

DEPARTMENT OF THE TREASURY
ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

Supporting Statement - Information Collection Request

OMB Control Number 1513-0114

TTB F 5130.12 Beer for Exportation

A. JUSTIFICATION

1. What are the circumstances that make this collection of information necessary and what legal or administrative requirements necessitate the collection?

A tax is imposed on beer removed from domestic breweries for consumption or sale by 26 U.S.C. 5051. 26 U.S.C. 5053 grants an exemption from this tax if beer is exported but allows the Secretary of the Treasury to impose bonds and other conditions on such exemption. Regulations covering these requirements are found in 27 CFR 28.142, 28.144, 28.146, and 28.147.

2. How, by whom and for what purpose is this information used?

Whenever a brewer intends to remove beer without payment of tax from the brewery for exportation, for use as supplies on aircraft, or for transportation to or deposit in a foreign trade zone, the brewer completes TTB F 5130.12. A copy is sent to TTB's National Revenue Center as a notice, and other copies travel with the shipment. A U.S. Customs officer (or an Armed Forces officer if beer is exported to a U.S. military installation) certifies exportation on a copy of the form and that copy is returned to TTB so that the brewer may be excused from liability for the tax. The notice copy of TTB F 5130.12 is used by TTB to verify export figures reported by brewers as nontaxable removals and the certified copy received after exportation allows TTB to clear the brewer's bond account, since exportations without payment of tax are a charge against the brewers' bond until evidence of exportation is received.

The TTB records control schedule provides for destruction of the TTB copy of these forms 5 years after removals are completely accounted for. The brewer is required by the general records retention requirements (27 CFR 25.300) to retain its copy of the form for 3 years, but the retention period may be extended for an additional 3 years by specific direction of an TTB official. Such an extension is rare.

3. To what extent does this collection of information involve the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology? What consideration is given to use information technology to reduce burden?

TTB considers requests by proprietors to use improved technology to reduce the burden of this reporting requirement on a case-by-case basis.

4. What efforts are used to identity duplication? Why can't any similar Information already available be used or modified for use for the purposes described in Item 2 above?

The information collection request requires reports that are pertinent to each brewer's specific operation. As far as we can determine, similar information is not available elsewhere.

5. If this collection of information impacts small businesses or other small entities, what methods are used to minimize burden?

All entities regardless of size are required by statute to comply with this requirement. Since this is a per-transaction form, small businesses are likely to complete fewer forms than large businesses.

6. What consequences to Federal program or policy activities and what, if any, technical or legal obstacles to reducing burden will occur if this collection is not conducted or is conducted less frequently?

Since TTB is excusing the brewer from domestic tax liability, it is TTB's responsibility to ensure that untaxpaid beer is not diverted to domestic markets. Without this information collection requirement, TTB could not verify removals for exportation, which could result in undetected diversion of the beer and a loss of revenue.

7. Are there any special circumstances associated with the information collection?

There are no special circumstances associated with this information collection.

8. What effort was made to notify the general public about this collection of information?

A 60-day Federal Register notice was published for this information collection on Tuesday, February 17, 2009, 74 FR 7543. The notice solicited comments from the general public. TTB received no comments.

9. What decision was made to provide any payment or gift to respondents, other than reenumeration of contractors or grantees?

No payment is made for completion of this form.

10. What assurance of confidentiality was provided to respondents and what was the basis for the assurance in statute, regulations, or agency policy?

No specific assurance of confidentiality is provided on this form; however, the confidentiality of the information collected on this form is protected by 26 U.S.C. 6103

11. What justification is there for questions of a sensitive nature?

No questions of a sensitive nature are asked.

12. What is the estimated hour burden of this collection of information?

It is estimated that 60 respondents will file the form 60 times. Each form should take an average of 1.65 hours per applicant to complete, for a total of 5,940 hours.

13. What is the estimated total annual cost burden to respondents or recordkeepers resulting from this collection of information?

We do not believe exporters bear any additional capital or start-up costs or any increased operation or maintenance costs as a result of this requirement. The same information needed to complete this form must be generated by the exporter for customary and usual business practices, such as preparing an invoice for the shipment. Estimate of annual cost for a respondent to complete these forms (based on our knowledge of the burden hours, average volume, and costs) is \$382.50 per year.

14. What is the annualized cost to the Federal Government?

Estimated annual cost to the Federal Government is \$2,470.

15. What is the reason for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I?

There are no program changes or adjustments associated with this information collection.

16. Outline plans for tabulation and publication for collections of information whose results will be published.

We will not publish the results of this collection.

17. If seeking approval to not display the expiration date for OMB approval of this information collection, what are the reasons that the display would be inappropriate?

We will display the expiration date of OMB approval for this collection.

18. What are the exceptions to the certification statement?

There are no exceptions to the certification statement.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.