

SUPPORTING STATEMENT
U.S. Department of Commerce
Bureau of Industry and Security
Thermal Imaging Camera Reporting
OMB Control No. 0694-0133

This is a request for a new collection and was originally approved as an emergency in June of 2007 but expired in December of that year. The collection was associated with a proposed rule, RIN 0694-AD71, "Revisions to License Requirements and License Exception Eligibility for Certain Thermal Imaging Cameras and Focal Plane Arrays and Foreign Made Defense Articles Incorporating Such Cameras." This rule has been delayed pending resolution of differences of opinion between the Departments of Defense and Commerce. These were resolved on January 16, 2009. The final rule is schedule for publication in the near future.

A. Justification

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

Thermal imaging camera systems are strategic because they allow the operator to see in complete darkness. That capability is the basis for many military and commercial applications for these systems. In addition, because these cameras operate in the infrared region of the spectrum, they have many commercial uses unrelated to the ability see in darkness. Such uses include detecting incipient electrical or mechanical faults and controlling manufacturing processes. Although civil thermal imaging systems are not ideally suited for military use, there is the potential that these commercial systems could be used contrary to the foreign policy and national security interests of the United States by terrorists and countries of concern. Thermal imaging cameras have required a license for export or reexport to all destinations except Canada since 1994 because of that potential.

Recently the U.S. Government (USG) determined that the availability of some thermal imaging cameras from sources outside the United States and export controls applies by certain other countries justify partial relaxation of the license requirement. However, due to the potential strategic uses of these systems, it is important to attempt to verify that those systems, no longer in need of an individual validated license, are continuing to be exported to appropriate consignees. This data collection will allow the USG to verify that the cameras are continuing to be sold to appropriate end-users and that the relaxation in controls is not jeopardizing US national security or foreign policy interests.

Each exporter must file a semi-annual report and must include the following:

1. name, address, and telephone number of the exporter;
2. date of each export;

3. name, address and telephone number of the consignee or end user;
 4. model number(s) of the cameras exported;
 5. serial number of each exported camera that has a serial number; and
 6. quantity of each model number of camera exported.
7. BIS may also request technical information about the cameras as needed.

This collection reduces public burden by eliminating the requirement to submit an export license application for certain thermal imaging camera to certain destinations in exchange for a minimal reporting requirement. Elimination of the licensing requirement will have a significantly positive impact upon the U.S. thermal imaging industry.

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.

The staff of the DOC/BIS and the agencies who would otherwise review license applications for thermal imaging systems (i.e., the Departments of State and Defense) will have the opportunity to review the reported information verify that the cameras are continuing to be sold to appropriate end-users and that the relaxation in controls is not jeopardizing US national security or foreign policy interest. This information might also be shared with other government agencies if doing so would be consistent with applicable law that limits such sharing.

If, through the course of reviewing the reports, BIS determines that these systems are being exported to entities of concern or for end-uses of concern, it maybe determined that the relaxation of controls need to be revoked in part or in whole.

The data will not be disseminated to the public.

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.

BIS anticipates that about thirty entities would submit reports twice a year (for a total 60 reports annually) under this collection. Developing a special electronic reporting system for such a small volume would not be cost effective. BIS will require that reports be submitted by e-mail.

4. Describe efforts to identify duplication.

The information in this collection is not duplicated elsewhere. Although exporters do file information about exports of the cameras that are subject to this collection in the Automated Export System (AES), that information identifies the cameras being exported only to the nearest Export Control Classification Number (ECCN). The thermal imaging camera reporting requirement of this collection applies only to a portion of the cameras identified in one subparagraph of one ECCN. The transactions that pose the concerns that this collection addresses can not be identified from AES data.

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

This collection is being implemented in connection with a rule that will, for the most part, remove a license requirement for exports of certain thermal imaging cameras and impose a post-shipment reporting requirement instead. Some additional exports pursuant to a license exceptions will also have to be reported. In most cases, the net burden on any small businesses that might be affected is reduced because instead of having to apply for a license and wait for an approval from the government before shipping the merchandise (as is currently required), the business would be able to ship immediately and report to the government after shipment.

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

If the information were not collected in the form of the thermal imaging camera reports, BIS would be obliged to continue to collect much of the same information via export license applications. Given the potential for misuse of these cameras in military uses or terrorist acts that are inimical to the interests of the United States, the agencies involved in export controls would not consent to a system in which we have no record of who is receiving these devices.

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

There are no special circumstances associated with this collection that would require it to be conducted in a manner inconsistent with OMB guidelines.

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.

A final rulemaking (RIN 0694-AD71) soliciting public comment will be published in the Federal Register.

The Department of Commerce has worked very closely with the US firms that export thermal imaging cameras over the past several years in order to draft and support interagency review of the regulation that imposes this collection. The regulation is based in large part on a proposal submitted to DOC by the American Council for Thermal Imaging (ACTI), the US thermal imaging industries= interest group. In addition, BIS staff has consulted with industry specifically on the matter of this data collection through one-on-one consultations, consultations with ACTI, and consultations through DOC's Sensors and Instrumentation Technical Advisory Committee, whose representatives include thermal imaging exporters. On the whole, these groups supported the collection of data in conjunction with a relaxation of licensing requirements. They noted that the data to be collected is already maintained by the companies, consistent with their obligations under Part 762 (Record Keeping) of the Export Administration Regulations. Because the data is already maintained by the companies likely to be subject to the reporting requirements, a report can be compiled relatively quickly. These groups also noted that considerably less time and effort would be needed to compile a semi-annual report than to apply for the export licenses that are currently required for these transactions.

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

There will be no payment or gift to respondents.

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

No assurance of confidentiality is given.

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.

This collection does not require information of a sensitive nature.

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

Informal contacts with some exporters who would be affected by this reporting requirement indicated that it would take approximately 15 minutes to sort relevant data from existing data bases where the data is maintained, and approximately 45 minutes to review the sorted data to ensure that it is complete and send it to the DOC/BIS. This would occur twice a year, by approximately 30 companies. This results in a total annual burden estimate of 1 hour x 30 companies x 2 reports per year = 60 hours.

This 60 hours per year of new reporting will result in a decrease of approximately 1,750 burden hours per year in collection OMB 0694-0088 "Multipurpose Application."

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).

Not Applicable.

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

BIS expects that it will take approximately one hour to review each report. It is estimated that 60 reports will be received each year and the average salary of a reviewer is \$40 per hour. The total annual cost to the Federal Government is estimated to be **\$2,400**.

15. Explain the reasons for any program changes or adjustments.

Not applicable.

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

BIS does not plan to publish this information.

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.

BIS is not requesting any exception to the certification statement.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Not applicable.