

Supporting Statement for Paperwork Reduction Act Submission
Import/Export License Form 3-200-3
OMB control number 1018-0092
50 CFR 14.91 through 14.93

General Instructions

A Supporting Statement, including the text of the notice to the public required by 5 CFR 1320.5(a)(i)(iv) and its actual or estimated date of publication in the Federal Register, must accompany each request for approval of a collection of information. The Supporting Statement must be prepared in the format described below, and must contain the information specified in Section A below. If an item is not applicable, provide a brief explanation. When Item 17 of the OMB Form 83-I is checked "Yes", Section B of the Supporting Statement must be completed. OMB reserves the right to require the submission of additional information with respect to any request for approval.

Specific Instructions

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.

The Endangered Species Act of 1973, (ESA) Section 9(d) [16 U.S.C. 1538(d)], as amended, makes it unlawful "for any person to engage in business as an importer or exporter of fish or wildlife ... without having first obtained permission from the Secretary [of the Interior]." Any person required to obtain permission must "keep such records as will fully and correctly disclose each importation or exportation of fish, wildlife, or plants made by him and the subsequent disposition made by him with respect to such fish, wildlife, or plant" and "file such reports as the Secretary may require."

On June 21, 1996 (61 FR 31871), the U.S. Fish and Wildlife Service (Service) published a final rule revising 50 CFR Part 14 (Importation, Exportation, and Transportation of Wildlife) to implement provisions of a number of wildlife laws enforced by the Service. As part of that rule-making and under the authority of section 9(d) of the ESA [16 U.S.C. 1538(d)], an import/export license requirement was imposed on any person who engages in business as an importer or exporter of wildlife or wildlife products unless that person imports or exports certain excepted wildlife or wildlife products or falls within one of the categories of persons exempted from the requirement of the final rule.

The information required on the license application form is needed to enforce the license conditions that are derived from the statutory mandate of the ESA. The information required to be maintained by persons exempted from the license requirement also is needed to satisfy the statutory mandate.

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. [Be specific. If this collection is a form or a questionnaire, every question needs to be justified.]

This collection of information is achieved by using the Service's application Form 3-200-3. Other supplemental information is outlined below under 50 CFR 13.12(b), to address the specific requirements contained in 50 CFR 14.91, 14.92 and 14.93. The information received through the use of this application form is used by the Service's Office of Law Enforcement (OLE) to determine if a license will be issued authorizing the applicant to engage in business as an importer or exporter of wildlife or wildlife products, to identify the type of business as it relates to the importation or exportation of wildlife or wildlife products, and to provide information essential to enforcing the license conditions.

To improve the efficiency of this form, the Service has changed the format of Form 3-200-3 so that its information fields correspond to the data fields in the service-wide permit issuance and tracking computer system.

(a) The following specific justifications for information collections correspond to items on Form 3-200-3 and the requirements contained in 50 CFR 14.91, 14.92 and 14.93.

(i) A brief description of the nature of the applicant's business as it relates to the importation or exportation of wildlife or wildlife products, e.g. "live animal dealer", "fur broker", "taxidermist", "retail department store", or "pet shop", is needed to identify the activity conducted by the applicant for which a license is required.

(ii) A statement disclosing the names and addresses of all partners and principal officers, if the application is in the name of a business, is needed to know who holds the license. If a license issued to a business subsequently is modified, suspended, or revoked, the partners or principal officers could attempt to obtain a new license under a different business.

(iii) A statement of where books or records concerning wildlife or wildlife product imports or exports will be kept, is needed for OLE to exercise its right to inspect those records.

(iv) A statement of where inventories of wildlife or wildlife products will be stored, is needed for OLE to exercise its right to examine inventories of imported wildlife or wildlife products or wildlife or wildlife products being prepared for export.

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(v) The name, address, and telephone number of the officer, manager, or other person authorized to make records or wildlife or wildlife product inventories available for examination by OLE, is needed to contact the appropriate agent of the licensee when the licensee is not an individual.

(vi) The port(s) to be used for the importation or exportation of wildlife or wildlife products.

(vii) A description of the wildlife or wildlife products to be imported or exported.

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 [and specifically how this collection meets GPEA requirements].

We are exploring the development of a system to allow electronic submission of Form 3-200-3 in compliance with GPEA. Currently, however, the Service must receive a hard-copy, originally signed application form by postal mail or hand delivery from an applicant. Facsimile and e-mailed signatures are not accepted, but applicants may submit any supporting documentation or information missing from the application, other than an original signature, via facsimile transmission. Form 3-200-3 is currently available on the Internet in .pdf fillable format, allowing the public to complete the form on-line and print the completed form for signature and submission.

In addition, the Service's Office of Law Enforcement (OLE) is exploring ways to establish the complete electronic processing of Form 3-200-3, including submission, processing of application fees and issuance of permits, similar to OLE's eDecs system, which allows the public to electronically submit, pay any associated inspection fees, and receive approval of, Form 3-177, Declaration for Importation or Exportation of Fish or Wildlife.

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.

No other Federal agency collects information of this type, and no duplicate information is collected elsewhere in the Service that could be utilized to determine whether an import/export license can be issued. The information a licensee or exempted person must maintain, however, should already be maintained to satisfy State business license requirements, reporting for the Internal Revenue Service or other similar business purposes and need not be duplicated to satisfy these requirements. The requirement that the records fully and correctly disclose the subsequent disposition of the wildlife or wildlife products may be met by maintaining records which are

specimen-specific, on an inventory control basis, or a combination of the two depending upon the normal business practice of the importer or exporter. A number of pre-existing documents or practices satisfy the requirement of exempted persons: bills of lading or airway bills used by common carriers, customs documents used by customs brokers, purchase orders, etc.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

OLE estimates that all 6,886 applicants annually submitting applications for import/export licenses are small businesses. The import/export license is valid for up to one year from the date of issuance and is renewed upon request, if the initial justification for issuing the import/export license remains in effect. In order to alleviate the burden to small businesses, OLE has designated specific law enforcement offices within each of its seven geographic regions to issue import/export licenses. The application form has also been simplified.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

The information requested is limited to the minimum necessary to establish eligibility and license terms. The consequences of not collecting the information contained in this application is that the applicant would not be issued a license and therefore could not commercially import or export wildlife or wildlife products. The collected information is required to make the necessary determination under the ESA. Any reduction in the application or record keeping burden could result in the Service not fulfilling its statutory obligation.

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

- * requiring respondents to report information to the agency more often than quarterly;
- * requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- * requiring respondents to submit more than an original and two copies of any document;
- * requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;
- * in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;
- * requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
- * that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data

- * security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

There are no special circumstances that would require this information to be collected in a manner inconsistent with OMB guidelines.

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. Summarize public comments received in response to that notice [and in response to the PRA statement associated with the collection over the past three years] and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe 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. [Please list the names, titles, addresses, and phone numbers of persons contacted.]

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years — even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained

Attached is a copy of the Federal Register notice of March 16, 2004 (69 FR 12343) documenting the Service's notice soliciting comments on the information collection prior to submission to OMB. In addition, on March 29, 2004, OLE distributed a public bulletin to the wildlife import/export community requesting comments on the renewal of the information collection contained in Form 3-200-3, and directed the submission of these comments to the Service's Information Collection Clearance Officer. This public bulletin was posted in all of OLE's wildlife inspection offices. No comments were received regarding this form in response to the notice or bulletin. Opportunities for informal public comment may also be available through extensive personal contact with potential applicants during permit workshops, seminars, meetings and related activities conducted on behalf of various interest groups, such as zoos, big game hunters or reptile breeders. In addition, opportunities for informal public comment exist with importers and exporters of wildlife and wildlife products during the course of business as part of OLE's wildlife inspection process. OLE continuously internally evaluates the effectiveness of its applications as they relate to regulations for permits.

Before the development of this justification to renew the information collection contained in Form 3-200-3, OLE consulted with the following individuals regarding the burden estimates contained herein:

Billy Darnell, Del Pitic Outfitters, 15 Broadway Club Lane, Animas, New Mexico, telephone: (505) 548-2422

Bigel (last name unknown), Ferrini USA Inc., 13624 Gamma Road, Dallas, Texas, 75380, telephone: (972) 980-8881

Lourdes (last name unknown), Muy Grande Outfitters, P.O. Box 195, Nogales, Arizona, 85621, telephone (Mexico): 011-52-662-2104412

Katie, Jacket International Inc., 259 Homestead Road, Hillsborough, New Jersey, 08844, telephone: (908) 359-2039

Naeem Khan, Phoenix Hand Embroidery, 530 Seventh Avenue, Suite # 1001, New York, New York, 10018, telephone: (212) 575-0034

Results from these consultations indicate that our hour burden estimate for the completion of Form 3-200-3 is well within reason, and there were no recommendations to modify the form.

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

There is no provision within the General Permit Procedures regulations to provide any gift or payment to respondents.

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

Form 3-200-3 includes a notice concerning the Privacy Act and Paperwork Reduction Act. That notice states, among other things, that:

- The information may be subject to disclosure under provisions of the Freedom of Information Act;
- In the event that there is indicated a violation of a statute, regulation, rule, order, or license, whether civil, criminal, or regulatory in nature, the information may be transferred to the appropriate Federal, State, local, or foreign agency charged with investigating or prosecuting such violations; and
- In the event of litigation involving the records or the subject matter of the records, the information may be transferred to the U.S. Department of Justice.

The information collected on Form 3-200-3 is subject to the Privacy Act and is maintained in a secure system of records accessible only by authorized Service employees.

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 justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

None of the information requested is considered sensitive.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- * Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.

- * If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.

- * Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.

OLE data indicates that approximately 6,886 applicants will apply for a import/export license annually. This estimate includes new applications and applications to renew existing import/export licenses. This estimate is based upon OLE statistics for the number of import/export licenses issued in 2003. In 2003, OLE issued 5,509 import/export licenses. Based upon recent trends, OLE projects an increase in the number of import/export licenses issued, of approximately 25 percent. Therefore, the estimate of 6,886 applicants who will apply for a import/export license annually is obtained by multiplying 5,509 issued import/export licenses by 1.25, which equals 6,886.

It will take an average of one hour for each respondent to complete the application for an import/export license, whether it is a new application or an application to renew an existing import/export license. The total annual estimated reporting burden for completing Form 3-200-3 is approximately 6,886 hours. We estimate that the average wage of individuals likely to be completing Form 3-200-3 is \$20.00 per hour. Therefore, the total estimated dollar value of this reporting burden is \$137,720.00.

Annual Number of Responses	Burden Hours Per Response	Total Annual Burden Hours	Dollar Value of Burden Hours	Total Dollar Value of Burden Hours
6,886 responses	1 hour	6,886 hours	\$20.00 per hour	\$137,720.00

Import/export licensees are required to maintain records that accurately describe each importation or exportation of wildlife or wildlife products made under the license, and any additional sale or transfer of the wildlife or wildlife products. In addition, licensees are required to make these records and the corresponding inventory of wildlife or wildlife products available for OLE's inspection at reasonable times, subject to applicable limitations of law. However, these record-keeping requirements will not result in additional burden to import/export licensees because these records already exist, as explained in our response to question 4 above. In addition, Form 3-177, Declaration for Importation or Exportation of Fish or Wildlife, which is required for all imports or exports of wildlife or wildlife products, provides an accurate description of these imports and exports. Form 3-177 is approved under OMB control number 1018-0012, which expires December 31, 2006. Normal business practices should produce records, such as invoices or bills of sale, that describe additional sales or transfers of the wildlife or wildlife products.

13. Provide an estimate of the total annual [non-hour] cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

*The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information [including filing fees paid]. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as

purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.

*If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.

*Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

The total annual non-hour dollar cost burden to the respondents is approximately \$344,300.00. We calculated this by multiplying the anticipated number of applications (6,886), by the import/export license fee of \$50.00.

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

The estimate of annualized cost to the Federal Government is approximately \$206,580.00. This value is based on the average salary per hour of OLE personnel likely to be involved in the processing or review of Form 3-200-3 applications (\$20.00 per hour), plus operational expenses (\$10.00 per hour), multiplied by the number of hours required to process an application (one hour), multiplied by the total number of responses (6,886).

Number of Applications Per Year	Number of Hours to Process Each Application	Hourly Wage of Processors and Reviewers	Operational Expenses Per Hour	Total Annualized Cost to the Federal Government (6,886 applications x \$30.00 per hour)
6,886 applications	1 hour	\$20.00 per hour	\$10.00 per hour	\$206,580.00

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

As explained in the preceding supporting statements, there is an overall decrease of 183 hours in the annual reporting and recordkeeping burden in item 13 of OMB Form 83-1 for OMB control number 1018-0092. This decrease requires explanation. The current OMB hour burden inventory for this collection includes an estimate of the hour burden for Form 3-200-26, a form which is not included in this renewal request. The responsibility for Form 3-200-26 has been transferred to the Service's Division of Management Authority, and is now included in the information collection assigned OMB control number 1018-0093. The transfer of this form to another OMB control number resulted in a program change of a decrease of 2,235 burden hours and nearly \$56,000 in noon-hour dollar cost burden for this collection.

For Form 3-200-3 in particular, the annual burden hours requested for import/export licenses have increased by 2,159 hours when compared to the current OMB inventory for these licenses. However, this increase in burden hours and the corresponding increase in the annual non-hour dollar cost burden of \$107,950.00 can be explained by the increased volume of trade in wildlife and wildlife products. On December 15, 2003, OLE received OMB approval of the information collection contained in Form 3-177, Declaration for Importation or Exportation of Fish or Wildlife, OMB control number 1018-0012. OLE's justification for this information collection substantiated the dramatic increase in the number of Form 3-177's submitted annually, reflecting a dramatic increase in the volume of imports and exports of wildlife and wildlife products. An increase in the number of applications for import/export licenses is consistent with the increase in the volume of imports and exports of wildlife and wildlife products.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

There are no plans for publication of the results of this information collection

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.

OLE is not seeking approval to not display the expiration date for OMB approval.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

There are no exceptions to the certification statement identified in Item 19 of OMB Form 83-I for the information being collected by this application form.

B. Collections of Information Employing Statistical Methods

The collection of this information does not employ statistical methods.