

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

A. JUSTIFICATION

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 4812(b)(7) and 4814(b)(1)(B) of the Export Control Reform Act (ECRA) authorizes the President and the Secretary of Commerce to issue regulations to implement the ECRA 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 ECRA 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). 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

Under sections 754.6 and 754.7 of the EAR, 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 754.6 and 754.7 of the EAR for reasons of short supply.

PETITIONS

This information is required by sections 754.6 and 754.7 of the EAR 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 sections 754.6 and 754.7 of the EAR, 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 754.6 and 754.7 of the EAR for reasons of short supply.

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 sections 754.6 and 754.7 of the EAR 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 the EAR.

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 April 14, 2024. (89 FR 28734). No comments were received.

BIS reached out to several entities in an effort 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. No responses 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.

Sections 754.6 and 754.7 of the EAR 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 that the exemption will require 1 annual public burden hour. This is based on 1 submission, requiring 1 hour to complete.

The cost to the public is estimated to be \$42. This is based on 1 hour at an hourly rate of \$42.

PETITIONS

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

The cost to the public is estimated to be \$8,400. This is based on 200 hours at an hourly rate of \$42.

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).

No cost associated.

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

The federal government cost estimate is \$336. This cost estimates that it would take 4 hours (at 42 dollars an hour) to process one request. With an estimate of 2 requests annually, the total cost would be: 8 hours X \$42 = \$336.

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

There are no program changes or adjustments for this collection.

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.

No approval requested.

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

No exemption requested.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not utilize statistical methods.