

Dated: June 1, 2021.

**Christian Marsh,**  
Acting Assistant Secretary for Enforcement  
and Compliance.

## Appendix

### List of Topics Discussed in the Preliminary Decision Memorandum

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Application for Export Trade Certificate of Review

**AGENCY:** International Trade Administration, Commerce.

**ACTION:** Notice of information collection, request for comment.

**SUMMARY:** The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

**DATES:** To ensure consideration, comments regarding this proposed information collection must be received on or before August 9, 2021.

**ADDRESSES:** Interested persons are invited to submit written comments to Amanda Reynolds, Senior International Economist, International Trade Administration (ITA) by email to [amanda.reynolds@trade.gov](mailto:amanda.reynolds@trade.gov) or [PRAcomments@doc.gov](mailto:PRAcomments@doc.gov). Please reference OMB Control Number 0625-0125 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

### FOR FURTHER INFORMATION CONTACT:

Requests for additional information or specific questions related to collection activities should be directed to Amanda Reynolds, Senior International Economist, (202) 482-4691 and email [Amanda.reynolds@trade.gov](mailto:Amanda.reynolds@trade.gov).

### SUPPLEMENTARY INFORMATION:

#### I. Abstract

Title III of the Export Trading Company Act (hereinafter "the Act") of 1982 (Pub. L. 97-290, 15 U.S.C. 4001 *et seq.*), authorizes the Secretary of Commerce to issue, with the concurrence of the Attorney General, an Export Trade Certificate of Review to any person that establishes that its proposed export trade, export trade activities, and methods of operation meet the four standards found in Section 303(a) of the Act, 15 U.S.C. 4001 *et seq.* An Export Trade Certificate of Review provides the certificate holder and its members with limited antitrust immunity for specified export-related activities. Application for an Export Trade Certificate of Review is voluntary. The information to be collected is found at 15 CFR part 325.3—Export Trade Certificates of Review. The collection of information is necessary for both the Departments of Commerce and Justice to conduct an analysis, in order to determine whether the applicant and its members are eligible to receive the protection of an Export Trade Certificate of Review and whether the applicant's proposed export-related conduct meets the standards in Section 303(a) of the Act. The collection of information constitutes the essential basis of the statutory determinations to be made by the Secretary of Commerce and the Attorney General.

The Department of Commerce conducts its economic and legal analysis of the information supplied by applicants through the Office of Trade and Economic Analysis and the Office of the General Counsel. In the Department of Justice, analysis is conducted by the Antitrust Division.

Title III was enacted to reduce uncertainty regarding the application of U.S. antitrust laws to export activities. An Export Trade Certificate of Review provides its holder and members named in the Certificate with (a) protection from government actions under state and federal antitrust laws for the export conduct specified in the Certificate, and (b) certain protection from private suits, by limiting liability in private actions to actual damages when the challenged activities are covered by an Export Trade Certificate of Review.

### II. Method of Collection

The form is sent by request to U.S. firms.

### III. Data

*OMB Control Number:* 0625-0125.  
*Form Number(s):* ITA-4093P.

*Type of Review:* Regular submission.  
*Affected Public:* Business or other for-profit organizations; not-for-profit institutions, and state, local or tribal government.

*Estimated Number of Respondents:* 9.

*Estimated Time per Response:* 32 hours (application); 2 hours (annual report).

*Estimated Total Annual Burden Hours:* 440 hours.

*Estimated Total Annual Cost to Public:* \$0.

*Respondent's Obligation:* Voluntary.

*Legal Authority:* Title III of the Export Trading Company Act of 1982, 15 U.S.C. § 4011–4021.

### IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

#### Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

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