

OMB Desk Officer: David Rostker, (202) 395-3897.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482-0266, 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)).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, FAX number (202) 395-7285, or [David\\_Rostker@omb.eop.gov](mailto:David_Rostker@omb.eop.gov).

Dated: May 16, 2007.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

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BILLING CODE 3510-22-P

## DEPARTMENT OF COMMERCE

### Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

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

*Title:* Highly Migratory Species Dealer Reporting Family of Forms.

*Form Number(s):* None.

*OMB Approval Number:* 0648-0040.

*Type of Request:* Regular submission.

*Burden Hours:* 6,148.

*Number of Respondents:* 1,751.

*Average Hours Per Response:*

Biweekly reports, 15 minutes (3 minutes for negative reporting); application for nongovernmental validation authorization, 2 hours; daily landing reports, 2 minutes; daily tagging, 1 minute; and statistical documents and re-export certificates, 18 minutes.

*Needs and Uses:* This information collection consists of a mandatory dealer reporting program for domestic landings and international trade of highly migratory species. The catch and trade monitoring is required under provisions of the Atlantic Tunas Convention Act, Tunas Convention Act, and the Magnuson-Stevens Fishery Conservation and Management Act. Information collected through this program is essential for the United States to meet its reporting obligations to the International Commission for the

Conservation of Atlantic Tunas and the Inter-American Tropical Tuna Commission.

*Affected Public:* Business or other for-profit organizations.

*Frequency:* Daily, biweekly, on occasion and annually.

*Respondent's Obligation:* Mandatory.

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Dated: May 16, 2007.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

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## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

**Action Affecting Export Privileges; Bill Chen, aka Yueqiang Chen; In the Matter of: Bill Chen, AKA Yueqiang Chen, Manager, Data Physics China, RM. 1509, Building 2, Xinquan Jiayan, No. 5 Changchunquia Road, Haidian District, Beijing, P.R. China, 100089 and 615 Blossom Hill Road, #17, Los Gatos, CA 95032, Respondent: Order Temporarily Denying Export Privileges**

Pursuant to Section 766.24 of the Export Administration Regulations ("EAR"),<sup>1</sup> I hereby grant the Bureau of Industry and Security's request for an Order Temporarily Denying the Export Privileges of Respondent, Bill Chen aka Yueqiang Chen, for 180 days as I find that the TDO is necessary in the public

<sup>1</sup> 15 CFR Parts 730-774 (2007). The EAR are issued under the Export Administration Act of 1979, as amended (50 U.S.C. app. § 2401-2420 (2000)) ("EAA"). Since August 21, 2001, the EAA has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 CFR 2001 Comp. 783 (2002)), as extended most recently by the Notice of August 3, 2006 (71 FR 44551, (August 7, 2006)), has continued the EAR in effect under the International Emergency Economic Powers Act (50 U.S.C. § 1701-1706 (2000)) ("IEEPA").

interest to prevent an imminent violation of the EAR.

### I. Legal Standard

Pursuant to § 766.24(b) of the EAR, the Assistant Secretary may issue a TDO "upon a showing by BIS that the order is necessary in the public interest to prevent an imminent violation of the \* \* \* EAR." "A violation may be 'imminent' either in time or in degree of likelihood." 15 CFR 766.24(b)(3). This includes a violation that "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.* Significant, deliberate, and covert violations are more probative of imminence and the likelihood of future violations than lesser technical ones. *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.*

### II. Findings

Respondent has been under a temporary denial order since May 12, 2006 for his role in selling and shipping items subject to the EAR to end-users in China who are engaged in the design, development, production and use of cruise missile systems without the required export licenses. On May 24, 2006, the Respondent was indicated by a federal grand in the Northern District of California for violating the EAR in connection with five unlicensed exports, occurring as early as January 22, 2003 and as recently as July 3, 2005, to end-users in China knowing that such items would be used in the design, development, production, and use of missiles. On April 6, 2007, Mr. Chen submitted a declaration that he would assert his Fifth Amendment privilege against self incrimination in connection with any questions that would be raised during his deposition in a related administrative proceeding. Then, on April 30, 2007, a U.S. Magistrate Judge granted Respondent's request to travel to China to visit ailing family members while the indictment is pending against him. Based upon this authorization, Mr. Chen has departed for China and is scheduled return in late May 2007. While Mr. Chen has been placed on administrative leave, he remains an employee of Data Physics. Additionally, BIS has submitted evidence to me that shows that Respondent has played a role in selling items subject to the EAR