

SUPPORTING STATEMENT
U.S. Department of Commerce
Bureau of Industry and Security
Triangular Transactions Covered by a U.S. Import Certificate
OMB CONTROL NO. 0694-0009

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary.

The collection is necessary under Part 748 Supplement Number 5 of the **Export Administration Regulations (EAR)**.

Section 15(b) of the **Export Administration Act (EAA)** of 1979, as amended, authorizes the President and the Secretary of Commerce to issue regulations to implement the EAA including those provisions authorizing the control of exports of U.S. goods and technology to all foreign destinations, as necessary for the purpose of national security, foreign policy and short supply, and the provision prohibiting U.S. persons from participating in certain foreign boycotts. Export control authority has been assigned directly to the Secretary of Commerce by the EAA and delegated by the President to the Secretary of Commerce. This authority is administered by the Bureau of Industry and Security through the Export Administration Regulations (EAR).

The EAA is not permanent legislation, and when it has lapsed due to the failure to enact a timely extension, Presidential executive orders under the **International Emergency Economic Powers Act (IEEPA)** have directed and authorized the continuation in force of the EAR.

Part 748 Supplement Number 5 explains the procedure for obtaining a Triangular Transaction stamp on an International Import Certificate (form BIS-645P, OMB Control No. 0694-0017). This stamp may be required by a foreign country exporting sensitive items to the United States. This stamp is not required by the United States and BIS only offers this service to U.S. imports to facilitate trade. A copy of a blank BIS-645P with a Triangular Transaction stamp has been included as a supporting document in the ROCIS file.

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

A triangular symbol is stamped on import certificates as notification that the importer does not intend to import or retain the items in the country issuing the certificate, but that, in any case, the items will not be delivered to any other destination except in accordance with the EAR. If this procedure were not followed, strategic commodities could be delivered to unauthorized destinations. Most countries no longer use the Triangular Stamp. France is the only country that still insists on its use.

The Section 515 Information Quality Guidelines apply to this information collection and comply with all applicable information quality guidelines, i.e., OMB, Department of Commerce, and specific operating unit guidelines.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

BIS is not aware of any technology that could be utilized cost-effectively to automate this small collection.

4. Describe efforts to identify duplication.

The information required by this collection is only available from the respondent and is not provided under any other collection authority.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

BIS is sensitive to the needs of small businesses; however this collection must be conducted by all affected entities to ensure full compliance with the EAR.

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

Conducting this collection less frequently would be a violation of the EAR. It would also jeopardize the policy objectives of the United States, as enumerated in the EAA.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

There are no special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

8. Provide the information for the PRA Federal Register Notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the 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.

The notice requesting public comment was published in the Federal Register on July 15, 2010, p. 41141. No comments were received.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

There are no plans to provide payments or gifts to respondents.

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

Export licensing information submitted to the Department of Commerce is protected from release to the public under article 12(c) of the EAA.

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.

There are no questions of a sensitive nature.

12. Provide an estimate in hours of the burden of the collection of information.

BIS has not received a request for approval of a triangular transaction in the past 10 years. There is no plan to remove the provision from the EAR, so this collection must be renewed. This collection of information consists of 1 respondent annually. Based on an average time of one-half hour for each respondent, the annual burden for this collection of information is 1 hour (rounded up to the nearest whole hour).

The cost to the U.S. purchaser is approximately \$17.50 annually. This is based on an average time of one-half hour at a salary of \$35 per hour to prepare a request.

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in Question 12 above).

Not applicable.

14. Provide estimates of annualized cost to the Federal government.

It is estimated that the annual cost to the Federal Government is approximately \$17.50 (\$18 in ROCIS). This is based on an average time of one-half hour at a salary of \$35 per hour. This amount includes the time to process the Import Certificate, stamp the Import Certificate, and provide the document to the exporter.

15. Explain the reasons for any program changes or adjustments.

Not Applicable.

16. For collections whose results will be published, outline the plans for tabulation and publication.

There are no plans to publish information obtained under this collection.

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

Not applicable.

18. Explain each exception to the certification statement.

Not applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not utilize statistical methods.