

**SUPPORTING STATEMENT**  
**Bureau of Industry and Security**  
**U.S. Department of Commerce**  
**Miscellaneous Short Supply Activities**  
**OMB Control No. 0694-0102**

**A. JUSTIFICATION**

This request is to renew the approval of OMB Control No. 0694-0102.

**1. Explain the circumstances that make the collection of information necessary.**

The collection is necessary under Parts 754.6 and 754.7 of the **Export Administration Regulations (EAR)**.

Section 15(b) of the **Export Administration Act (EAA)** of 1979, as amended, authorizes the President and the Secretary of Commerce to issue regulations to implement the EAA including those provisions authorizing the control of exports of U.S. goods and technology to all foreign destinations, as necessary for the purpose of national security, foreign policy and short supply, and the provision prohibiting U.S. persons from participating in certain foreign boycotts. Export control authority has been assigned directly to the Secretary of Commerce by the EAA and delegated by the President to the Secretary of Commerce. This authority is administered by the Bureau of Industry and Security (BIS) through the Export Administration Regulations (EAR). The EAA is not permanent legislation, and when it has lapsed due to the failure to enact a timely extension, Presidential executive orders under the **International Emergency Economic Powers Act (IEEPA)** have directed and authorized the continuation in force of the EAR.

This information collection comprises two short supply activities: "Registration of U.S. Agricultural Commodities for Exemption from Short Supply Limitations on Export (USAG)", and "Petitions for the Imposition of Monitoring or Controls on Recyclable Metallic Materials; Public Hearings (Petitions)."

**USAG**

This information is required by '7(g) of the EAA. Under the provisions of '7(g) of the EAA, agricultural commodities of U.S. origin purchased by or for use in a foreign country and stored in the United States for export at a later date may be registered with the Bureau of Industry and Security for exemption from any quantitative limitations on export that may subsequently be imposed under '7 of the EAA for reasons of short supply. This exemption has never been utilized.

## PETITIONS

This information is required by Section 7(c) of the EAA, which provides for the filing and review of petitions seeking the imposition of monitoring or controls on recyclable metallic materials. This petition provision was used once in 2004 by a trade association.

**2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.**

## **USAG**

Applications pursuant to the provisions of '7(g) of the EAA are submitted to: Bureau of Industry and Security, U.S. Department of Commerce, P.O. Box 273, Washington, D.C. 20230. The information will be used by BIS to exempt from any quantitative limitations on export that may subsequently be imposed under '7 of the EAA for short supply reasons.

## **PETITIONS**

Any entity, including a trade association, firm or certified or recognized union or group of workers, which is representative of an industry or a substantial segment of an industry which processes metallic materials capable of being recycled with respect to which an increase in domestic prices or a domestic shortage, either of which results from increased exports, has or may have a significant adverse effect on the national economy or any sector thereof, may submit a written petition to BIS requesting the monitoring of exports, or the imposition of export controls, or both, with respect to such materials.

The petitioner may also request a public hearing. Public hearings may also be requested by an entity, including a trade association, firm, or certified or recognized union or group of workers, which is representative of an industry or a substantial segment of an industry which processes, produces or exports the metallic materials which are the subject of a petition.

Petitions pursuant to '7(c) of the EAA are submitted to: Bureau of Industry and Security, U.S. Department of Commerce, P.O. Box 273, Washington, D.C. 20230.

The Section 515 Information Quality Guidelines apply to this information collection and comply with all applicable information quality guidelines.

**3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.**

This collection is received on paper. Since only one item has been submitted in the history of this collection, BIS has no plans to automate this collection.

**4. Describe efforts to identify duplication.**

There is no duplication of information.

**5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.**

This collection does not impact small businesses.

**6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.**

If the collection was not conducted, BIS would not be in compliance with EAA.

**7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.**

There are no special circumstances that require the collection to be conducted in a manner inconsistent with the guidelines in 5 CFR 1320.6.

**8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.**

The notice requesting public comment was published in the Federal Register on November 6, 2008, p. 66011. No comments were received.

**9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.**

There will be no payment or gift to respondents.

**10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.**

Section 12(c) of the Export Administration Act of 1979, as amended, provides for the confidentiality of export licensing information submitted to the Department.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.**

This collection does not require information of a sensitive nature.

**12. Provide an estimate in hours of the burden of the collection of information.**

**USAG**

It is estimated the exemption will require 1 annual public burden hour. This is based on 1 submission, requiring 5 hours to complete, once every 5 years.

The cost to the public is estimated to be \$30. This is based on 1 hour at an hourly rate of \$30.

**PETITIONS**

It is estimated the petition will require 200 annual public burden hours. This is based on 1 submission, requiring 1,000 hours to complete, once every 5 years.

The cost to the public is estimated to be \$6,000. This is based on 200 hours at an hourly rate of \$30.

**13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in #12 above).**

Not applicable.

**14. Provide estimates of annualized cost to the Federal government.**

Not applicable. Because no action has been required by BIS in several years, no annualized cost is estimated.

**15. Explain the reasons for any program changes or adjustments .**

The number of responses was an adjustment decreased by one, due to the number of responses experienced since the last submission.

**16. For collections whose results will be published, outline the plans for tabulation and publication.**

There are no plans to publish information obtained under this collection.

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.**

Not applicable.

**18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.**

Not applicable.

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

This collection does not utilize statistical methods.