

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 an extension of a currently approved information collection.

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

The collection is necessary under Sections 7(c) and 7(g) of the **Export Administration Act (EAA)** and 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 rarely used 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 Section 7(g) of the EAA. Under the provisions of Section 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 voluntarily be registered with the Bureau of Industry and Security for exemption from any quantitative limitations on export that may subsequently be imposed under Section 7 of the EAA for reasons of short supply.

PETITIONS

This information is required by Section 7(c) of the EAA, which provides for the voluntary filing and review of petitions seeking the imposition of monitoring or controls on recyclable metallic materials.

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 Section 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 Section 7 of the EAA for short supply reasons.

Agricultural commodities purchased by or for use in a foreign country may remain in the United States for export at a later date free from any quantitative limitations on export which may be imposed to carry out the policy set forth in section 3(2)(C) of the EAA subsequent to such approval. The applicant should provide the following assurances and types of information to the Department of Commerce:

- (a) that such commodities will eventually be exported,
- (b) that neither the sale nor export thereof will result in an excessive drain of scarce materials and have a serious domestic inflationary impact,
- (c) that storage of such commodities in the United States will not unduly limit the space available for storage of domestically owned commodities, and
- (d) that the purpose of such storage is to establish a reserve of such commodities for later use, not including resale to or use by another country. .

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 petition shall include any information reasonably available to the petitioner indicating that all of the following criteria is satisfied.

- (a) there has been a significant increase, in relation to a specific period of time, in exports of such material in relation to domestic supply and demand;
- (b) there has been a significant increase in domestic price of such material or a domestic shortage of such material relative to demand;
- (c) exports of such material are as important as any other cause of a domestic price increase or shortage relative to demand found under clause (ii);
- (d) a domestic price increase or shortage relative to demand found under clause (ii) has significantly adversely affected or may significantly adversely affect the national economy or any sector thereof, including a domestic industry; and
- (e) monitoring or controls, or both, are necessary in order to carry out the policy set forth in section 3(2)(C) of this Act.

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 Section 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 this collection is rarely used, 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.

This is a voluntary collection. 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 10, 2011, page 70110. 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.

BIS will direct respondent to the Act and request they read the Act. 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 \$40. This is based on 1 hour at an hourly rate of \$40.

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 \$8,000. This is based on 200 hours at an hourly rate of \$40.

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 BIS rarely receives submissions, no annualized cost is estimated.

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

The adjustment increase is to correct a miscalculation of the number of respondents.

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.

Not applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not utilize statistical methods.