SUPPORTING STATEMENT
U.S. Department of Commerce
International Trade Administration
Request for Duty-Free Entry of Scientific Instruments or Apparatus
OMB CONTROL NO. 0625-0037

A. JUSTIFICATION

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

With the enactment of the Educational, Scientific and Cultural Materials Importation Act of 1966 ("the Act"), Public Law 89-651, as amended by Public Law 106-36, the United States became a signatory to the Florence Agreement, a United Nations Educational, Scientific and Cultural Organization ("UNESCO")-sponsored agreement on the importation of educational, scientific and cultural materials. The Act requires the Secretaries of the Department of Homeland Security ("DHS") and Department of Commerce (DOC) to determine whether institutions importing scientific instruments are entitled to duty-free treatment under the Florence Agreement. An applicant is eligible if it is -

1. a nonprofit institution established for scientific or educational purposes;

2. the instrument is classifiable in one of the tariff categories listed by the law; and

3. a non-equivalent instrument being manufactured in the United States.

The information collected by the use of form ITA-338P enables DHS, U.S. Customs and Border Protection ("CBP") to determine whether the statutory eligibility requirements for the applicant and the instrument are fulfilled, and provides sufficient information for DOC, Statutory Import Program Staff ("SIPS") to make a comparison and finding as to the scientific equivalency of comparable instruments being manufactured in the United States.

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.

The information is stored in the records of SIPS. The first three questions on form ITA-338P provide the name, address and nonprofit status of the applicant so that CBP has the information to determine if the applicant is an eligible institution. Questions five, six and ten provide information on the ordering and entry of the foreign instrument to make certain the procurement has been or will be carried out in accordance with the regulations. Questions four, seven, eight and nine provide DOC with the detailed information required for a finding on the equivalency of

an U.S. instrument, the institution's intended educational and scientific uses of the instrument, and the steps the applicant took to find an equivalent U.S. instrument to fulfill the intended purposes.

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.

The ITA-338P form, in addition to the rules and regulations for applying for a duty waiver, is available via the Internet at http://ia.tia.doc.gov/sips/sipsfap.html for downloading and use by potential applicants.

There are currently 65 respondents, all of whom are non-profit institutions. Electronic means of gathering the required information could create a greater burden for the applicants since they would need to have a scanner to scan attachments to the questions on the application for electronic submission. For example, to provide required information about the foreign scientific instrument the applicant will normally enclose the brochure about the foreign instrument and, for an electronic submission, this information would need to be scanned, unless the required information could be found on a website in English. Other required documents could not be found on a website, including copies of the bid request and the response to the request, purchase orders, etc. To require each applicant to scan the attachments to the application and purchase a scanner (if the respondent did not have one), would create a further burden and, in some cases, a further expense for the applicant. Form ITA-338P, as currently used, is the least burdensome means of collecting the required information.

4. Describe efforts to identify duplication.

There are no known federal programs eliciting the information required for the administration of this statute.

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

Not Applicable.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

This form is used when (a) an eligible institution imports a covered scientific instrument, and (b) the institution wishes to obtain a duty waiver on that import. The incidence of its use, accordingly, is random and dependent on the institution's interest in obtaining the duty-

exemption and, subsequently, meeting the requirements of the laws and regulations. If the information were not collected, the Secretaries would not have the information necessary to carry out the responsibility of determining eligibility for duty-free entry assigned to them by law.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

The exception to OMB guidelines is that the applicants are required to submit an original and four copies of the application form along with the attached relevant supporting documentation. The original form should be signed by the person in the applicant institution who will direct and control the use of the foreign instrument and is familiar with the intended uses of the instrument. The remaining four copies of the form may be copies of the original. Attachments must be fully identified and referenced to the question(s) to which they relate.

The use and distribution of the five copies is as follows:

- The original and four copies of the application are sent to CBP;
- One copy is returned to the applicant after the application is examined for eligibility and an application number is assigned by CBP;
- One copy is forwarded by CBP to consultants at the National Institute of Health (NIH), as required by the statute;
- The original and one copy are forwarded by CBP to Commerce. The original becomes the Copy of Record and the copy becomes the Conformed Copy. The Conformed Copy is a backup for use by technical and legal staff to assure continuity of processing in the event the Copy of Record is misplaced or lost.

On occasion, a copy or excerpts therefrom are sent to other consultants at the National Institute of Standards and Technology, the National Oceanic and Atmospheric Administration, or other agencies in cases in which NIH declines to offer advice or when Commerce has a need for a second opinion. Also, on occasion, a copy is sent to a domestic manufacturer to afford the manufacturer ample opportunity to comment upon an application, and this service supplements the statutorily mandated Federal Register summary of each application.

The program needs, however, could not be met with copies consistent with Section 1320.5, an original and two copies. Failure to supply the required number of copies and supporting documentation may result in delays in processing an application.

8. Provide the information 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.

A Federal Register Notice soliciting public comment was published on May 30, 2007 (Volume 72, Number 103, page 29967). No comments were generated from this announcement.

Contact with respondents over the last three years has not produced any complaints, suggestions or negative feedback. Also, we know of no situation in which the CBP officials, who review the application, have received any complaints or suggestions from respondents concerning the application. Also, for each application a Notice with a 20-day public comment request period is announced in the Federal Register. No comments have been received about the application as a result of any notice.

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

There are no payments or gifts provided to respondents.

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

None. There is no protected information in this program.

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.

The form requests no information of a sensitive nature.

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

# Respondents	Time to Complete	Rate Per Hour	Cost	Total Burden
65	2 hours	$22	$2,860	**130 hours**

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).

Not Applicable.

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

The total estimated program cost for the Department of Commerce include overhead, printing and staff salaries and benefits of approximately **$150,000.**

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.

There has been a small adjustment increase in the number of respondents (from 60 to 65), due to more institutions becoming familiar with the program. We do not reflect a corresponding increase in the cost to the Federal Government due to an increase in efficiency among the staff and modest decreases in printing and overhead costs.

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

Not Applicable.

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 identified in Item 19 of the OMB 83-I.

Not Applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Not Applicable.