

ANNEX—QUANTITY-BASED SAFEGUARD TRIGGER—Continued

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

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BILLING CODE 3410-10-P

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, 2009.¹ Thereafter,
on November 2, 2009, Acting Assistant
Secretary Delli-Colli issued an Order
renewing the TDO for an additional 180

days.² 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

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

¹ 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'A, 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.

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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).

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.

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