

**SUPPORTING STATEMENT FOR PAPERWORK
REDUCTION ACT SUBMISSIONS**

**Commodity Jurisdiction (CJ) Determination Form
OMB No. 1405-0163, DS-4076**

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 delegated authority 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 article or 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 article or service is covered by the United States Munitions List.

3. Respondents will submit the information collection via the DDTC website (www.pmddtc.state.gov) through a web-based form system. DS-4076 will request the required information needed to be collected by DDTC in order to review a commodity jurisdiction request for a determination. Also, the respondent will be able to electronically incorporate supporting documentation in various formats (e.g. searchable Adobe.pdf files, Microsoft Word documents, etc.). Signature authority will be accomplished by the respondent printing the signature page, signing it, and scanning it back into the file and the completed file will be submitted through a web portal on the DDTC website.

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 “Commodity Jurisdiction (CJ) Determination Form” is optional.
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. Respondents may have to submit proprietary trade secret or other confidential information. Accompanying the “Commodity Jurisdiction (CJ) Determination Form,” the requester may have to submit a copy of technical specifications that is considered business proprietary information or classified information. The Directorate of Defense Trade Controls has procedures in place to protect this type of information to the extent permitted by law.
8. A public notice giving the public 30 days to comment on this information collection was published in the Federal Register on March 23, 2009. 74 Federal Register 12172 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 “Commodity Jurisdiction (CJ) Determination Form” 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. This is an extension without change of a previously approved collection.

16. Publication of the relevant information is anticipated to be published on DDTC’s website. The information will consist of the name, manufacturer, model/version number, part number, national stock number, and generic description of the commodity/service. Also, the manufacturer’s website and commodity/service website will be published. In the case any of the information is

proprietary, the DS-4076 form requests the respondent to identify which information is proprietary and provide a detailed rationale for DDTC to consider withholding the information from public notice. The Department of State determination whether the commodity/service is controlled by the ITAR will be provided.

17. Not applicable. There is no request not to display the OMB expiration date.
18. Not applicable. 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.