



UNITED STATES DEPARTMENT OF COMMERCE
Under Secretary for Industry and Security
Washington, D.C. 20230

September 15, 2026

MEMORANDUM FOR: Mark Paoletta
Performing the Duties of the Administrator, Office of Information
and Regulatory Affairs
Office of Management and Budget

FROM: Jessica Curyto
Deputy Assistant Secretary
for Technology Security
Bureau of Industry and Security

SUBJECT: Request for OMB Emergency Review and Approval of Information
Collections for Measures to Restrict Stockpiling of Polysilicon and
Polysilicon Derivatives

The Bureau of Industry and Security (BIS) is seeking approval to send the attached request to the Office of Management and Budget (OMB) for emergency clearance under the Paperwork Reduction Act (PRA) to allow the Department of Commerce, as represented by BIS, to publish a Federal Register Notices announcing the method by which companies will submit applications to seek a waiver from the import prohibitions on polysilicon or polysilicon derivatives (Polysilicon Products) under Section 232 of the Trade Expansion Act of 1962.

BACKGROUND

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.

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 criteria 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.

Commerce will be required to collect certain key information from importers seeking to obtain relief from the Polysilicon Product import qualification process by submitting applications as outlined by Proclamation 11052 and the associated Federal Register Notice. 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.

JUSTIFICATION

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 C.F.R. 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 C.F.R. 1320.13(a)(2)(i)). In accordance with 5 CFR 1320.13(b), BIS is requesting approval from OMB by September 16, 2026. In accordance with 5 CFR 1320.13(c), 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.

A delay in Commerce's ability to begin immediate information collection from companies seeking to file a Polysilicon Product application would lead to a delay in the ability for companies to seek relief from the import qualification process. If the related temporary final rule 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. Additionally, a delay would impede the publication of the related temporary final rule notifying IORs of the prohibition from making further entries of Polysilicon Products into the United States prior to December 4, 2026, which would allow IORs to stockpile Polysilicon Products contrary to the national security objectives set by the President.

The President has decided to take action against importers that are stockpiling Polysilicon Products before the effective date of Proclamation 11052. BIS has evaluated different methods to implement this direction and has determined that the approach described above is the most efficient, effective manner to implement the President's direction. This approach involves a qualification process to review volume importation of Polysilicon Products by all IORs, while providing for an application process to waive the qualification criteria. BIS requires clearance from OMB to collect the information that would be required for parties to request such relief under the parameters outlined in Proclamation 11052. OMB's clearance will allow BIS to publish a notice in the Federal Register informing the public how to submit such applications as soon as possible, which enables earlier decisions and greater certainty for industry on the impact of the remedies.

The immediate creation of a mechanism to administer these applications, 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, as well as, preventing the stockpile of Polysilicon Products contrary to the national security objectives set by the President.

Sincerely,

JESSICA CURYTO

Jessica Curyto

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