

**SUPPORTING STATEMENT FOR PAPERWORK
REDUCTION ACT SUBMISSIONS**

**Request for Commodity Jurisdiction (CJ) Determination
OMB No. 1405-0163**

A. Justification

1. The Directorate of Defense Trade Controls (DDTC), Bureau of Political-Military Affairs, U.S. Department of State, (Department of State) in accordance with §§ 38-40 of the Arms Export Control Act (AECA) [22 U.S.C. §§ 2778-2780] and the International Traffic in Arms Regulations (ITAR)[(22 C.F.R. Parts 120-130], has the primary mission of designating the items on the U.S. Munitions List (22 C.F.R. § 121.1). If a person would like a written determination from the Department of State whether a particular defense article or defense service is covered by the U.S. Munitions List, the person may submit such a request in accordance with the procedure described at 22 C.F.R. § 120.4. DDTC's policy on designating and determining whether an article or service is a defense article or defense service covered by the U.S. Munitions List is addressed at 22 C.F.R. § 120.3.

2. DDTC reviews the information to analyze the military applications and any civil applications of the defense article or defense service. Also, DDTC may consult with the Department of Defense, the Department of Commerce and/or other appropriate government agency by sending a copy of the collected information and requesting the agency's recommendation as to whether the article or service is covered by the U.S. Munitions List. After receiving those recommendations, DDTC provides a written determination as to whether the particular item or service is covered by the United States Munitions List.

3. Respondents access a DDTC website to view and download guidelines for submitting required information. Respondents will submit the required information in a letter using the U.S. postal mail service. DDTC is currently in the process of improving the electronic process for export licensing and the amendments to a license. This remains a goal for the future. The electronic process for the export license has been behind schedule. The electronic version of the commodity jurisdiction information collection is a priority. The goal is to make it possible for this information collection to be submitted electronically.

4. The Department of State is unaware of any other U.S. Government requirements that would cause U.S. industry to duplicate this voluntary submission.
 5. Defense trade laws and regulations, designed to safeguard U.S. foreign policy and national security interests and to further world peace, are applicable equally to large and small businesses or entities. Submitting a “Request for Commodity Jurisdiction (CJ) Determination” is optional and does not apply to small businesses or small entities unless they are “in the business” of defense trade.
 6. Absent providing a procedure for the collection of this information, the Department would not be able to obtain the technical history of the product’s design, development and uses in order to render a written determination whether an article or service is covered by the U.S. Munitions List.
 7. There is a special circumstance that requires the respondent to submit more than an original and two copies. If the respondent is submitting via paper then one original of the “Request for Commodity Jurisdiction (CJ) Determination” and eight copies are required to be submitted. The copies are sent to the government offices and agencies that are consulted in the review process (e.g., Department of Defense, Department of Commerce, Department of Energy, National Aeronautics and Space Administration, and State’s Office of Defense Trade Controls Licensing).
- Respondents may have to submit proprietary trade secret or other confidential information. Accompanying the “Request for Commodity Jurisdiction (CJ) Determination,” the requester may have to submit a copy of technical specifications that is considered business proprietary information or classified information. DDTC has procedures in place to protect this type of information to the extent permitted by law.
8. A public notice giving the public 60 days to comment on this information collection was published in the Federal Register on January 16, 2009. 73 Federal Register 3126 is attached. No public comments were received.
 9. Not applicable. No payment or gift has been or will be provided to any respondent.
 10. Respondents are engaged in the business of exporting defense articles/services and use the ITAR regularly in the course of their business. Thus, respondents would be familiar with Section 126.10 of the ITAR, which describes

protection of confidentiality given to respondents' information as summarized below:

- Subchapter R of 22 C.F.R. contains regulations on the availability to the public of information and records of the Department of State. The provisions of subchapter R apply to such disclosures by the DDTC.
- Certain information of a proprietary nature required by the Department of State in connection with the licensing process may generally not be disclosed to the public unless certain determinations relating to the national interest are made in accordance with §38(e) of the Arms Export Control Act (22 U.S.C. § 2778) and, by reference, certain procedures in the Export Administration Act.
- Confidential business information required under Part 130 of the ITAR (*re* political contributions, fees, and commissions) is generally protected from public disclosure.
- Information may be disclosed to foreign governments for law enforcement purposes or in the context of multilateral export regimes.

11. Not applicable. The Department of State is not soliciting any information regarding questions of a sensitive nature or matters commonly considered private.

12. The Department of State has reason to believe that the information required for a "Request for Commodity Jurisdiction (CJ) Determination" is already available to respondents as an aspect of their customary and usual business practices. An estimated 465 annual responses are expected from 425 respondents. Frequency of response is on occasion. The estimated time that the respondent devotes to each submission is approximately ten hours. Consequently, it can be reasonably assumed that the cost to industry in terms of money, time, and other resources is minimal. The estimated annual hour burden is 4,650 hours.

13. There are no anticipated additional costs to respondents.

14. The annual operational budget for DDTC is approximately \$13 million plus \$11.9 million from the registration fees, totaling \$24.9 million for FY08. This figure includes all costs incurred by DDTC and includes equipment, overhead, printing, and support staff employed for processing this information. DDTC received about 465 requests for a commodity jurisdiction determination during

FY08. Processing those reports accounts for approximately .0027% of DDTC's budget. The estimated annualized cost to the Federal government is \$68,000.

15. Change is due to agency estimate.
16. Publication of the relevant information is not anticipated.
17. The Information Collection instrument will display the OMB expiration date.
18. The Department of State is not seeking any exception to the statement, "Certification for Paperwork Reduction Act Submissions," of OMB 83-I.

B. Collections of Information Employing Statistical Methods

Not applicable. This collection of information does not employ statistical methods.