

Supporting Statement
U.S. Department of Commerce Bureau of Industry and Security
for Emergency Submission: Application Process to Waive the Import Qualification
Criteria for Measures to Restrict Stockpiling of Polysilicon and Polysilicon Derivatives
OMB Control No. 0694-XXXX

A. Justification

This is a request for creation of a new emergency collection for approval by the Office of Management and Budget (OMB).

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

Background on Section 232 Investigations

Section 232 of the Trade Expansion Act of 1962 (19 U.S.C. §1862) authorizes the Secretary of Commerce (Secretary) to conduct comprehensive investigations to determine the effects of imports of an article on the national security of the United States. Such investigations can be initiated by an application by an interested party, a request from the head of any department or agency, or self-initiated by the Secretary. Once an investigation is initiated, the Secretary has 270 days to submit a report to the President on whether the importation of the article in question is occurring in such quantities or under such circumstances as to threaten to impair the national security of the United States. The President then has 90 days to determine whether to concur with the findings, and, if necessary, take action to “adjust the imports of an article and its derivatives” under Section 232.

Background on Section 232 Polysilicon Investigation

On August 6, 2026, the President issued Proclamation 11052 (91 FR 51975), “Adjusting Imports of Polysilicon and Its Derivatives Into the United States,” finding that imports of polysilicon and polysilicon derivatives threatened to impair the national security of the United States. Based on that finding, the President imposed minimum import prices (MIP) and tariffs on imports of Polysilicon Products pursuant to Section 232 of the Trade Expansion Act of 1962, as amended, 19 U.S.C. 1862 (Section 232). These import adjustments take effect on December 4, 2026.

In Proclamation 11052, the President authorized the Secretary to take action, in coordination with CBP, to establish a new process to qualify imports of Polysilicon Products from companies that are stockpiling those products in advance of December 4, 2026. Consistent with Proclamation 11052, Commerce is establishing a temporary import qualification process on all existing importers of record (IOR), and on new IOR registered on or after August 6, 2026, importing Polysilicon Products prior to December 4, 2026. IORs that violate the import qualification will be prohibited from making further entries of Polysilicon Products into the United States prior to December 4, 2026; however, these IORs may apply to Commerce to waive this restriction.

These collection requirements include details on the usages of Polysilicon Products, estimates of the anticipated type and volume of imports into the United States, and other information required to substantiate the applications for relief. This information will be submitted via email to Commerce. The materials will be reviewed by Commerce before receiving a final determination by the Secretary.

Commerce will be required to collect certain key information from new IORs seeking to apply to waive the Polysilicon Product import qualification criteria. The Information Collection Number, 0694-XXXX, described in this support statement covers the paperwork needed to be submitted to Commerce for these Polysilicon Product waiver applications.

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.

This emergency collection for applications of companies seeking to obtain Polysilicon Product waivers. The waiver can be found at www.bis.gov/232. Applicants must submit the application and associated documentation to Polysilicon232@bis.doc.gov. Waivers are requested to be submitted on or after the public inspection of the associated Federal Register Notice. All submissions are entirely voluntary on the part of the requesting companies.

The information submitted will be evaluated and used by BIS's Office of Strategic Industries and Economic Security (OSIES) to ensure waiver requests meet all established conditions outlined in Proclamation 11052 and to make recommendations for consideration by the Secretary. The Secretary of Commerce, in consultation with other senior executive branch officials as appropriate, will use the information submitted to determine which waivers should be approved by Commerce and thereby which applicants shall receive adjustments to Section 232 Polysilicon Product import restrictions applicable to Presidential Proclamation 11052.

Polysilicon Product application waivers will contain significant amounts of business confidential information and thus are not subject to disclosure under Exemption 4 to the Freedom of Information Act (5 U.S.C. § 552(b)(4)) and the Trade Secrets Act (18 U.S.C. § 1905).

The Section 515 Information Quality Guidelines apply to this information collection and comply with all applicable information quality guidelines, *i.e.*, OMB, Department of Commerce, and specific operating unit 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.

Submissions will be submitted in electronic form via email to Polysilicon232@bis.doc.gov. Polysilicon Product waiver applications should be signed by a senior official of the company seeking a tariff adjustment under Section 232.

4. Describe efforts to identify duplication.

The information voluntarily submitted by domestic parties is not duplicated anywhere else in the U.S. Government for purposes of considering requests authorized by the President for relief from the Polysilicon Product import qualification process under Section 232. Similar information is not available from any other source. The requested information is unique to the Bureau of Industry and Security (BIS).

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

The information voluntarily submitted must be provided by domestic parties, regardless of size, if they wish to apply for relief from the Polysilicon Product import qualification process under Section 232. These requirements cannot be minimized to lessen the paperwork burden on 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 is not conducted, domestic companies would not have the opportunity to submit applications seeking waivers to Polysilicon Product import prohibitions under Section 232, with the possible result of economic hardship for such companies in contravention of the national security objectives on such imports instituted by the President. These voluntary collections will allow the U.S. Government to evaluate whether a Polysilicon Product application should be approved by the Secretary of Commerce based on the information provided in the Polysilicon Product application in conjunction with internal analysis by Commerce and other agencies of the U.S. Government.

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.

This information collection is published as an emergency collection. This collection of information must occur prior to the normal period set for public notice and comment under the Paperwork Reduction Act because the associated activities are essential to the mission of BIS and Commerce to ensure the economic health and industrial competitiveness of the United States (see 5 CFR.

1320.13(a)(1)(i), (ii)). This emergency collection is necessary because a delay in effective date to allow for notice-and-comment would impair Commerce's ability to achieve the national security objectives set by the President in Proclamation 11052 and public harm is reasonably likely to result if BIS were to follow the normal clearance procedures before issuing this information collection under the Paperwork Reduction Act (see 5 CFR. 1320.13(a)(2)(i)). This collection of information has been reviewed by the interested agencies through careful coordination by Commerce, and further public engagement before approval is not practicable for the same reasons explained above (see 5 CFR 1320.13(c)). A delay in Commerce's ability to begin immediate information collection from companies seeking to file a Polysilicon Product application could lead to companies delaying decisions to seek relief from the import qualification process.

Section 232 import restrictions are predicated on a positive finding in the associated Section 232 Investigation that imports of Polysilicon Products are occurring in such quantities and under such circumstances as to threaten to impair the national security of the United States and therefore any delay in implementing the associated remedial actions would further undermine the national security interests of the United States.

Furthermore, this emergency collection is needed for the related Federal Register Notice to establish the process for submitting and granting applications for Polysilicon Product waivers under Section 232. The immediate creation of a mechanism to administer these Polysilicon Product waivers, consistent with the intent and timeframe in Proclamation 11052, is needed to avoid undue economic hardship for domestic parties seeking such relief in contravention of the national security objectives set by the President.

If the related notice and this emergency collection were delayed for public comment, domestic companies would not have the opportunity to submit Polysilicon Product applications while the collection was being finalized, with the possible result of economic hardship for these parties and corresponding challenges to the national security of the United States. BIS intends to publish a notice in the *Federal Register* informing the public that Commerce submitted a request for an emergency collection and the request was approved by OMB.

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

There are no plans to provide payments or gifts to respondents.

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

Polysilicon Product applications will contain significant amounts of business confidential information and thus are not subject to disclosure under Exemption 4 to the Freedom of Information Act (5 U.S.C. § 552(b)(4)) and the Trade Secrets Act (18 U.S.C. § 1905). Information that is subject to government-imposed access and dissemination or other specific national security controls, e.g., classified information or information that has U.S. Government restrictions on dissemination to non-citizens or other categories of persons, may not be included in Polysilicon Product applications.

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.

There are no questions of a sensitive nature.

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

The total annual burden to the public related to the information collection activities for Polysilicon Product applications is expected to be approximately 330 burden hours. BIS estimates it will receive 165 Polysilicon Product applications, with each filing estimated to take approximately 2 hours to prepare by the applicant. These estimates are based on the number of companies anticipated to seek relief from the import qualification process under Section 232 and an assessment of the amount of time it would take an applicant to acquire, assemble and submit the elements required to be included in a Polysilicon Product application. This estimate is consistent with information collections having similar reporting requirements

The total annual cost to the public related to these information collection activities is expected to be approximately \$14,850, with an estimated hourly cost of \$45. This estimate is based on the U.S. Bureau of Labor Statistics' Employment Situation Update for January 2026, which cited average hourly earnings of employees in professional and business services of \$44.92.

A summarized breakdown of the burden hour and cost estimates are listed in the chart below.

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Type of Submission	Submissions	Burden Hours to Public	Costs to Public (\$45 per Hour)
Polysilicon Product Import Waiver Applications	165	330 (2 Hours per Submission)	\$14,850

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 Question 12 above).

Since no special equipment is required for this activity, there are no capitalized costs associated with this collection of information. It is free to submit Polysilicon Product applications via email to BIS at Polysilicon232@bis.doc.gov. Such submissions do require access to the Internet but, if needed, public libraries and other venues offer free access to the Internet.

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

It is estimated that the total annual cost to the Federal Government will be approximately \$735,000. This figure includes the salaries of the federal and contract staff handling the

information collected and reviewing the submitted Polysilicon Product applications. Specifically, this includes approximately three to five full-time employees and a part-time project lead. Three mid-levels analyst paid at roughly \$125 per hour times 1880 hours in a year equals \$705,000, plus a part-time lead which is roughly an additional \$30,000.

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

Not applicable.

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

Polysilicon Product applications will contain significant amounts of business confidential information and thus are not subject to disclosure under Exemption 4 to the Freedom of Information Act (5 U.S.C. § 552(b)(4)) and the Trade Secrets Act (18 U.S.C. § 1905). There are no plans to disseminate the information collected except to the extent needed for designated importers and other branches of the U.S. Government to identify and administer approved Polysilicon Product waivers.

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

Not applicable.