

**SUPPORTING STATEMENT  
U.S. Department of Commerce  
Bureau of Industry and Security**

**Procedure for Parties on the Entity List to Request Removal or Modification of their  
Listing**

**OMB No. 0694-XXXX  
EAR Section 744.16 (15 CFR 744.16)**

**A. Justification**

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

This collection is needed to provide a designated procedure for persons or organizations 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.1). It is used to inform the public of certain parties whose presence in a transaction that is subject to the Export Administration Regulations (15 C.F.R. 730 – 799) requires a license from the Bureau of Industry and Security (BIS).

BIS requires licenses for export and reexport of certain items to national security, foreign policy and short supply reasons. BIS's basic authority to control exports and reexports for these reasons is based on the Export Administration Act (EAA) of 1979, as amended. Currently, the EAA has lapsed and BIS's authority to exercise these controls is based on an Executive Order issued pursuant to the International Emergency Economic Powers Act

**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.**

The collection is to support a proposed rule. The proposed rule would explicitly set forth the ability of a party who is listed on the Entity List to request that its listing be removed or modified. Such requests would have to be made in writing and BIS would be required to provide a written response that would be the final agency decision on the request. Such requests would be reviewed by the Departments of Commerce, State, and Defense, and Energy and Treasury as appropriate. The interagency decision, as communicated to the requesting entity by BIS, would be the final agency action on such a request.

These decisions are typically made on a case-by-case basis and are dependent upon both the information provided by the requestor and the policies in effect at the time of the request. In all cases, this information is shared with other Federal agencies such as the Department of Defense, State Department, and Department of Energy, to obtain their recommendations on these decisions.

BIS does not anticipate disseminating the information received pursuant to this collection to the public. However, if the information resulted in an entry being modified or removed, that modification or removal would be implemented by 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.**

Entities on the Entity List are located abroad and BIS anticipates receiving only about five submissions per year. Designing a specific automated system for such a small number of dispersed entities would be impractical. BIS intends to designate a physical address, a fax number and an e-mail address to which the submissions covered by this collection may be sent. Listed entities would have the option of using any of those three methods to submit their requests.

**4. Describe efforts to identify duplication.**

This collection would be used only after BIS has added a name to the list based on information supplied by multiple government agencies. This collection is intended to allow the listed entity to supply the government with information that the government otherwise would not have that might justify a modification or reversal of a government decision.

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

This information is collected only when an entity identified on the Entity List wishes to request that it be removed from the Entity List. Any entity, large or small, would have the opportunity to submit as much or as little information as it wished, would have complete control over the timing of its submission and could use whatever format it wished.

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

This collection is conducted only when a listed party wishes to be removed from the Entity List or to have the conditions of its listing modified. Any change to the frequency with which parties make such requests is unlikely to affect any BIS program in any significant way.

**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.**

A 60-Day Notice will be published with the proposed rule. A copy of the proposed rule has been provided in the ROCIS system.

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

There is no plan to 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 has no plans to give respondents any assurances of confidentiality. To the extent that the information provided concerns export license applications, Section 12(c) of the Export Administration Act would restrict BIS's ability to disclose the 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, or even 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 believes that this collection will result in an overall burden of about 15 hours annually. The Entity List has been in existence since 1997. During its entire existence, BIS has received no more than a handful of requests to modify or remove entries. BIS is assuming that as a consequence of publishing a designated procedure to request removal or modification, the number of requests might rise to about five per year and that the average requester would spend about three hours preparing and submitting its request.

Assuming average labor cost of \$35 per hour, the estimated burden total annual burden cost to respondents would be \$525.

**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 #12**

above).

There are no capitol or start up costs associated with this collection.

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

The annual cost to the Federal Government is approximately \$2790. This estimate is based on the chair of the End-User Review Committee spending 9 person hours to review each of 5 requests per year at \$62 per person hour.

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

A net increase of 15 annual burden hours is requested with this submission. The increase is needed to provide a designated method for listed parties to request removal or modification of their entries.

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

BIS has no plans to publish the contents of the submissions themselves statistics based on the submissions. If a submission results in a change to the Entity List, that change would be implemented through 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 intend to require the submitting party to use a form. Therefore, there would be no BIS document on which to display the expiration date.

**18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.**

Not applicable.

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

Not applicable.