

**SUPPORTING STATEMENT FOR
Import/Export Declaration for List I and List II Chemicals
(DEA Form 486 and DEA Form 486A)**

The Drug Enforcement Administration (DEA) seeks approval by the Office of Management and Budget (OMB) for a revision an existing collection of information that was previously approved by OMB – OMB Approval # 1117-0023, Import/Export Declaration for List I and List II Chemicals (DEA Forms 486 and 486A).

A. JUSTIFICATION

1. DEA import/export declarations (DEA Forms 486 and 486A), is now an electronic process. Upon receipt of a complete declaration through the Diversion Control Division secure network application, DEA provides the importer or exporter with the notice of receipt that is then filed with Custom Border Patrol as part of the CBP import or export filing through Automated Commercial Environment (ACE), or any successor system. DEA also transmits the declaration information electronically to CBP so that customs officers can validate importations and exportations subject to DEA regulations.

Due to the requirement that regulated persons submit reports of regulated transactions in Listed chemicals to DEA, DEA requires such domestic regulated transaction reports to be submitted through DEA Diversion Control Division secure network application, in addition to import and export regulated transactions. Mandatory reporting requirements for domestic regulated transactions are included in this rule because it allows for DEA to create, at one time, an efficient, streamlined reporting structure of regulated activities applicable to tableting and encapsulating machines.

Additionally, DEA mandates electronic filing of return information for any person who desires to import non-narcotic substances in schedules III, IV, and V or to export non-narcotic substances in schedules III and IV and any other substance in schedule V, to furnish a controlled substances import declaration/controlled substance export invoice on DEA Forms 486 and 486A.

2. DEA amended part 1313 to provide that each regulated person who seeks to import or export a listed chemical that meets or exceeds a threshold quantity, must notify/provide a declaration to DEA (by filing a DEA Form 486/486A through DEA Diversion Control Division secure network application) of the intended import or export not later than 15 calendar days before the date of release by a customs officer at the port of entry. Regarding imports and exports for those entities with regular customer and regular importer status, the notification must be filed at least three business days before the date of release by a customs officer at the port of entry. All declarations must be signed and dated by the importer or exporter and must contain the address of the final destination for the shipment. DEA specifies that all listed chemical declarations expire in 180 calendar days, consistent with the controlled substance import/export permits. If release by a customs officer will occur more than 180 calendar days after the declaration is deemed filed, the declarant must submit a new declaration for the transaction.

In § 1313.32 DEA incorporates the mandatory electronic filing of notifications of international transactions involving listed chemicals which meet or exceed the threshold amount identified in § 1310.04. The broker or trader must notify DEA (by filing a DEA Form 486 through DEA Diversion Control Division secure network application) of the intended international transaction not later than 15 calendar days before the transaction is to take place. DEA amends § 1313.32 to require that notifications of international transactions are not deemed filed until a transaction identification number has been issued by DEA. This change is designed to ensure that electronically submitted notifications are received by DEA, are completed, and can be appropriately tracked and monitored; to streamline the notification filing process; and eliminate duplicate filings.

3. DEA requires mandatory electronic submissions of DEA Forms 486 and 486a. Respondents create accounts on DEA Office of Diversion Control Web site (<http://www.deadiversion.usdoj.gov>). The accounts are used to submit forms and update contact information. One hundred percent (100%) of forms are submitted electronically.

4. DEA has made efforts to identify and prevent duplication of the collection of information. The existing DEA Form 486/486A is not duplicative. The collection of this information is unique to DEA.

5. This is a routine three-year renewal of DEA Form 486/486A. DEA does not anticipate any additional impact on small businesses or other small entities since the initial approval of this form. The collection does not have a significant economic impact on small businesses or other small entities within the meaning and intent of the Regulatory Flexibility Act, 5 U.S.C. 601-612.

6. DEA uses the information collected to monitor the import and export of listed chemicals. Information is provided each time the registrant proposes to import or export listed chemicals and therefore cannot be collected less frequently. Failure to collect the information would impair DEA's enforcement activities and violate the requirements imposed by the Controlled Substance Act (CSA) and the United States' international obligations.

7. There are no special circumstances applicable to this information collection.

8. The 60-Day Notice was published in the Federal Register on September 11, 2023 (88 FR 62396). The comment period ended on November 11, 2023. No comments were received.

DEA meets regularly with the affected industry to discuss policies, programs, and regulations. These meetings provide an open forum to discuss matters of mutual concern with representatives of those entities from whom the information is obtained.

9. This collection of information does not propose to provide any payment or gift to respondents.

10. Information requested in this collection may be considered confidential business information if marked as such in accordance with 28 CFR 16.8(c) and Exemption 4 of the Freedom of

Information Act (FOIA). Submitters who are required to furnish commercial or financial information to the government are protected from the competitive disadvantages that could result from disclosure of such information. This information is protected by DEA through secure storage, limited access, and federal regulatory and DEA procedures. In the event a FOIA request is made to obtain information that has been designated as confidential business information in accordance with 28 CFR 16.8(c) and Exemption 4 of FOIA, DEA will give written notice to the submitter to allow an opportunity to object within a reasonable time prior to any disclosure by DEA.

11. This collection of information does not ask any questions of a sensitive nature.

12.

Estimated Annualized Respondent Cost and Hour Burden

Activity	Number of Respondents	Frequency	Total Annual Responses	Time Per Response	Total Annual Burden (Hours)	Hourly Rate ¹	Monetized Value of Respondent Time
DEA-486 Import	164	16	2,686	11min	492	67.674441	\$30,902
DEA-486 Export	204	77	15,737	12min	3,147	67.674441	\$212,999
DEA-486 Intern'l	99	4	429	11min	79	67.674441	\$4,936
DEA-486A Import	164	16	2,686	11min	492	67.674441	\$30,902
Unduplicated Totals	631	34	21,538	11.7min	4,211	67.674441	\$279,737

Total number of respondents: 631

Number of responses per respondent per year: 34.1331 (average)

Total annual responses: 21,538

Total annual hour burden: 4,211

Average Burden: Per Collection: 0.195511 hour
Per Respondent: 6.673402 hour

Total responses received on paper: 0

Total responses received electronically: 21,538

Percentage of responses received electronically: 100%

Burden dollars:

Estimate hourly wage (\$/hour):² \$47.39

¹ Median hourly wage, Bureau of Labor Statistics, Occupational and Employment and Wages, May 2023, 11-3071 Transportation, Storage, and Distribution Mangers (https://www.bls.gov/oes/current/oes_nat.htm).

² Median hourly wage, Bureau of Labor Statistics, Occupational and Employment and Wages, May 2023, 11-3071

Load for benefits (percent of labor rate):³ 42.8%
 Loaded labor rate (\$/hour):⁴ \$67.67

	<u>DEA 486</u>	<u>DEA 486A</u>	<u>Total</u>
Number of responses	18,852	2,68	21,538
Total annual hours	3,718	492	4,211
Average burden per response (hour)	0.1972	0.1833	
	5	33	
Burden dollars per response (\$)	\$ 13.35	\$ 12.41	
Total burden dollars	\$ 251,646	\$ 33,325	\$ 284,971

Average cost burden per response: \$13.2311 (calculated)

13. The estimated annual cost burden is zero. Respondents are not estimated to incur any a) additional start-up cost or capital expenditure, or b) additional operation and maintenance costs or purchase services as a result of this information collection.

14. The estimated annualized cost to the Federal Government is \$772,971. This includes annual salaries for a GS-14 Staff Coordinator, GS-14 Technical Information Specialist, two GS-13 Import/Export Specialists, a GS-13 Program Analyst, and a GS-7 equivalent Secretary. The Import/Export Specialists will be employed full-time, while all others will provide part-time support of between 5% and 20% of annual labor.

Labor Category	Number	Annual Rate (\$)*	Load	% of Time	Cost (\$)
Staff Coordinator – GS-14	1	\$150,016.00	1.74146493	20%	\$52,250
Technical Information Specialist – GS-14	1	\$150,016.00	1.74146493	20%	\$52,250
Import/Export Specialist - GS-13	2	\$126,949.00	1.74146493	100%	\$442,154
Program Analyst – GS-13	1	\$126,949.00	1.74146493	100%	\$221,077
Secretary, Contractor (GS-7 Equiv)	1	\$60,185.00	1.74146493	5%	\$5,240
Total	5				\$772,971

*Government salary figures are based on Washington, DC locality pay at step 5 for each grade level.

Transportation, Storage, and Distribution Managers (https://www.bls.gov/oes/current/oes_nat.htm).

³ Bureau of Labor Statistics, “Employer Costs for Employee Compensation – December 2019” (ECEC) reports that average benefits for private industry is 29.97% of total compensation. The 29.97% of total compensation equates to 42.8% (29.97% / 70.03%) load on wages and salaries.

⁴ \$47.39 x (1 + 0.427) = \$67.67.

**Load of 74.15% for benefits based on the ECEC for “State and local government.” The ECEC does not include figures for the Federal Government.

15. The increase in annual responses, annual burden hours, and annual cost reflect adjustments related to normal business activity. There have been no statutory or regulatory changes affecting this information collection. The table below summarizes the changes since the last renewal of this information collection.

	2020 Approved Burden	2023 Requested Burden	Difference
Annual responses	16,416	21,538	5,122
Annual burden hours	4,840	4,211	-629
Annual cost (\$)	313,919	284,971	-28,948

16. DEA will not publish the results of the information collected.

17. DEA does not object to displaying the expiration date for this collection.

18. DEA is not seeking an exception to the certification statement “Certification for Paperwork Reduction Act Submissions” for this collection of information.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS.

This collection does/does not contain statistical data.