

**SUPPORTING STATEMENT  
U.S. Department of Commerce  
Bureau of Industry and Security**

**License Exception TMP: Special Requirements  
EAR Sections 740.9(a)(2)(viii)(B)  
OMB No. 0694-0029**

**A. Justification**

**1. Explain the circumstances that make the collection of information necessary.**

Section 15(b) of the Export Administration Act (EAA) of 1979, as amended, authorizes the President and the Secretary of Commerce to issue regulations to implement the EAA including those provisions authorizing the control of exports of U.S. goods and technology to all foreign destinations, as necessary for the purpose of national security, foreign policy and short supply, and the provision prohibiting U.S. persons from participating in certain foreign boycotts. Export control authority has been assigned directly to the Secretary of Commerce by the EAA and delegated by the President to the Secretary of Commerce. This authority is administered by the Bureau of Industry and Security through the Export Administration Regulations (EAR). The EAA is not permanent legislation, and when it has lapsed due to the failure to enact a timely extension, Presidential executive orders under the International Emergency Economic Powers Act (IEEPA) have directed and authorized the continuation in force of the EAR.

**2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.**

License Exception TMP permits the export of controlled commodities and software for temporary use abroad for a 12-month period under the guidelines listed in Section 740.9 of the EAR.

There are two reporting requirements associated with this license exception: one, concerning commodities shipped for news-gathering purposes and the other requirement, concerning an extension of the 12-month limit of the license exception.

Since TMP permits sophisticated equipment and software to be shipped to **any** destination for news-gathering purposes, Section 740.9(a)(2)(viii)(B) of the EAR states that exporters must send a packing list or similar identification of the exported commodities to BIS along with specification of the destination and estimated dates of departure and return if the commodities being shipped under TMP are necessary for news-gathering purposes that accompany "accredited" news-gathering media personnel to Country Groups D:1, E:2 or Sudan. This information is used by Export Enforcement to spot check returns to assure that TMP is being used properly.

Section 740.9(a)(4)(iii) states that if it is necessary to extend the 12-month limit of this general license, the exporter must submit a Form BIS-748P, Multi-Purpose Application -- approved by OMB under Control No. 0694-0088, and a justification for the extension. This justification is used by BIS to make a decision on whether to grant the extension, or not. Since this license is for **temporary** exports, BIS must assure that this condition is observed and that unusual circumstances warrant an exception to the rule.

The Section 515 Information Quality Guidelines apply to this information collection and comply with all applicable information quality guidelines, i.e., OMB, Department of Commerce, and specific operating unit guidelines.

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

This is a very small collection of non-standard documents such as a packing list or a letter of explanation. It is not cost-effective for BIS to automate this collection.

**4. Describe efforts to identify duplication.**

This information is not duplicated elsewhere. This is a collection of information related to specified commodities that are to be exported by a specified exporter for a stated end-use and to be returned to the U.S. on or before a specified date.

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

This collection of information must be adhered to by all U.S. exporters regardless of size. The burden, because of its simple requirement is no more burdensome to the small business than it is for any other entity.

**6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.**

If this collection were submitted less frequently, there would be violations of the EAR. Only mandatory collection will assure compliance.

**7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.**

There are no special circumstances that require the collection to be conducted in a manner inconsistent with the guidelines in 5 CFR 1320.6.

**8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency 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 reported.**

The notice requesting public comment was published in the Federal Register on September 18, 2006, pp. 54612-54613. No comments were received.

Comment: Disregard date and page reference in Item 8. This date and page reference of the Federal Register will be updated by OCIO/ICB staff when the new notice is published in the Federal Register.

If comments are received, OCIO will get them to you. There's only a 2% chance of receiving public comments.

**9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.**

There is no plan to provide any payment or gift to respondents.

Comment: More than likely, items 9-11 can remain as-is.

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

Section 12(c) of the EAA provides for the confidentiality of information contained in the records of the respondents.

**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.**

There are no questions of a sensitive nature.

**12. Provide an estimate in hours of the burden of the collection of information.**

There is 1 burden hour associated with this collection of information.

Export Enforcement receives approximately 4 responses annually. It would take the respondents about 20 minutes to read instructions, specify the destination and estimated dates of departure and return, and mail this information along with the appropriate export documentation to BIS, for a total of 1 hour twenty minutes.

BIS estimates that letters explaining the need for an extension of TMP would take about 30 minutes to prepare, however BIS rarely receives such requests for an extension.

The cost is estimated to be \$40. This is based on an hourly rate of \$30 per hour times 1 hour and 20 minutes.

Comment: Please refer to the source of the data identified in bold for any revision; update the mathematical representations in Item 12 of this Supporting Statement accordingly.

**13. Provide an estimate of the total annual cost burden to the respondents or record-**

**keepers resulting from the collection (excluding the value of the burden hours in #12 above).**

The annual cost of recordkeeping is negligible.

Comment: **In a similar fashion, if changes were made to Item 12, they will affect the math in Item 13. Please update accordingly.**

**14. Provide estimates of annualized cost to the Federal government.**

There are no annualized costs associated with this collection of information.

Comment: **Item 14 - If any of the figures in Item 12 (highlighted in bold) were changed, please revise the cost data..**

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

There is no significant change to the burden estimate from the current OMB inventory.

Comment: **If any of the numbers in Item 12 were changed, then Item 15 will also need to be revised and explained. If the rate of xx annual responses is unchanged, then state "There is no change in the burden hours for this collection of information". If it increases or decreases, we will need a brief description of why.**

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

The results of this collection will not be published for statistical purposes.

Comment: **More than likely, items 16-18 should require no revision.**

**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.**

Not applicable.

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

Not applicable.

## **B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

Not applicable.