariff Act of 1930, as amended (the Act)
 - Section 516A - the record
 - Section 777 - access to information
- Department of Commerce (DOC) Regulations
 - 19 CFR 351.104 - record of proceedings
 - 19 CFR 351.105 - public and business **proprietary information**
 - 19 CFR 351.303 - filing of documents
 - 19 CFR 351.304 - business **proprietary treatment** of information
- SAA
 - Section C.4 - evidentiary and procedural requirements
- Antidumping Agreement
 - Article 6.5 - public summaries
 - Article 17.5(b) - available facts

INTRODUCTION

These guidelines are designed to assist the analyst in the performance of his/her responsibility to keep the administrative record. Import Administration's (IA) Central Records Unit (CRU) has developed the Central Records Information Management System (CRIMS) to assist with this function. The system is designed for orderly management of case records.

The CRU is attached to the Office of the Director of Policy and Analysis and performs a number of information-management functions in support of the IA's activities. The basic mission of CRU is the receipt, distribution, abstracting, indexing, filing, photocopying, tracking and control of all the documents in antidumping (AD) and countervailing duty (CVD) proceedings. This includes receipt, internal distribution, and public release of information in electronic form. The Director of CRU is also the Federal Register Liaison for Import Administration, responsible for processing, certifying, and transmitting all IA Federal Register Notices. CRU is responsible for the CRIMS, a database management system that is used to create informative abstracts of all AD/CVD case-

related documents

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and to prepare indices of administrative records for presentation before the Court of International Trade (CIT).

CRU also operates IA's internet activity, and is responsible for timely release of electronic information on the IA Home Page and the suite of subordinate pages at internet address http://www.ita.doc/import_admin/records/ and the associated ftp site at <ftp://ftp.ita.doc.gov/dist/import/>.

I. JUDICIAL REVIEW

Soon after joining IA, the analyst will receive an orientation on the CRU from its staff. The information in this chapter depends on knowledge of the CRU and its function. The analyst should take advantage of the orientation to supplement this chapter and seek the assistance of the CRU staff when appropriate. In addition, the CRU staff will explain the CRIMS system and the CRIMS index. Prompt and proper submission to the file of all internally generated documents will greatly improve the accuracy of the record, and will make maintaining and certifying the record much easier for all involved.

As the result of changes in the law made by the Trade Agreements Act of 1979, judicial review of antidumping and countervailing duty determinations is a review of the record. Thus it is essential that the administrative record (i.e., the official file) be complete, as it constitutes the only evidence available to the courts (or, in cases involving Canada and Mexico, panel review under the North American Free Trade Agreement) by which agency action can be evaluated.

A plaintiff has the right to have the full record brought before the courts, and can challenge the completeness of the record. If it can be established that the record is incomplete, the DOC can be compelled under court order to turn over missing documents. The Justice Department attorneys who defend our determinations in court rely on the record for making our case. The only information on the determination available to the government attorneys and the judges is in the record. Any data relied on for a determination that is not included in the record will undermine our determination before the court since it cannot be adequately substantiated. In other words, if information is not in the CRU record, as far as a court is concerned that information does

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not exist, and cannot be used by the DOC to support any decision. In short, our determinations must stand or fall on the record compiled by the DOC during an investigation or review.

The regulations define the record of proceedings under 19 CFR 351.104(a). The official record is defined in more detail below in section III. For our purposes, the record is known as “the official file,” is kept in the CRU, and is not available to the public. Each investigation and each separate **administrative review** has its own separate record.

A companion to the official record is the public record, defined under 19 CFR 351.104(b). For our purposes, this record is known as the public file and is also kept by the CRU. This file is located in a public area of the CRU and any portion of the public record may be photocopied for any member of the public. This record provides the general public with the story of the proceeding without compromising proprietary or confidential information submitted in the course of it.

The record must be maintained from the beginning of the segment of the proceeding that is involved. This approach makes it more likely that the record will be complete. In this context, the analyst should keep in mind the "Certifying the Record" responsibilities described below and Court Record requirements of Chapter 19. The analyst will find it far easier to certify the completeness of a file when documents are placed in it on an on-going basis, rather than attempting to do so entirely after the final determination in an investigation or administrative review.

II. RESPONSIBILITY FOR KEEPING THE RECORD

The case analyst, as the person most familiar with the investigation or administrative review, is primarily responsible for keeping the record. However, as investigations and reviews become more and more complex, with various personnel involved at various times, it becomes increasingly important that each person working on an investigation or review undertake responsibility to see that all appropriate documents are placed in the record.

THE ADMINISTRATIVE RECORD**A. Case Related Documents from Outside Parties**

All case-related documents originated by parties outside the DOC must be filed directly with the CRU, as specified by 19 CFR 351.303(b). CRU will date-stamp, distribute copies to our office and other interested IA offices (policy, general counsel, and, if applicable, accounting), place copies in the official and public files (as appropriate), and enter the submission into the CRIMS database. If a document has the CRU date-stamp, the analyst can assume that the document has been placed appropriately into the official and public records by the CRU. (This assumption does not relieve the analyst from checking up on the inclusion of the document when certifying the file.)

Since the requirements for the submission of factual information by interested parties to the CRU are clearly stated in the regulations, case analysts must not accept official filings. Nevertheless, the analyst must insure that such documents are properly filed with CRU. If you do not receive a date-stamped version within two days, check with CRU to verify that the document was filed.

B. Documents Prepared by DOC

Documents prepared by the DOC must be placed in the record by the analyst, if they belong in the record. Review the criteria set forth below in section III. If a document should be included in the record, it must be sent to CRU marked and assembled in accordance with CRU procedures. Make sure that appropriate copies of the document for the official file (OF) and public file (PF) are sent to the CRU.

As a general rule, most documents that we (the DOC) create, apart from our notes, belong in the record. If you have any doubts as to whether or not a document should be part of the record, consult with your program manager or team attorney. When you draft a document that goes into the record, bear in mind that it will be part of the record and subject to review by the court if we are sued on our determination. In this regard, the analyst should ensure that the document is factually correct.

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C. Certifying the Record

With the high rate of litigation involving our final determinations in investigations and reviews and the analyst's responsibility to prepare a Court Record (see Chapter 19), it is crucial that our case files be substantially complete on the date our final determinations and final results are due. Generally one to two weeks following the final determination due date for an investigation or review (sometimes longer in complex cases), the responsible analyst must certify in writing to the office director that the OF and PF are complete. Attached to each certificate should be the updated public and non-public CRIMS indices.

For an investigation, a second certificate, under the same procedures, should be made following a final injury determination by the International Trade Commission (ITC). This certification will include a more recent update of the files, including documents related to any amended final determinations.

It is worth stating again how important it is to maintain the record on an ongoing basis throughout an investigation. The new analyst will soon find that a few extra moments invested in filing documents promptly with the CRU on a regular basis during an investigation or review will save hours of work later, attempting to piece together an official record after a final determination.

III. THE SCOPE OF THE RECORD

Since the official record is the "official history" of an investigation or administrative review and it must support completely all decisions made in a determination, the scope of the record is necessarily broad. The analyst should proceed from the assumption that every document prepared by the DOC or submitted from outside parties in regard to a particular investigation or administrative review is to be included in the official record. In practice, few documents are excluded from the record and rarely are any documents submitted by outside parties excluded.

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A. Statutory and Regulatory Criteria

Section 516(A)(b)(2) of the Act defines the record as consisting of:

- (i) a copy of all information presented to or obtained by ... the administering authority ... during the course of the administrative proceeding, including all governmental memoranda pertaining to the case and the record of ex parte meetings required to be kept by [statute]; and
- (ii) a copy of the determination, all transcripts or records of conferences or hearings, and all notices published in the Federal Register.

Similarly, 19CFR 351.104(a) defines the record as:

...all factual information, written argument, or other material developed by, presented to, or other material obtained by the Secretary during the course of the proceeding that pertains to the proceeding, government memoranda pertaining to the proceedings, memoranda of ex parte meetings, determinations, notices published in the Federal Register, and transcripts of hearings....

Sections V and VI of this chapter list documents that are usually part of the record.

B. Evaluating Documents for Inclusion in the Record

In case of doubt as to whether a document should be included in the record, you may find it helpful to check with your supervisor or program manager (PM) and to answer the following questions:

1. Does the document consist of or contain information presented to or obtained by the DOC?
 - a. Any information submitted to or gained by any team member or anyone working on the investigation or administrative review is part of the record of the investigation or review. However, documents in the possession of

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other offices or agencies within the DOC that were never seen by anyone working on the investigation or administrative review are not part of the record. Also, no obligation is imposed on those working on an investigation to obtain information that may be in the hands of other departments or agencies.

- b. Information submitted for other investigations or administrative reviews can not be part of the record unless it is expressly submitted for the instant investigation or administrative review.
- c. Information is part of the record regardless of the form in which it is presented or obtained. Examples include:
 - petitions
 - questionnaire responses (including tapes, floppy discs and printouts)
 - information received in the course of **verification** (including exhibits)
 - telex, fax and cable communications
 - information gained from published surveys, articles, studies, statistical compilations or other analysis (if used, this information must be put in the record by the analyst)
 - correspondence from petitioners, respondents, interested parties and others (e.g., Congress)
 -
 - in reviews, information from previous segments of the proceeding (e.g., the original investigation or a previous review) if used in the final results of the review
 - requests for **administrative protective orders**.

C. Government Memoranda Pertaining to the Case

1. Is it a “governmental memorandum?”

Any written correspondence or communication sent out by anyone working on an investigation or review is part of the record, regardless of the specific form of that document. For example, the record would include:

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- questionnaires, instructions
- telex and cable communications
- requests for documents or information
- responses to requests for information
- administrative protective orders
- written records of telephone conferences or calls.

Any document prepared by anyone working on an investigation or administrative review that is to be used or is used by others involved in the investigation or administrative review is part of the record, regardless of the specific form of that document. Documents cannot be excluded from the record on the basis that they record or reflect a preliminary position or analysis that is not adopted or made final.

A "Memorandum" could take the form of:

- formal written communications of case analysts
- formal memos, reports, or analysis of information
- computer printouts or tapes. (Only our final printouts of the calculations for preliminary and final determinations for investigations or reviews are part of the record. Printouts of calculation programs which were corrected should be thrown out, as any draft worksheet would be.) Documents prepared to reflect or record the decisions involved in the case are part of the record. For example:
 - memorandum listing reasons for rejecting a submission as deficient
 - memorandum listing reasons for denying an adjustment because the respondent failed to prove entitlement
 - memorandum stating where the analyst derived the numbers used in calculations and explaining why numbers were changed from those submitted by a respondent
 - memorandum explaining why "facts otherwise available" was used and the source of that information.

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2. Does the document pertain to the case?

A memorandum pertains to a case if it is prepared in the context of that case and addresses or is relevant to the specific facts or issues in that case.

A discussion of a general policy issue unrelated to and not prepared in the context of a particular case is not part of the record. However, to the extent that documentation of a general policy issue relates to and is actually considered in the context of a particular case, documents reflecting or recording such policy are part of the record. For example, a memo discussing DOC policy regarding release of information under administrative protective order (APO) would not be part of the record of every case in which an APO is issued unless that memo provided the basis for a decision on an APO issue in that case.

A document prepared in the context of one investigation or administrative review that addresses issues arising in another case is not part of the record in that other case or administrative review unless the document is specifically used or considered in the context of that other case. The analyst must physically incorporate such documents considered or used in the record of that case or administrative review.

3. Is the document a record of an "ex-parte" meeting, for which the statute requires a memorandum for the record?

Section 777(a)(3) of the Act requires that a memorandum be made of any meeting involving the decision maker or recommender (generally the AS for IA or an IA DAS, respectively), that includes interested parties in the investigation or administrative review and where factual information is presented.

4. Was the information presented or obtained, was the governmental memorandum prepared or utilized, or did the ex-parte meeting take place, during the course of the investigation or administrative review?

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For investigations, the record of the administrative proceeding ordinarily opens when the petition is filed or an investigation is self-initiated and closes upon the signing of the Federal Register (FR) determination (i.e., notice of final determination or notice of suspension of investigation). For administrative reviews, the record opens with initiation and closes upon issuance of the FR notice of final results.

If the FR notice of the final determination for an investigation or results of review is amended, the record remains open up to the signing of the amended FR notice.

The analyst should insure that all appropriate documents generated within these time limitations are placed in the record

5. What happens to post final determination documents?

Government memoranda that are put in final form after the signing of a FR notice of a final determination for an investigation or review are not part of the official record for judicial review, even though it may memorialize information or decisions made prior to the determination. Consequently, it is important to remember the closing date for the record when documenting reasons for a determination. The analyst should have any such memorandum finalized by the date of the final determination. While a memorandum dated after the final determination cannot be part of the record to support our decision, it may prove helpful to government attorneys preparing a case to understand our reasoning. You should consult with the supervisor or case attorney with regard to a memorandum not finalized until after the closing of the record.

The analyst should carefully consider the completeness of the record in light of this section. As explained above, the official record must be complete and fully support all decisions made in the case or administrative review. If no other documents exist to support a decision, such as those examples listed above, the analyst should, in consultation with the supervisor or PM, prepare a memorandum for the file, with support

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documentation attached, to explain why a decision was made. Always consult with your supervisor to determine the most up-to-date policy on completeness of the record.

D. Documents Ordinarily Not Included in the Record

1. Documents prepared by individuals involved in a case or administrative review for their own personal use that are in fact only used by that individual are not part of the record. This category of documents includes the draft or preliminary work products of analysts and others that would ordinarily be discarded in the normal course of business, such as:
 - personal notes
 - preliminary or draft calculations or worksheets
 - preliminary drafts of analysis
 - sample or preliminary computer runs
 - copies of memos with personal handwritten notes (the analyst must, however, insure that a "clean" copy of the memo is in the record)

2. Documents prepared in the context of an investigation or administrative review that do not relate to or address the issues involved in a determination but are directed to a ministerial (support) function of the agency are not part of the record. For example, the record need not include documents relating to:
 - travel arrangements for verification trips

 - logistics for team meetings and concurrence meetings
 - personnel issues

3. Information conveyed only orally is not part of the record. Keep in mind again the need for completeness of the record. You must remember that when information is transmitted by telephone call or other conversation, nothing exists to be placed on the record and consequently, the information cannot be used. Remind the party you are speaking to of this, and urge that person to submit the information in writing. The analyst should prepare a

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written memorandum describing the oral information if no other written record will be made.

E. Irrelevant Criteria

As the statute expressly sets forth the standards for determining what is in the record, certain criteria are irrelevant to an evaluation as to whether a document should be included in the record. These criteria include:

1. Whether or not it consists of or contains information that is relied upon by the decision maker. By statute, the record is more than those documents actually relied upon by the ultimate decision-maker.
2. Whether or not it consists of or contains information that supports the determination in an investigation or review. The DOC is charged with keeping the entire record of the investigation, not with editing the record in order to support its determination.
3. Whether or not it can be disclosed to the public, is under APO, or is subject to protection from disclosure as privileged. This issue is separate from the scope of the record.

IV. CLASSIFICATION OF DOCUMENTS IN THE RECORD

In addition to making sure that documents in the record are filed with CRU, the analyst may also classify, at least provisionally, the document. As described below, the documents we deal with fall into one of four categories, which are generally treated under 19 CFR 351.105. Final determinations as to the appropriate classification of documents will be made when the record is prepared for judicial review. Consult with your program manager or the case attorney if you are unsure about the classification of any document.

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The classification categories we use are:

- A - Public
- B - Proprietary
- C - Privileged or Internal
- D - Government Classified

A. Public Documents

1. All information presented to or obtained by ITA from outside the DOC that is submitted without a request for business **proprietary treatment** is public, such as:

- public versions of petitions, responses and supporting documentation
- information gained from public sources, including studies, statistical compilations, articles and other analysis
-

communications from outside counsel, interested parties and other persons (e.g., Congress).

2. All documents transmitted by the ITA to petitioners, respondents, interested parties, outside counsel or other members of the public which do not contain proprietary or government-classified information are public, including:

- questionnaires
- correspondence
- press releases
- Federal Register notices.

3. Documents which are not classified under any other classification are public.

Note that under 19 CFR 351.303(c)(2)(iii) any proprietary data submitted for the record by outside parties must be accompanied by a public summary, as defined under that section. A party cannot submit only a proprietary version for the record. When

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checking the completeness of the file, the analyst must insure that all proprietary submissions are matched to an accompanying public version. The DOC has a similar responsibility for preparing public versions of memoranda and other documents which contain proprietary information and are relied upon in making our determination in an investigation or review.

B. Proprietary Documents

In order to properly conduct an antidumping duty investigation or administrative review, we require certain information from businesses that is generally not released to the public. Understandably, parties to the investigation or administrative review do not want to release this information unless we provide safeguards that the data will be protected from public disclosure. Proprietary classification means that the information is not available to the public, is used under controlled circumstances in our proceeding, and is available to counsel for an opposing party only under an APO (see Chapter 3). Under 19 CFR 351.304, the following types of information are examples of information eligible for proprietary classification:

- business or trade secrets concerning the nature of a product or production process
- production costs
- distribution costs (but not channels of distribution)
- terms of sale (but not terms to the public)
- prices of individual sales, likely sales, or offers
- names and other specific identifiers of particular customers, suppliers, or distributors
- names of particular persons from whom proprietary information was obtained.

Proprietary classification must be requested by the business entity submitting the information, and cannot be extended to information that is publicly available.

The analyst should understand the difference between proprietary and government classified information. As described below, government classified information with “CONFIDENTIAL”, “SECRET” or “TOP SECRET” classifications has national

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security implications and special regulations for handling. "Proprietary" information, while sensitive, is not covered by these same regulations. To prevent confusion and misapplication of security regulations, we avoid the terms "CONFIDENTIAL", "BUSINESS CONFIDENTIAL", "BUSINESS SECRETS", etc. and instead use "BUSINESS PROPRIETARY" on our own documents. Documents from outside parties may be stamped "CONFIDENTIAL" or "BUSINESS CONFIDENTIAL" but are treated as "BUSINESS PROPRIETARY."

An import compliance specialist or a financial analyst receives a "critical sensitive" security clearance when he or she reaches the GS-11 level. This clearance allows these individuals to view "CONFIDENTIAL" and "SECRET" government classified information. If you are a GS-7 or GS-9 import compliance specialist or financial analyst, you do not have an appropriate clearance to view "CONFIDENTIAL" or "SECRET" information. If you are offered classified information for review, you must immediately inform the person trying to give it to you that you do not have clearance to see it. If you are a GS-11 and you are not absolutely certain that your "critical sensitive" security clearance is in place, you must check with your PM before you accept government classified information.

At the same time, the analyst must respect the highly sensitive nature of the business proprietary information he or she uses. Accidental release or misuse of it is a serious matter and will discourage respondent companies from cooperating in investigations or administrative reviews. Use proprietary information sparingly in documents you prepare and only when necessary to state or prove the issue. Even within the office or DOC, release of information to authorized individuals should be made only on a "need to know" basis.

C. Privileged or Internal Documents

This classification should be used with documents for which the DOC intends to assert the governmental deliberative process privilege. That is:

1. they are internal, intra-agency or inter-agency communications containing predecisional comments, legal or policy opinions (such as those under

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- attorney-client privilege), viewpoints, or advice, and
2. their disclosure would stifle or impair the free and uninhibited flow of advice, recommendations and opinions within the agency.

This classification is to be used sparingly. Nevertheless, there will be occasions when its use may be appropriate. If you believe a document falls within this category, consult with your program manager or the case attorney. Most documents which fall into this category are placed in the public file after the final determination is made.

D. Government Classified Documents

This classification should be extended only to documents that contain information which has been classified, or is classifiable, as national security information pursuant to Executive Order 12356 (E.O. 12356), or its successor, which defines the classification, declassification, and treatment of classified information. This type of information is designated as "CONFIDENTIAL", "SECRET" or "TOP SECRET", depending on the expected damage to national security if released.

The analyst will be briefed by the ITA Office of Security on classified material and its proper handling. Both ITA and DOC Security Offices have published manuals outlining the procedures under E.O. 12356 and the analyst should review them for a detailed treatment of this topic.

In practice, we rarely deal with government classified information and it is unlikely that an analyst will need to make a request to classify a document on that basis. (Should that event occur, the analyst must consult with the program manager and the designated classifying officer prescribed by E.O. 12356.) Nevertheless, it is possible that the analyst may have to handle classified documents at some point, most likely from U.S. Embassy or foreign government sources. Foreign government classifications must be respected and handled as the equivalent U.S. classification (e.g., a "CONFIDENTIAL" French government document must be treated the same way a "CONFIDENTIAL" U.S. document would).

Business proprietary or publicly available information cannot be classified as national

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security information even if submitted by a foreign government with a request for confidentiality. However, never publicly disclose information for which a foreign government or other person claims national security classification. Because such information cannot be released, even under APO, it is difficult to base a decision on it. Consult with your PM or case attorney should this situation arise.

"FOR OFFICIAL USE ONLY" ("FOUO") is a government classification but not a national security one. Documents that carry these designations are administratively controlled. See ITA Security's Manual of Administrative Instructions, Section 5, for more detailed information. In some instances, "LOU" or similarly classified material (e.g. "EYES ONLY" cables with no other classification) may be classified as proprietary information for our purposes. For example, company-specific import and export statistics provided to the DOC by the Japanese government and transmitted to us via State Department cable with "EYES ONLY" captions can be classified as proprietary. Check with your PM before making such classifications.

V. LIST OF DOCUMENTS FOR THE ADMINISTRATIVE RECORD FOR AN INVESTIGATION

The document lists shown in sections V, VI, and VII below are not all-inclusive. You should always consult with your supervisor, PM, or team attorney if you are in doubt about the need to place a document in the administrative record for your investigation, administrative review, or **scope determination**.

A. Documents that Are Always Part of the Record of an Investigation

1. The petition
2. Antidumping petition checklist recommending initiation with a copy of the signed FR notice
3. The published FR initiation notice
4. Cable to U.S. Embassy abroad notifying it of initiation

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5. The preliminary ITC injury determination
6. Questionnaires and supplemental questionnaires
7. Questionnaire responses and supplemental responses (public and business proprietary versions)
8. Applications for disclosure under APO and the approved protective orders
9. Decision memo recommending preliminary determination with a copy of the signed FR notice including the concurrence record
10. The published FR preliminary determination notice
11. E-mail and “module” information sent to Customs advising of the preliminary determination and requesting suspension of liquidation (affirmative determination) or no action (negative determination)
12. Records of any ex-parte meetings
13. Ministerial error claims and decision memos, if appropriate
14. Verification documents, including outlines, reports and exhibits
15. Requests for hearings, pre-hearing briefs, rebuttal briefs and hearing transcripts
16. Supplemental submissions containing factual information
17. Decision memo recommending final determination, **termination** of investigation, or suspension of investigation, with signed FR notice attached (including the concurrence record)

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18. Any changes to electronic data bases and computer programs for calculating margins
19. Published FR notice of final determination, termination of investigation, or suspension of investigation
20. E-mail and “module” information sent to Customs advising of the final determination
21. Ministerial error claims and decision memos, if appropriate

B. Documents that Are Part of the Record of an Investigation if They Exist

1. All incoming and outgoing correspondence relating to the proceeding
2. Memos to the file regarding telephone conversations and meetings
3. Inter- and intra-agency memoranda relating to the proceeding
4. Interested party, party to the proceeding, and service lists
5. Publications, analysis, or other outside reports used in determinations
6. Cables and faxes containing information obtained domestically or from overseas
7. Signed suspension agreement
8. All decision memos and FR notices relating to the investigation that were not mentioned in Part A of this section (postponements, critical circumstances, etc.).

C. Miscellaneous Documents that May be Included in a Record of an Investigation

1. Letter notifying the DOC of the ITC final injury determination

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2. Decision memo recommending an antidumping duty order with a copy of the signed FR notice for the order attached including the concurrence record
3. Published FR notice of antidumping duty order

VI. LIST OF DOCUMENTS FOR THE ADMINISTRATIVE RECORD FOR ADMINISTRATIVE REVIEWS**A. Documents that Are Always Part of the Record of a Review**

1. Signed FR notice of opportunity to request a review
2. Letters requesting a review
3. Notice of initiation of review
4. The questionnaires and supplemental questionnaires used to collect information for the review
5. Responses to questionnaires (public and business proprietary versions)
6. Any applications for disclosure under APO and the protective orders.
7. Decision memo recommending preliminary results of administrative review, with a copy of the signed FR notice
8. Published FR notice of preliminary results
9. Any requests for hearings, pre-hearing briefs, rebuttal briefs, or transcripts of hearings
10. Records of any ex-parte meetings
11. Decision memo (if one is necessary) recommending final results of

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administrative review, with a copy of the signed FR notice attached (including the concurrence record)

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12. Any changes to electronic data bases and computer programs for calculating margins
13. Published FR notice of final results
14. All e-mail instructions to Customs

B. Documents that Are Part of the Record of Review if They Exist

1. All incoming and outgoing correspondence relating to the proceeding
2. Memos to the file regarding telephone conversations and meetings
3. Inter and intra-agency memorandum relating to the proceeding
4. Interested party and party-to-the-proceeding lists
5. Excerpts from publications relied upon
6. Cables containing information obtained overseas
7. Verification documents (exhibits and reports)
8. Application for **revocation** and signed assurance letter

VII. LIST OF DOCUMENTS FOR THE ADMINISTRATIVE RECORD FOR A SCOPE DETERMINATION

In addition to the types of documents generally found in administrative reviews, the administrative record for a scope proceeding must include:

1. The petition
2. The ITC report

THE ADMINISTRATIVE RECORD

3. Any documents from the investigation that were submitted by a party or that were reviewed and relied on by the DOC in its scope determination.