

**Supporting Statement:
U. S. Department of Energy End-Use Certificate
OMB Control Number 1910-5121**

This supporting statement provides additional information regarding the Department of Energy (DOE) request for processing of the proposed information collection, End Use-Certificate. This package was not prepared in conjunction with the American Recovery and Reinvestment Act. The numbered questions correspond to the order shown on the Office of Management and Budget (OMB) Form 83-I, "Instructions for Completing OMB Form 83-I."

A. Justification

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the information collection.**

This is a request for the Office of Management and Budget (OMB) approval under the Paperwork Reduction Act for collection of data to be submitted by individuals when the transfer of title for Department of Energy (DOE) High Risk personal property, identified as United States Munitions List Items (MLI) or Commerce Control List Items (CCLI), and/or including (1) Especially Designed or Prepared Property, (2) Export Control Property, (3) Proliferation-Sensitive Property, (4) Nuclear Weapon Components or Nuclear Weapon-Like Components, (5) Automated Data Processing Equipment, (6) Export Controlled Information, (7) Unclassified Controlled Nuclear Information, (8) Hazardous Property, (9) Radioactive Property, and (10) Special Nuclear Material is involved. The End-Use Certificate (EUC) informs the respondents that if the property is to be exported, they must comply with the International Traffic in Arms Regulations (ITAR), 22 CFR 120 et seq; Export Administration Regulations (EAR), 15 CFR 730 et seq; Office of Foreign Asset Controls (OFAC), 31 CFR 500 et seq; and the United States Customs Service rules and regulations.

- 2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection**

The DOE EUC must be completed each time DOE High Risk personal property is transferred or sold. All individuals/businesses wishing to acquire DOE High Risk personal property must complete the form. The information is used to determine the respondent's eligibility for acquiring DOE High Risk personal property. The EUC is used to clear respondents and ensure (1) their eligibility to conduct business with the Government; (2) they are not debarred bidders; (3) they have not violated U. S. export laws; and (4) they will not divert the property to denied/sanctioned countries, unauthorized destinations or sell to Debarred Bidder Experience List firms or individuals. The EUC informs the recipients that when this property is to be exported, they must comply with ITAR, EAR, and other applicable export laws and regulations.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

For those individuals/businesses that have the capability to access the Internet, the fillable EUC is available on-line and may be used each time a respondent attempts to acquire DOE High Risk personal property. Respondents have the option of either downloading and mailing the EUC or submitting the form electronically.

4. Describe efforts to identify duplication.

There is no duplication. This is the only office at DOE that is responsible for establishing policies and procedures for the proper handling of High Risk personal property.

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

Impact on small businesses is estimated to minimal to none. All recipients of High Risk personal property experience a clearance check before the property is transferred. Record keeping practices are consistent with those records that a recipient uses and maintains in the normal course of business.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

The inappropriate transfer of High Risk personal property could consequently create a national security incident for the Federal Government. The purpose of the EUC is to safeguard against the inadvertent transfer or disposal of certain types of personal property and related technical information that represent a high risk in terms of nuclear proliferation and/or national security, public health and safety, and the environment. The EUC addresses Congressional, General Accountability Office and DOE Inspector General findings.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines. (a) requiring respondents to report information to the agency more often than quarterly; (b) requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it; (c) requiring respondents to submit more than an original and two copies of any document; (d) requiring respondents to retain records, other than health, medical government contract, grant-in-aid, or tax records, for more than three years; (e) in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study; (f) requiring the use of statistical data classification that has not been reviewed and approved by OMB; (g) that includes a pledge of confidentiality that is not supported by authority established in statute of regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with

other agencies for compatible confidential use; (h) requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

There are no special circumstances regarding the collection of the requested data. This data collection is consistent with 5 CFR 1320.5(d)(2) and is necessary since there are no other sources available for the collection of this information.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5CFR 320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken in response to the comments. Specifically address comments received on cost and hour burden. Describe efforts to consult with persons outside DOE 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 report.

The Department published a 60-day Federal Register Notice and Request for Comments concerning this collection in the Federal Register on November 5, 2009, volume 74, number 213, and page number 57296. The notice described the collection and invited interested parties to submit comments or recommendations regarding the collection. No comments were received.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

Not applicable. No payments or gifts will be provided to the respondents.

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

Confidentiality is covered by the Privacy Act. The Privacy Act notification is identified on the EUC form.

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 justification should include the reasons why DOE considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

No such sensitive questions are present, neither intended nor otherwise anticipated in this information collection.

12. Provide estimates of the hour burden of the collection of information. The statement should indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, DOE should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample fewer than 10 potential respondents is desirable.

The estimate of hour burden of the information collection is as follows:

Total number of unduplicated respondents: 1000

Reports filed per person: 1

Total annual responses: 1000

Total annual burden hours: 334 hours

Average Burden Per Collection: 0.334 hour
 Per Applicants: 0.334 hour

The estimate of annual cost for the information collection WILL BE ZERO:

The public reporting burden for the collection of information is estimated to average 334 total burden hours/1000 total annual responses hours per response.

13. Provide an estimate for the total annual cost burden to respondents or recordkeepers resulting from the collection of information.

No costs are known to be associated with this collection.

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

Not applicable. Zero cost to the Federal Government.

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

The number of respondents reported in Item 13 of OMB Form 83-I is a more accurate estimate than what was previously reported.

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

This information is not for publication.

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.

Approval for non-display of OMB expiration date is not being requested.

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

There are no exceptions identified in Item 19.