

**SUPPORTING STATEMENT
U.S. Department of Commerce
Bureau of Industry and Security
Entity List Requests
OMB Control No. 0694-0134**

A. Justification

This is an extension request of a currently approved information collection.

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

This collection provides a mechanism for foreign persons (including businesses, research institutions, government and private organizations, individuals, and other types of legal persons) listed on the Entity List to request removal or modification of the entry that affects them. The Entity List appears at 15 C.F.R. Part 744, Supp. No. 4. The Entity List is used to inform the public of certain parties whose presence in a transaction that is subject to the Export Administration Regulations (EAR) (15 C.F.R. 730 – 799) requires a license from the Bureau of Industry and Security (BIS).

Exports, reexports, and/or transfers (in-country) of EAR items to persons named on the Entity List are subject to licensing requirements and policies in addition to those elsewhere in the EAR. BIS's authority to control exports, reexports, and transfers (in country) of such items, for reasons outlined in part 744 of the EAR, is based on the Export Administration Act (EAA) of 1979, as amended. Although the EAA has lapsed, BIS's continuing authority under the EAR to exercise these controls is based on an Executive Order issued pursuant to the International Emergency Economic Powers Act.

The government will be able to tailor license requirements and availability of license exceptions for exports and reexports to parties that have taken, are taking, or pose a significant risk of taking actions that are contrary to U.S. national security or foreign policy interests without imposing additional license requirements that apply broadly to entire destinations or items.

BIS believes that such targeted application of license requirements provides the flexibility to prevent items subject to the EAR from being used in ways that are inimical to the interests of the United States, with minimal costs to and disruption of legitimate trade.

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.

Section 744.16 of the EAR provides the procedure by which a party who is listed on the Entity List may request that its listing be removed or modified. Such requests are provided in writing

and are reviewed by the End-User Review Committee (ERC), which is comprised of the the Departments of Commerce, State, and Defense, and Energy, and the Treasury as appropriate, and chaired by the Department of Commerce.

These decisions are made on a case-by-case basis and are dependent upon both the information provided by the requestor, the reason(s) for which the entity was placed on the list, and the policies in effect at the time of the request. In every case, BIS shares the information provided by the requestor with the other agencies. The interagency decision, as communicated to the requesting entity by BIS, is the final agency action on such a request.

BIS does not disseminate to the public the information received pursuant to this collection. However, if the information were to result in an entry being modified or removed, the modification or removal would be implemented and available for public view via an amendment to the Code of Federal Regulations.

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.

To design a specific automated system would be impractical for the following reasons: 1) low number of requests received each year, 2) the requested information is specific to request and may vary widely depending on the nature of the entity and the reason for which that entity was placed on the list. BIS maintains a designated physical address, fax number, and e-mail address to which the submissions covered by this collection may be sent. The address is listed in Section 744.16 of the EAR, and the fax number and e-mail are posted on BIS's website.

4. Describe efforts to identify duplication.

This collection would be used only upon the addition of an entity to the Entity List, pursuant to a decision by the ERC. This collection is intended to enable the listed entity to supply the Federal Government with information that the government otherwise would not have, in order to support a requested modification or removal from the Entity List.

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

This information is submitted voluntarily and only when an entity included on the Entity List submits a request that it be removed from the Entity List. Any listed entity, regardless of size, has the opportunity to submit as much or as little information as it wishes, has complete control over the timing of its submission, and can choose to use whatever format it wishes. Thus, the burden is self-determined by the entity.

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

This information collection is conducted only when a listed entity seeks modification of its listing or removal from the Entity List. Any change in the frequency with which parties make such requests is unlikely to significantly affect any BIS program.

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 the guidelines in 5 CFR 1320.6.

8. Provide a copy of 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 March 24, 2011 (76 FR 16604). No comments were received.

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

BIS does not provide any payment or gift to respondents.

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

BIS does not give respondents any specific assurances of confidentiality. To the extent that the information provided is subject to its confidentiality requirement, Section 12(c) of the Export Administration Act restricts BIS's ability to disclose such information. However, respondents might offer a wide variety of information to justify their positions. Without knowing in advance the nature of that information, BIS is not in a position to know which, if any, Freedom of Information Act disclosure exemption would apply to any given submission made under this collection.

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 estimates that this collection will result in an overall burden of about **105** hours annually. The Entity List has been in existence since 1997. In 2010, BIS received approximately seven requests to modify or remove existing Entity List entries. Based on this number of requests, BIS estimates each requests takes approximately fifteen hours to prepare and submit.

Assuming average labor cost of \$35 per hour, the estimated burden total annual burden cost to respondents would be \$3,675.

However, as each request is unique to the requesting entity's situation (*e.g.* size, structure), the associated burden of time and cost will fluctuate accordingly and is self-determined.

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).

None.

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

The annual cost to the Federal Government is approximately \$17,360. This estimate is based on the Chair and staff of the ERC spending forty hours to review each of seven requests per year at \$62 per hour.

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

Adjustments: Decrease to reflect the number of request actually received (7) in 2010; and Increase to reflect the amount of time needed to prepare a request based on comments received.

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

BIS does not publish the contents of the submissions or statistics based on the submissions. If a submission results in a change to the Entity List, that change is implemented via publication of an amendment to the Code of Federal Regulations.

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.

BIS does not require the use of a form. Therefore, display of the expiration date is not required.

18. Explain each exception to the certification statement.

Not applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Not applicable.