

§ 705.6

subsequently filed request or application concerning imports of the same or related article that does not raise new or different issues may be either consolidated with the investigation in progress as provided in § 705.7(e) of this part, or rejected. In either event, an explanation for taking such action shall be promptly given to the applicant. If the request or application is rejected, it will not be returned unless requested by the applicant.

(c) Requests or applications shall describe how the quantity, availability, character, and uses of a particular imported article, or other circumstances related to its import, affect the national security, and shall contain the following information to the fullest extent possible:

- (1) Identification of the applicant;
 - (2) A precise description of the article;
 - (3) Description of the domestic industry affected, including pertinent information regarding companies and their plants, locations, capacity and current output of the industry;
 - (4) Pertinent statistics on imports and domestic production showing the quantities and values of the article;
 - (5) Nature, sources, and degree of the competition created by imports of the article;
 - (6) The effect that imports of the article may have upon the restoration of domestic production capacity in the event of national emergency;
 - (7) Employment and special skills involved in the domestic production of the article;
 - (8) Extent to which the national economy, employment, investment, specialized skills, and productive capacity is or will be adversely affected;
 - (9) Revenues of Federal, State, or local Governments which are or may be adversely affected;
 - (10) National security supporting uses of the article including data on applicable contracts or sub-contracts, both past and current; and
 - (11) Any other information or advice relevant and material to the subject matter of the investigation.
- (d) Statistical material presented should be, if possible, on a calendar-year basis for sufficient periods of time to indicate trends. Monthly or quar-

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terly data for the latest complete years should be included as well as any other breakdowns which may be pertinent to show seasonal or short-term factors.

[47 FR 14693, Apr. 6, 1982. Redesignated at 54 FR 601, Jan. 9, 1989, and amended at 63 FR 31623, June 10, 1998; 65 FR 62600, Oct. 19, 2000; 72 FR 25195, May 4, 2007]

§ 705.6 Confidential information.

(a) Any information or material which the applicant or any other party desires to submit in confidence at any stage of the investigation that would disclose national security classified information or business confidential information (trade secrets, commercial or financial information, or any other information considered sensitive or privileged), shall be submitted on separate sheets with the clear legend “National Security Classified” or “Business Confidential,” as appropriate, marked at the top of each sheet. Any information or material submitted that is identified as national security classified must be accompanied at the time of filing by a statement indicating the degree of classification, the authority for the classification, and the identity of the classifying entity. By submitting information or material identified as business confidential, the applicant or other party represents that the information is exempted from public disclosure, either by the Freedom of Information Act (5 U.S.C. 552 et seq.) or by some other specific statutory exemption. Any request for business confidential treatment must be accompanied at the time of filing by a statement justifying non-disclosure and referring to the specific legal authority claimed.

(b) The Department may refuse to accept as business confidential any information or material it considers not intended to be protected under the legal authority claimed by the applicant, or under other applicable legal authority. Any such information or material so refused shall be promptly returned to the submitter and will not be considered. However, such information or material may be resubmitted as non-confidential in which case it will be made part of the public record.