

**Supporting Statement**  
**Documentation Requirements for Articles Entered**  
**Under Various Special Tariff Treatment Provisions**  
**1651-0067**

**A. Justification**

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

U.S. Customs and Border Protection (CBP) is responsible for determining whether imported articles that are classified under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 9801.00.10, 9802.00.20, 9802.00.25, 9802.00.40, 9802.00.50, and 9802.00.60 are entitled to duty-free or reduced duty treatment. In order to file under these HTSUS provisions, importers, or their agents, must have the declarations that are provided for in 19 CFR 10.1(a), 10.8(a), and 10.9(a) in their possession at the time of entry and submit them to CBP upon request. These declarations enable CBP to ascertain whether the statutory conditions and requirements of these HTSUS provisions have been satisfied. CBP proposes to add the declaration filed under HTSUS 9817.00.40 in accordance with 19 CFR 10.121 to this information collection.

- 2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

The information collected enables CBP to ascertain whether the statutory conditions and requirements of these provisions have been satisfied.

- 3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.**

CBP does not have plans to automate submission of declarations because importers are required to keep all declarations in their records and only submit them if specifically requested by CBP.

- 4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.**

The information reported on each declaration is unique and is, therefore, not duplicated elsewhere.

- 5. If the collection of information impacts small businesses or other small entities describe any methods used to minimize burden.**

This information collection does not have an impact on small businesses or other small entities.

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

Since the information is unique for each submission, this information is only submitted once. If this information were not collected, CBP could not comply with its statutory and regulatory requirements.

- 7. Explain any special circumstances that would cause an information collection to be conducted in a manner:**

This information collection is conducted in a manner consistent with the guidelines in 5 CFR 1320.5(c)(2).

- 8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB.**

Public comments were solicited through two Federal Register notices including a 60-day notice published on May 9, 2011 (Volume 76, Page 26750) on which one comment was received, and a 30-day notice published on July 6, 2011 (Volume 76, Page 39416) on which no comments have been received.

Comments were received from Mark Zolno of Katten, Muchin, Rosenman, LLP representing ETA/Cuisenaire.

The commenter stated that the "Abstract" section of the 60-day FRN implied that CBP planned to reverse or override the decision of the State Department with respect to the importer being entitled to duty-free treatment under HTSUS subheading 9817.00.40 which involves imports under the Beirut Agreement. The importer must apply for, and obtain a certificate from the State Department and then present it upon importation to CBP (if requested) so CBP knows that the goods are free of duty.

However, Mr. Zolno misunderstood the situation because it is not CBP's intention to override the decision of the State Department on these import entries. CBP agrees with Mr. Zolno that the determination of whether imported goods qualify under the Beirut Agreement is up to the State Department. This was explained to Mr. Zolno in a phone conversation with him on July 5, 2011 and he was satisfied with our response.

**9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

There is no offer of a monetary or material value for this declaration.

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

There is no PII associated with this collection of information.

**11. Provide additional justification for any questions of a sensitive nature**

There are no questions of a personal or sensitive nature on this declaration.

**12. Provide estimates of the hour burden of the collection of information.**

COLLECTION	TOTAL ANNUAL BURDEN HOURS	NO. OF RESPONDENTS	NO. OF RESPONSES PER RESPONDENT	TOTAL RESPONSES	TIME PER RESPONSE
Declarations under Chapter 98	933	19,445	3	58,335	1 minute (.016 hours)

These declarations are kept in the importers/brokers files unless specifically requested by CBP.

**Public Cost**

The estimated cost to the respondents is \$18,660. This is based on the estimated burden hours (933) multiplied (x) the average hourly rate (\$20.00).

**13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information.**

There are no record keeping, capital, start-up or maintenance costs associated with this information collection.

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

The estimated cost to the Federal Government associated with collecting the information is **\$20,328** annually. This is calculated by the estimated number of responses (58,335) multiplied (x) the time to process each response (5 minutes) = 4,842 hours multiplied (x) the estimated average hourly rate (\$42.00) = \$203,364.

**15. Explain the reasons for any program changes or adjustments reported in Item #12 of this Statement.**

The burden hours were decreased because the 15 minute response time was an overestimate and was reduced to 1 minute. Also, there was a slight increase to the burden hours due to the addition of HTSUS 9817.00.40. There are no other changes to this information collection.

**16. For collection of information whose results will be published, outline plans for tabulation, and publication.**

This information will not be published for statistical purposes.

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.**

This collection does not involve a form so there is no printed expiration date.

**18. Explain each exception to the certification statement identified in Item**

CBP does not request an exception to the certification statement. There is no form involved with this information collection.

**B. No statistical methods were employed.**