

SUPPORTING STATEMENT – PART A

DD Form 2345, Militarily Critical Technical Data Agreement (OMB 0704-0207)

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).

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, authorized by 10 USC 140c (renumbered § 130), “Withholding of Unclassified Technical Data From Public Disclosure,” 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 32 CFR 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.

Companies and individuals, from the United States or Canada, may require access to unclassified Militarily Critical Technical Data for contractual or research purposes. In order to obtain this data or information, they must apply for certification with the Joint Certification Program (JCP); a bilateral program managed jointly by the United States and Canada. Interested parties must submit a hard copy DD Form 2345, completed and with an ink signature, to the program office. This form can be found online at the JCP web site. The hardcopy form must be sent, via mail or other courier, as a hardcopy is required for legal purposes. The applicant is self-certifying that they (individual or company) are US or Canadian (citizen or permanent resident) and that they have and will abide by either all US Export Control laws or all Canadian Export Control laws and are, therefore, eligible to have access to the controlled information. The JCP office provides accepted applicants with a signed agreement, with a certification number associated with that specific company or individual, to be used as evidence of certification.

The Agency Disclosure Statement is located on the reverse (back) side of the form. There is a comment at the top of the form that directs respondents to review the disclosure information on the back of the form.

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, meaning actual submissions of the form are 0% electronic. 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

There are no special circumstances. This 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 13, 2015 (80 FR 61395). The sixty-day public comment period ended December 14, 2015). No public comments were received.

A 30-Day notice of submission to OMB was published in the Federal Register on January 27, 2016 (81 FR 4617).

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. The collection does not require a Privacy Act Statement.

A System of Records Notice (SORN) is not required because records are not retrieved by PII.

A Privacy Impact Assessment is not required because PII is not being collected or stored electronically.

11. Sensitive Questions

No sensitive questions are involved with this collection.

12. Respondent Burden, and its Labor Costs

a. Estimation of Respondent Burden

It is estimated that an average of 20 minutes will be required for each respondent to review, prepare, and submit the required information. DLA estimates approximately 8,000 forms annually are completed and returned to the Government.

Estimation of Respondent Burden Hours					
	Number of Respondents	Number of Responses per Respondent	Number of Total Annual Responses	Response Time (Amount of time needed to complete the collection instrument)	Respondent Burden Hours (Total Annual Responses multiplied by Response Time) Please compute these into hours)
Collection Instrument (DD Form 2345)	8,000	1	8,000	.33 Hours (20 Minutes)	2, 666 Hours
Total	8,000	1	8,000	33 Hours (20 Minutes)	2, 666 Hours

b. Labor Cost of Respondent Burden

Labor Cost of Respondent Burden					
	Number of Responses	Response Time per Response	Respondent Hourly Wage	Labor Burden per Response (Response Time multiplied by Respondent Hourly Wage)	Total Labor Burden (Number of Respondents multiplied by Response Time multiplied by

					Respondent Hourly Wage)
Collection Instrument (DD Form 2345)	8,000	1	\$42.08	\$14.02	\$112,213
Total	8,000	1	\$42.08	\$14.02	\$112,213

The expense to respondent is incurred by completing the form. The estimated cost is based on the time required to complete the form times the current hourly salary for a GS-12, Step 5, with a Locality Rate of 24.78% (Headquarters DLA Locality Rate, Source: https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2016/DCB_h.pdf).

13. 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. Cost to the Federal Government

It is estimated that the Government will spend an average of one hour in receiving, reviewing, and processing the information submitted by the respondents. The hourly wage of workers processing responses is based on the current hourly salary for a GS-12, Step 5, with a Locality Rate of 24.78% (Headquarters DLA Locality Rate, Source: https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2016/DCB_h.pdf).

	Collection Instrument (DD Form 2345)	Total
Number of Responses	8,000	8,000
Processing Time Per Response (in hours)	1	1
Hourly Wage of Worker(s) Processing Responses	\$42.08	\$42.08

Cost to Process Each Response (Processing Time Per Response multiplied by Hourly Wage of Worker(s) Processing Responses)	\$42.08	\$42.08
Total Cost to Process Responses (Cost to Process Each Response multiplied by Number of Responses)	\$336,640	\$336,640

15. Reasons for Change in Burden

This is a request for extension of a currently approved collection with no change in the substance or method of collection. There has been no change in burden hours; the decrease in respondent cost and government cost is due to using a different source for the GS employee figure. The figure used in the calculations for this submission is based on the actual, current GS pay scale for the DLA Headquarters Locality Rate.

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. The OMB Expiration Date is posted in the top right-side corner of the DD Form 2345.

18. Exceptions to "Certification for Paperwork Reduction Submissions"

No exceptions to the certification statement are being sought.