

## SUPPORTING STATEMENT

### A. JUSTIFICATION

#### 1. Need for the Information Collection

This is a request for extension of the expiration date of the information collection currently approved under OMB Control Number 0704-0207, *Militarily Critical Technical Data Agreement* (DD Form 2345). The approval for this collection expires March 31, 2008.

Enterprises and individuals wishing to receive unclassified DOD-controlled militarily critical technical data are required to complete DD Form 2345, *Militarily Critical Technical Data Agreement*, for the following reasons:

a. Under 32 CFR 250, the Secretary of Defense is authorized to establish policy, prescribe procedures, and assign responsibilities for the dissemination and withholding of unclassified export-controlled militarily critical technical data in the possession of, or under the control of DOD. Failure to collect the information will adversely impact on DOD procurement programs that involve militarily critical technical data. This authority is implemented by DOD Directive 5230.25, dated November 6, 1984.

b. 32 CFR 250 established a process for certifying enterprises and individuals who have a legitimate need for militarily critical technical data and outlines procedures for obtaining the required data. The system of certification established under 32 CFR 250 permits transfer of DOD-controlled militarily critical technical data to private entities in a way that will prevent unauthorized public disclosure or foreign access.

c. The certification required by 32CFR 250.3(a) is accomplished using DD Form 2345. Enterprises and individuals who need access to unclassified DOD-controlled militarily critical technical data must certify on DD Form 2345 that the data will be used only in ways that will inhibit unauthorized access and maintain the protection afforded by U.S. export control laws.

d. The certification form is designed for ease of completion. As a condition of receiving militarily critical technical data, the requester must furnish written acknowledgment of its responsibilities under U.S. export control laws. It must furnish evidence of eligibility to receive militarily critical technical data long with a statement of intended use of the data. It must agree not to publicly disclose any militarily critical technical data it receives under the DD Form 2345. It must also agree to limit dissemination of the data to those individuals who are specifically authorized to receive it.

2. Use of the Information

The collected information is used by DOD Components as a basis for approving or disapproving requests for access to technical data subject to the provisions of 32 CFR 250. Failure to collect the information will adversely impact on DOD procurement programs that involve militarily critical technical data.

3. Use of Information Technology

Electronic information technology is used to the maximum extent practicable. Automated processing contractor automated databases, and electronic access or transfer are used wherever they exist in the DD Form 2345 preparation process. However, each submitted DD Form 2345 must have an original signature, verifying the understanding of and agreement to abide by the export laws of the U.S. and Canada. When an individual receives export-controlled data from DOD, they agree to abide by the export laws of the U.S. and Canada. They acknowledge that they understand the requirements to obtain an export license if they plan to subsequently take or send the data outside the U.S. or Canada. The original signature provides lawful evidence for successful prosecution of individuals violating the export laws.

4. Non-Duplication

The certification is a requirement prescribed by DOD Directive 5230.25 and is not a duplication of any similar information.

5. Burden on Small Business

The burden applied to small business is the minimum consistent with applicable laws, executive orders, regulations, and prudent business practices.

6. Less Frequent Collection

Collecting this information less frequently has been considered and accommodated to the maximum extent practicable. The information is collected only as necessary to provide requested services.

7. Paperwork Reduction Act Guidelines

This information collection is consistent with the guidelines in 5 CFR 1320.5(d)(2).

8. Consultation and Public Comments

Public comments were solicited in the Federal Register on October 3<sup>rd</sup>, 2007, Vol 69, No. 178, pg. 55587. The sixty day public comment period ended December 3<sup>rd</sup>, 2007. No public comments were received.

9. Gifts or Payment

No payment or gift will be provided to respondents.

10. Confidentiality

The information collected will be disclosed only to the extent consistent with prudent business practices and current regulations and statutory requirements.

11. Sensitive Questions

No sensitive questions are involved.

12. Estimates of Respondent Burden and Annual Costs

a. Respondent Burden

We estimate that an average of 20 minutes will be required for each respondent to review, prepare, and submit the required information. The estimated cost is based on the current salary for a GS-12, step 5 equivalent, plus 32.45% fringe benefit rates.

Response per respondent:	1
Number of respondents:	6,000
Hours per response:	20 minutes
Annual burden:	2,000

b. Annual Cost of Respondent

Total annual burden:	2,000
Average hourly cost:	\$38.00
Total annual cost of respondents:	\$76,000

13. Estimated Respondent Costs Other Than Burden Hour Costs

None. There are no start-up, capital, operational and maintenance costs imposed upon the respondents by this information collection.

14. Estimated Annual Costs to the Federal Government

We estimate the Government will spend an average of one hour in receiving, reviewing, and processing the information submitted by the respondents. The average cost is based on the current salary of a GS-12, step 5, plus 32.45% fringe benefit rates.

Total annual responses	6,000
Total government hours	1 hour
Costs per hour	\$38.00
Total annual cost to the Government	\$228,000

15. Reasons to Change in Burden

This is a request for extension of a currently approved collection with no change in the substance or method of collection.

16. Publication of Results

Results of this collection will not be published.

17. Non-Display of OMB Expiration Date

Display of the expiration date for OMB approval of the information collection is appropriate.

18. Exceptions to "Certification for Paperwork Reduction Submissions"

No exceptions to the certification statement are being sought.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Results will not be tabulated. Statistical methods will not be employed.