

ANNEX—QUANTITY-BASED SAFEGUARD TRIGGER—Continued

Product	Trigger level	Period
Cotton, Processed, Not Spun .....	3,995 kilograms ..... 31,338 kilograms .....	September 11, 2009 to September 10, 2010. September 11, 2010 to September 10, 2011.

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**DEPARTMENT OF COMMERCE**

**Bureau of Industry and Security**

**Action Affecting Export Privileges;  
Orion Air, S.L. and Syrian Pearl  
Airlines; Order Renewing Order  
Temporarily Denying Export Privileges**

*Orion Air, S.L.*, Canada Real de Merinas,  
7 Edificio 5, 3ª A, Eissenhower  
business center, 28042 Madrid, Spain  
Ad. de las Cortes Valencianas no 37,  
Esc.A Puerta 45 46015 Valencia,  
Spain

*Syrian Pearl Airlines*, Damascus  
International Airport, Damascus,  
Syria, Respondents

Pursuant to Section 766.24 of the  
Export Administration Regulations, 15  
CFR parts 730-774 (2009) (“EAR” or the  
“Regulations”), I hereby grant the  
request of the Bureau of Industry and  
Security (“BIS”) to renew for 180 days  
the Order Temporarily Denying the  
Export Privileges of Respondents Orion  
Air, S.L. (“Orion Air”) and Syrian Pearl  
Airlines (collectively, “Respondents”),  
as I find that renewal of the temporary  
denial order (“TDO” or the “Order”) is  
necessary in the public interest to  
prevent an imminent violation of the  
EAR.

**I. Procedural History**

On May 7, 2009, then-Acting  
Assistant Secretary of Commerce for  
Export Enforcement Kevin Delli-Colli  
signed an Order Temporarily Denying  
the Export Privileges of the Respondents  
for 180 days on the grounds that its  
issuance was necessary in the public  
interest to prevent an imminent  
violation of the Regulations. Pursuant to  
Section 766.24(a), the TDO was issued  
*ex parte* and was effective upon  
issuance. Copies of the TDO were sent  
to each Respondent in accordance with  
section 766.5 of the Regulations and the  
Order was published in the **Federal  
Register** on May 26, 2009.<sup>1</sup> Thereafter,  
on November 2, 2009, Acting Assistant  
Secretary Delli-Colli issued an Order  
renewing the TDO for an additional 180

days.<sup>2</sup> The current Order would expire  
on May 1, 2010, unless renewed in  
accordance with section 766.24 of the  
Regulations.

On April 9, 2010, BIS, through its  
Office of Export Enforcement (“OEE”),  
filed a written request for renewal of the  
TDO against the Respondents for an  
additional 180 days and served a copy  
of its request on the Respondents in  
accordance with section 766.5 of the  
Regulations. No opposition to renewal  
of the TDO has been received from  
either Orion Air or Syrian Pearl  
Airlines.

**II. Discussion**

*A. Legal Standard*

Pursuant to section 766.24(d)(3) of the  
EAR, the sole issue to be considered in  
determining whether to continue a TDO  
is whether the TDO should be renewed  
to prevent an imminent violation of the  
EAR, as “imminent” violation is defined  
in section 766.24. “A violation may be  
‘imminent’ either in time or in degree of  
likelihood.” 15 CFR 766.24(b)(3). BIS  
may show “either that a violation is  
about to occur, or that the general  
circumstances of the matter under  
investigation or case under criminal or  
administrative charges demonstrate a  
likelihood of future violations.” *Id.* As to  
the likelihood of future violations, BIS  
may show that “the violation under  
investigation or charges is significant,  
deliberate, covert and/or likely to occur  
again, rather than technical and  
negligent[.]” *Id.* A “lack of information  
establishing the precise time a violation  
may occur does not preclude a finding  
that a violation is imminent, so long as  
there is sufficient reason to believe the  
likelihood of a violation.” *Id.*

*B. Findings*

As part of its initial TDO request, BIS  
presented evidence that on or about  
May 1, 2009, Orion Air re-exported a  
BAE 146-300 aircraft (tail number EC-  
JVO) to Syria, and specifically to Syrian  
Pearl Airlines, without the U.S.  
Government authorization required by  
General Order No. 2 of Supplement 1 to  
Part 736 of the EAR. The aircraft is  
subject to the Regulations because it

contains greater than a 10-percent de  
minimis amount of U.S.-origin content.  
Orion Air engaged in this re-export  
transaction despite having been directly  
informed of the export licensing  
requirements by the U.S. Government.  
Moreover, Orion Air not only engaged  
in this conduct after having received  
actual as well as constructive notice of  
the applicable license requirements, but  
then sought to evade the Regulations  
and U.S. export controls by giving the  
U.S. Government false assurances that it  
would put the transaction on hold due  
to the U.S. Government’s concerns.

BIS also produced evidence that the  
re-exported aircraft bore the livery,  
colors and logos of Syrian Pearl  
Airlines, a national of Syria, a Country  
Group E:1 destination; was flight  
capable; and under the terms of the  
lease agreement was to be based in and  
operated out of Syria during the lease  
term. The record also shows that the re-  
exported aircraft currently remains in  
Syria under the control of Syrian Pearl  
Airlines.

In addition to the unauthorized re-  
export described above, Acting  
Assistant Secretary Delli-Colli also  
concluded that additional violations  
were imminent based on statements by  
Orion Air to the U.S. Government in  
May 2009 that Orion Air planned to re-  
export an additional BAE 146-300  
aircraft (tail number EC-JVJ) to Syria,  
and specifically to Syrian Pearl Airlines.  
This second aircraft was at the time  
undergoing maintenance in the United  
Kingdom, and remains located there.  
Moreover, the agreement between Orion  
Air and Syrian Pearl Airlines involved  
both aircraft. Based on my review of the  
record, I find that the facts and  
circumstances that led to the issuance of  
the initial TDO and the November 2009  
renewal Order continue to show that  
renewal of the TDO for an additional  
180 days is necessary and in the public  
interest to prevent an imminent  
violation of the EAR. Absent renewal of  
the TDO, there remains a substantial  
continued risk that the second aircraft  
will be re-exported contrary to the  
Regulations, given that, *inter alia*, Orion  
Air acted with actual knowledge and  
took deceptive and evasive action. This  
finding alone would justify renewal.  
There also would be a substantial risk  
that, absent renewal of the TDO, the first  
aircraft, which remains in Syria, would

<sup>2</sup> The November 2, 2009 renewal Order was  
effective immediately and was published in the  
**Federal Register** on November 9, 2009 (74 FR  
57626).

<sup>1</sup> 74 FR 24,786.

be operated or disposed of in violation of the Regulations. Furthermore, renewal of the TDO is needed to give notice to persons and companies in the United States and abroad that they should cease dealing with the Respondents in export transactions involving items subject to the EAR.

*It is therefore ordered:*

*First*, that, Orion Air, S.L., Canada Real de Merinas, 7 Edificio 5, 3<sup>A</sup>, Eissenhower business center, 28042 Madrid, Spain, and Ad. de las Cortes Valencianas no 37, Esc.A Puerta 4546015 Valencia, Spain; and Syrian Pearl Airlines, Damascus International Airport, Damascus, Syria (each a "Denied Person" and collectively the "Denied Persons") may not, directly or indirectly, participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as "item") exported or to be exported from the United States that is subject to the Export Administration Regulations ("EAR"), or in any other activity subject to the EAR including, but not limited to:

A. Applying for, obtaining, or using any license, license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the EAR, or in any other activity subject to the EAR; or

C. Benefiting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the EAR, or in any other activity subject to the EAR.

*Second*, that no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of any Denied Person any item subject to the EAR;

B. Take any action that facilitates the acquisition or attempted acquisition by any Denied Person of the ownership, possession, or control of any item subject to the EAR that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby any Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from any Denied Person of any item subject to the EAR that has been exported from the United States;

D. Obtain from any Denied Person in the United States any item subject to the

EAR with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the EAR that has been or will be exported from the United States and which is owned, possessed or controlled by any Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by any Denied Person if such service involves the use of any item subject to the EAR that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

*Third*, that after notice and opportunity for comment as provided in section 766.23 of the EAR, any other person, firm, corporation, or business organization related to any of the Respondents by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be made subject to the provisions of this Order.

*Fourth*, that this Order does not prohibit any export, reexport, or other transaction subject to the EAR where the only items involved that are subject to the EAR are the foreign-produced direct product of U.S.-origin technology.

In accordance with the provisions of section 766.24(e) of the EAR, the Respondents may, at any time, appeal this Order by filing a full written statement in support of the appeal with the Office of the Administrative Law Judge, U.S. Coast Guard ALJ Docketing Center, 40 South Gay Street, Baltimore, Maryland 21202-4022.

In accordance with the provisions of section 766.24(d) of the EAR, BIS may seek renewal of this Order by filing a written request not later than 20 days before the expiration date. The Respondents may oppose a request to renew this Order by filing a written submission with the Assistant Secretary for Export Enforcement, which must be received not later than seven days before the expiration date of the Order.

A copy of this Order shall be served on the Respondents and shall be published in the **Federal Register**.

This Order is effective upon issuance and shall remain in effect for 180 days.

Issued this 29th day of April 2010.

**David W. Mills,**

*Assistant Secretary of Commerce for Export Enforcement.*

[FR Doc. 2010-10812 Filed 5-6-10; 8:45 am]

**BILLING CODE 3510-DT-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Proposed Information Collection; Comment Request; Regional Economic Data Collection Program for Southeast Alaska

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA).

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

**DATES:** Written comments must be submitted on or before July 6, 2010.

**ADDRESSES:** Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at [dHynek@doc.gov](mailto:dHynek@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Chang Seung, (206) 526-4250 or [Chang.Seung@noaa.gov](mailto:Chang.Seung@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

The regional or community economic analysis of proposed fishery management policies is required by the Magnuson-Stevens Fishery Conservation and Management Act, National Environmental Policy Act, and Executive Order 12866, among others. To satisfy these mandates and inform policymakers and the public of the likely regional economic impacts associated with fishery management policies, appropriate economic models and the data to implement them are needed.

Much of the data required for regional economic analysis associated with Southeast Alaska fisheries are either unavailable or unreliable. Accurate fishery-level data on employment, labor income, and expenditures in the Southeast Alaska fishery and related industries are not currently available but are needed to estimate the effects of fisheries on the economy of Southeast Alaska. In this planned survey effort, data on these important regional economic variables will be collected and used to develop models that will