

*Estimated Number of Respondents:* 20.

*Estimated Time Per Response:* 7 minutes.

*Estimated Total Annual Respondent Burden Hours:* 2.

*Estimated Total Annual Respondent Cost Burden:* \$0.

#### IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, e.g., the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: March 28, 2003.

**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; Yaudat Mustaffa Talyi, a.k.a. Joseph Talyi, and International Business Services, Ltd. and Top Oil Tools, Ltd.

In the matter of Yaudat Mustafa Talyi, a.k.a. Joseph Talyi, 888 Cross Gates Boulevard, Slidell, Louisiana 70458, and International Business Services, Ltd. 700 Gause Boulevard, Suite 304, Slidell, Louisiana 70458, and 41 Chamale Cove East, Slidell, Louisiana 70460, and 2301 Covington Highway 190, Slidell, Louisiana 70460, Respondents, and Top Oil Tools, Ltd., 41 Chamale Cove East, Slidell, Louisiana 70460, related person.

#### Renewal of Order Temporarily Denying Export Privileges

Through the Office of Export Enforcement ("OEE"), the Bureau of Industry and Security ("BIS"), U.S. Department of Commerce, has requested that I renew an order issued on September 30, 2002, pursuant to § 766.24 of the Export Administration

Regulations (currently codified at 15 CFR parts 730-774(2002)) ("EAR"),<sup>1</sup> temporarily denying all U.S. export privileges of Yaudat Mustafa Talyi, a.k.a. Joseph Talyi, 888 Cross Gates Boulevard, Slidell, Louisiana 70458 ("Talyi"), and International Business Services, Ltd., 700 Gause Boulevard, Suite 304, Slidell, Louisiana 70458, 41 Chamale Cove East, Slidell, Louisiana 70460, and 2301 Covington Highway 190, Slidell, Louisiana 70460, ("IBS"). BIS has also requested, pursuant to §§ 766.24(c) and 766.23 of the EAR, that I continue the temporary denial order ("TDO") as to the following person who is related to IBS and Talyi: Top Oil Tools, Ltd., 41 Chamale Cove East, Slidell, Louisiana 70460. BIS states in its request that, based upon evidence previously adduced that was the basis for the issuance of the September 30, 2003, TDO and evidence developed since that time, it believes that Talyi, acting through his company IBS, has continued to export and participate in the attempted export of items in violation of the TDO in such a manner that suggests a likelihood that violations will occur again absent a renewal of the TDO. Specifically, the evidence indicates that after the TDO was issued on September 30, 2002, Talyi attempted to violate the terms of the TDO by attempting to engage in an export transaction and making it as one in which he played no role. *See* BIS's Request for TDO Renewal dated March 10, 2003, at 3-5 ("BIS's Request"). In fact, Talyi ordered and purchased the items, had them shipped to the business address of IBS, and attempted to conceal the items in a shipment of personal effects from a local gas station owned by his brother to his sister in the United Arab Emirates. *See id.*; *see also* BIS's Response dated March 26, 2003, at 3-4 ("BIS's Response"). The evidence also establishes that on at least three occasions after the TDO was issued, Talyi attempted to convince a Louisiana oil field equipment broker to coordinate and manage exports of oil field parts on Talyi's behalf. *See* BIS's Request at 5-7; *see also* e-mails from Talyi to George

<sup>1</sup> From August 21, 1994 through November 12, 2000, the Act was in lapse. During that period, the President, through Executive order 12924, which has been extended by successive Presidential Notices, the last of which was August 3, 2000 (3 CFR, 2000 Com. 397 (2001)), continued the EAR in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701-1701 (2000)) ("IEEPA"). On November 13, 2000, the Act was reauthorized and it remained in effect through August 20, 2001. Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), as extended by the notice of August 14, 2002 (67 FR 53721 (August 16, 2002)), has continued the EAR in effect under IEEPA.

Fortenberry dated Oct. 22, 2002, Nov. 11, 2002; and Dec. 13, 2002. Finally, BIS's evidence revealed an additional illegal export of oil field equipment in October of 2001. *See id.* at 7; *see also* BIS's Response at 4-5.

OEE established when the TDO was issued on September 30, 2002, that Top Oil Tools, Ltd., 41 Chamale Cove East, Slidell, Louisiana 70460, is related by its ownership, control, affiliation, and connection with Talyi and IBS such that it should be considered a related person under the terms of this order. *See* BIS's Request at 8; *see also* Articles of Incorporation of Top Oil Tools dated Dec. 10, 1999. Top Oil Tools, Ltd. is a business owned and operated by Talyi, it is located at the same address, and it has participated in some of the transactions in this matter. *See id.* This relationship continues to exist. *See* Certificate of Incorporation of Top Oil Tools from Louisiana Secretary of State dated Jan. 7, 2003. Consequently, it is necessary to continue to name Top Oil Tools, Ltd. as a person related to Talyi and IBS in order to prevent evasion of the terms and conditions of this order.

On March 24, 2003, an attorney representing Talyi filed a timely opposition to OEE's request that I renew the TDO. *See* letter from Frank G. DeSalvo to Lisa A. Prager dated March 24, 2003. That opposition questioned the weight of OEE's evidence that Talyi had violated the TDO and that Talyi has participated in an illegal export of oil field equipment in October 2001. *See id.* Talyi's opposition was terse, conclusory, and presented no evidence to rebut the need for a renewal of the TDO. *See id.*

In light of the evidence cited above, OEE's investigation demonstrates that Talyi, through his company IBS, has committed or attempted to commit repeated violations of U.S. export control laws, including the EAR and the TDO, that such violations have been deliberate and covert, and that, given the nature of the items shipped, future such violations could go undetected. In addition, a renewal of the TDO is needed to give notice to companies in the United States and abroad that they should cease dealing with Talyi or IBS in export transactions involving U.S.-origin items. Such a TDO is clearly consistent with the public interest to preclude future violations of the EAR.

Accordingly, I am renewing this order because I have concluded that a TDO continues to be necessary, in the public interest, to prevent an imminent violation of the EAR.

It is therefore ordered: First, that Yaudat Mustafa Talyi, a.k.a. Joseph Talyi, 888 Cross Gates Boulevard,