



September 10, 2024

Via Electronic Submission

Ms. Andrea Battista
Office of Defense Trade Controls Management
2401 E Street N.W., Suite 1200 (SA-1)
Washington, D.C. 20522-0112

Subject: Submission of Public Comments to Public Notice 12481 Regarding the DDTC Form DSP-73 (*OMB Control #*: 1405–0023)

Dear Ms. Battista:

Metrea Management LLC (“Metrea”) submits four (4) public comments in response to Public Notice 12481 regarding the Department of State (the “Department”) Directorate of Defense Trade Controls (“DDTC”) Form DSP-73 (*OMB Control #*: 1405–0023), as published in the *Federal Register* on August 13, 2024.

Metrea is a DDTC registered entity that provides domestic and international Contractor-Owned Contractor-Operated (“COCO”) aerial services, including aerial firefighting, air-to-air refueling, and aerial Intelligence, Recognizance, and Surveillance (“ISR”). To fulfil its missions, Metrea utilizes a fleet of commercial aircraft equipped with International Traffic in Arms Regulations (“ITAR”) mission systems, as well as ITAR-controlled KC-135/C-135 refueling aircraft. On an annual basis, Metrea’s fleet has grown approximately 50%. To operate this fleet, Metrea employs a roster of approximately 100 pilots, with an annual turnover rate of approximately 25%. These statistics become a factor for execution of international missions with U.S. allies, where Metrea is required to obtain DSP-73 Temporary Export Licenses (“DSP-73s”) for the temporary export of its aircraft.

Public Comments

Comment 1: Evaluate whether pilot and aircraft registration information collection is necessary.

Metrea believes all Aircraft or Vessel Information in Blocks 25 through 29 on the DSP-73 significantly increase the burden to DDTC and the proposed exporter for nominal, if any, benefit. More specifically, such information is not material for DDTC to determine exportability of aircraft based on the requirements of the Arms Export Control Act (“AECA”) and the ITAR. To support this claim, this information is not required on DSP-5 Permanent Export or DSP-61 Temporary Import license applications for other transactions involving aircraft or vessels. Metrea kindly requests DDTC review and consider whether the inclusion of



this information is exclusively required for DSP-73 submissions. To support DDTC's review, Metrea provides the following:

- **Blocks 25 FAA Reg. # and 26 Date of FAA Reg. #**
 - The FAA. Reg. # and its associated registration date are under the jurisdiction of the Federal Aviation Authority ("FAA"), 14 C.F.R. Parts 47 and 48. It is Metrea's understanding that these are not exportability considerations for DDTC and are not considerations for the U.S. Census Bureau to properly identify the aircraft upon exit or reentry.

- **Block 27 Make, Model, and Serial #**
 - Specific to Make and Model, Metrea believes efficiencies could be gained by having Make and Model information included in the Commodity Description Blocks 12-16, like a DSP-5 or DSP-61 form, rather than separately collected in Block 27. This would reduce the number of blocks required on the application and allow for an already existing Block in the license form to capture necessary commodity information, thus reducing the review time by DDTC and draft time by the proposed exporter.
 - Specific to serial numbers, DDTC should review the necessity for serial number information to be included in DSP-73 Licenses, as serial numbers are rarely provided on license forms for any ITAR-controlled items. With large aircraft fleets, mission assignments can change rapidly and for a variety of reasons, such as an aircraft-on-ground ("AOG") situation. Unless an exporter was to include their entire fleet of aircraft on each license, they can be left with no option but to submit a replacement license if an identical make and model aircraft is ready to deploy but that aircrafts serial number was not included on the approved DSP-73. This is exacerbated when a new aircraft comes into service, but is not identified on a pre-existing license, even though the aircraft may align with the commodity description and U.S. Munitions List ("USML") categories on the license. This review cycle taxes an already heavily worked department, without any discernible reason.

- **Block 28 Physical Location**
 - Metrea believes efficiency could be gained by removing this Block from the DSP-73 form. Physical location is a point-in-time piece of information that may only be current at the time of license application and is not a required field on any other DDTC licensing form. It is Metrea's understanding that the physical location of an aircraft or vessel is not among the exportability considerations of DDTC, so Metrea



respectfully requests DDTC to review the necessity of this information collection. If necessary, Metrea suggests reliance on Block 19 “Source of Commodity,” to fulfil this information requirement. Removal of Block 28 would reduce the applicant’s preparation time and reduce the fields DDTC must review prior to approval.

- **Block 29 Commander and Operator or Certification License # and all subblocks**

- Metrea believes efficiency could be gained by removing the requirement to collect this information in the DSP-73 form. It is Metrea’s understanding that Commander and Operator or Certification license # are not among the exportability considerations of DDTC and can be a time-consuming Block for review. Removal of this Block would reduce the overall review for DDTC and can greatly reduce the entry time for an exporter. By way of example, an exporter’s pilot roster could include one hundred pilots. With eight sub-fields to complete in each Block 29 entry, and presuming each entry takes roughly half a minute, it would take roughly an hour to enter the hundred pilots’ information into the form. Roughly six Block 29 entries display on a PDF page, so this translates into DDTC reviewing seventeen (17) pages of Block 29 entries in this example. With pilot registration enforced and monitored by the FAA, this data collection appears duplicative, with little benefit – yet significant burden, to DDTC.

- **Subblock in Block 29 for Name and License #**

- Under FAA regulations (14 C.F.R. Part 61), the owner of the aircraft is required to ensure the aircraft is operated in the U.S. by an FAA licensed operator. With a 4-year approval validity of a DSP-73, a roster of pilots can change drastically. For example, within Metrea, the average turnover rate is approximately 25%. With the name and license # requirement, an exporter either must identify a set list of pilots to deploy over a 4-year window or decide to include their full pilot roster on each license application. In the latter scenario, this may include hundreds of entries, which increases the data collection time and significantly increases the length of the license application that DDTC must review. Metrea understands that a DSP-74 may be utilized to amend this block and add a pilot; however, the DSP-74 submission and subsequent DDTC review appears taxing to DDTC with nominal benefit.

- **Subblock in Block 29 for Address and Phone**

- Metrea believes removal of this data collection would create efficiency in the form. Individual address and phone information is not collected in any other license form, except that of the license POC information. Metrea believes the



license POC information is sufficient should DDTC need to contact the applicant for any reason and the collection of any additional contact information is unnecessary. If DDTC determines this to be a requirement, Metrea suggests that rather than require this information for each Block 29 entry, DDTC update the DSP-73 form so this information is only collected once. In this case, the exporter would only relay contact information for the POC responsible for its flight operators. Finally, and in support of complete removal of this information from being collected by DDTC, the inclusion of this information risks exposure of individual Personally Identifiable Information (PII). In an age where data security is consistently exposed, Metrea sees this as an easily avoidable risk for DDTC and for license applicants.

Comment 2: Evaluate the accuracy of the estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.

Metrea believes the current time estimate of one (1) hour per DSP-73 application is significantly underestimated. Due to form requirements and inability for DSP-74 amendments, an applicant for the export of aircraft could spend up to four (4) hours entering the information required for multiple aircraft with multiple aircraft operators.

The current implementation of the DSP-73 requires identification of aircraft registration # and registration date, as well as Block 29 operators (and all associated information) for each aircraft listed. This in turn creates a disproportionate time burden for applicants without the resulting benefit to DDTC. For example, an applicant has ten (10) aircraft identified on the license and a pool of thirty (30) pilots. The Block 29 information containing thirty (30) separate pilots with associated information is required to be duplicated nine (9) additional times for aircraft 2-10. This requires the applicant to enter three hundred (300) pilot names, in duplicative fashion, for the potential export any of their ten (10) aircraft. Presuming each entry takes half a minute, this process could take over two (2) hours to complete as this is done by individual entry as the form does not allow for mirroring or duplicating previous entries. In sum, DDTC should consider if collection of this information is relevant, and if so, alleviate the time it takes to provide such information through a more efficient collection method.

Comment 3: Enhance the quality, flexibility, and efficiency of the information collected.

If the information collection is deemed compulsory, Metrea suggests the following user interface updates that would drive efficiency to the DSP-73 submission and review process:

- **Blocks 25 & 26**



- Metrea respectfully requests a change to the DSP-74 to allow amendments to Blocks 25 & 26. This would allow for expedited adjudication in the case of necessary amendments, rather than resubmission of a replacement, and duplicative, license. This would in turn reduce processing times on the part of DDTC.
- **Block 29**
 - Metrea respectfully requests a change to the DSP-73 electronic vehicle such that Block 29 is a standalone Block that only collects operator name and FAA license # once, rather than a subblock to each aircraft or vessel entry on the license. In doing so, any of the aircraft or vessels identified could be operated by any of the operators identified in the separately maintained Block 29. This would in turn remove the requirement to duplicate the entries on a per aircraft basis. Ultimately, this provides a benefit to both DDTC and the Applicant to reduce the time burden in situations where the license contains multiple aircraft or vessels and multiple operators, with no reduction in the type of information collected and reviewed by DDTC. Further, and as previously presented, Metrea respectfully requests a change to the DSP-73 electronic vehicle to remove the address and phone information collected on a per operator / per aircraft or vessel basis. Metrea suggests that either: DDTC collects this information once, as a standalone Block, and the exporter lists one POC responsible for its operators, or alternatively, DDTC rely solely on the already collected exporter POC information found in Block 5.

Comment 4: Minimize the reporting burden through automated collection techniques and data sharing.

If the information collection is deemed compulsory, Metrea respectfully suggests the following user interface updates that would drive efficiency to the DSP-73 process.

- **Blocks 25 & 26**
 - Metrea recommends DDTC enter into a data sharing agreement with the FAA to obtain information regarding Block 26 aircraft FAA registration date and Block 27 Make, Model, and Serial # information for each identified aircraft. As a result, applicants need not provide information already maintained by and updated with the FAA.
- **Block 29**
 - Metrea recommends entry into a data sharing agreement with the FAA to obtain this information as operators are required to keep their contact information updated with



the FAA. As a result, applicants would not need to provide information already maintained by and updated with the FAA.

If you require further information regarding this matter, please contact the undersigned by telephone at 202.733.7962 or by e-mail at kbu@metrea.aero. You may also contact Jennifer Martin, Metrea VP, Global Trade & Customs, by phone at 202.705.3457 or by e-mail at jjm@metrea.aero.

Respectfully,

A handwritten signature in black ink, appearing to read 'Kyle M. Buonocore', with a stylized flourish at the end.

Kyle M. Buonocore
Empowered Official
Head of Global Trade Licensing
Metrea Management, LLC