



DEPARTMENT OF STATE

[Public Notice: 12081]

60-Day Notice of Proposed Information Collection: Request for Advisory Opinion

ACTION: Notice of request for public comment.

SUMMARY: The Department of State (Department) is seeking Office of Management and Budget (OMB) approval for the information collection described below. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 60 days for public comment preceding submission of the collection to OMB.

DATES: The Department will accept comments from the public up to **[INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

ADDRESSES: You may submit comments by any of the following methods:

- **Web:** Persons with access to the Internet may comment on this notice by going to www.Regulations.gov. You can search for the document by entering “Docket Number: DOS-2023-0017” in the Search field. Then click the “Comment Now” button and complete the comment form.
- **E-mail:** battistaal@state.gov
- **Regular Mail:** Send written comments to: PM/DDTC 2401 E Street NW, Washington, DC 20037 H1204.

You must include the DS form number (if applicable), information collection title, and the OMB control number in any correspondence.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of

the proposed collection instrument and supporting documents, to Andrea Battista, who may be reached at BattistaAL@state.gov or 202-992-0973.

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Request for Advisory Opinion
- *OMB Control Number:* 1405-0174.
- *Type of Request:* Extension.
- *Originating Office:* Directorate of Defense Trade Controls, Bureau of Political Military Affairs, Department of State (T/PM/DDTC).
- *Form Number:* DS-7786.
- *Respondents:* Any person. Primarily, individuals and companies registered with DDTC and engaged in the business of manufacturing, brokering, exporting, or temporarily importing defense hardware or defense technology data.
- *Estimated Number of Respondents:* 125
- *Estimated Number of Responses:* 125
- *Average Time Per Response:* 2 hours
- *Total Estimated Burden Time:* 250 hours
- *Frequency:* On occasion
- *Obligation to Respond:* Voluntary

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.

- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

The Directorate of Defense Trade Controls (DDTC), located in the Political-Military Affairs Bureau of the Department of State, has the principal mission of licensing the export and temporary import of defense articles or defense services as enumerated in the United States Munitions List (USML), and to ensure that the sale, transfer, or brokering of such items are in the interest of United States national security and foreign policy.

Sections 120.22 and 129.9 of the International Traffic in Arms Regulations (ITAR) (22 CFR parts 120-130) may be used to request an advisory opinion or guidance on: whether DDTC would likely grant a license or other approval for the export of a particular defense article or defense service to a particular country (§ 120.22(a)); an interpretation of the requirements set forth in the regulations (§ 120.22(c)); whether an activity constitutes brokering within the scope of part 129 – Registration and Licensing of Brokers (§ 129.9(a)); or other guidance on other aspects of part 129 (§ 129.9(c)). Except for determinations made with reference to ITAR § 129.9(a), advisory opinions are not binding on the Department of State and may not be used in future matters before the Department.

Users electronically submit requests for advisory opinions to DDTC via the Defense Export Control and Compliance System (DECCS) portal; users are able to retrieve responses using this same system. DDTC staff members have defined the data fields which are most relevant and necessary for requests for advisory opinions and

developed the means to accept this information from the industry in a secure system. The revision of this information collection is meant to conform the current OMB-approved data collection to DDTC's new case management system.

Methodology

This information will be collected by electronic submission to the Directorate of Defense Trade Controls.

Kevin E. Bryant,

Deputy Director,

Office of Directives Management,

Department of State.

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