

JUSTIFICATION FOR EMERGENCY REVIEW
Commodity Jurisdiction (CJ) Determination Form,
Form DS-4076, OMB Number 1405-0163

PM/DDTC is unable to submit Form DS-4076 through the regular OMB review process because the Department of State needs to expeditiously obtain Commodity Jurisdiction Determination requests submitted electronically. Currently, this information collection is submitted via a letter exchange using the postal service and its OMB expiration date is 04/30/2011. This collection of information is submitted when the exporter needs a Department of State determination whether or not a defense article is covered by the U.S. Munitions List under the International Traffic in Arms Regulations. After receiving the Department's determination, the exporter will know which agency regulates the export and which regulations to follow. The OMB review process was not begun in time for regular processing because the revised DS-4076 was not designed before the 60-day notice of proposed information collection that was published in the *Federal Register* on January 16, 2009. If the regular OMB review process was used, it would add about four months before respondents could start to submit this information electronically. The "mission critical" need for this emergency review is because the National Security Council has made electronic submission of the Commodity Jurisdiction information collection a priority. Electronic submission of this information collection will shorten the commodity jurisdiction determination review process.

The Department has therefore determined that:

1. This collection is needed prior to the expiration of time periods normally associated with a routine submission for review under the provisions of the Paperwork Reduction Act;
2. This collection is essential to the mission of the Department of State; and
3. The use of normal clearance procedures will lengthen the time before PM/DDTC is able to start electronically receiving the “Commodity Jurisdiction (CJ) Determination Form” via the Directorate of Defense Trade Controls website (www.pmdtc.state.gov) through a web-based electronic form system. Also, the normal clearance procedures will severely impact our ability to respond expeditiously to the National Security Council that this information collection is able to be collected electronically.

Therefore, the Department of State requests OMB approval for this collection by August 31, 2009.