

Notices

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This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Intergovernmental Advisory Committee Meeting

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Intergovernmental Advisory Committee (IAC) will meet on August 3, 1995, at the Sheraton Portland Airport Hotel, 8235 N.E. Airport Way Portland, Oregon 97230. The purpose of the meeting is to continue discussions on the implementation of the Northwest Forest Plan. The meeting will begin at 9:00 a.m. on August 3 and continue until 4:30 p.m. The main agenda item will be discussions on policy agreements regarding federal watershed analysis. As time permits, other items on the agenda may include a discussion on habitat conservation plans (HCPs), and other topics relative to the Northwest Forest Plan. The IAC meeting will be open to the public. Written comments may be submitted for the record at the meeting. Time will also be scheduled for oral public comments. Interested persons are encouraged to attend.

FOR FURTHER INFORMATION CONTACT: Questions regarding this meeting may be directed to Don Knowles, Executive Director, Regional Ecosystem Office, 333 SW 1st Avenue, P.O. Box 3623, Portland, OR 97208 (Phone: 503-326-6265).

Dated: July 12, 1995.

Donald R. Knowles,

Designated Federal Official.

[FR Doc. 95-17546 Filed 7-17-95; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Hubert Maassen, Individually and Doing Business as HM-EDV With an address at: Hirmerweg 4, D800 Munich, Federal Republic of Germany Respondents; Decision and Order

[Docket Nos. 3105-01; 3105-02]

On June 27, 1995, the Administrative Law Judge (ALJ) entered his Recommended Decision and Default Order in the above-referenced matter. The Recommended Decision and Default Order, a copy of which is attached hereto and made part hereof, has been referred to me for final action. After describing the facts of the case and his findings based on those facts, the ALJ found that the Respondents on three separate occasions violated § 787.6 of the Export Administration Regulations (EAR) by reexporting from the Federal Republic of Germany through Austria to Hungary U.S.-origin computer equipment without obtaining the required reexport authorization from the Department of Commerce. The ALJ further found that the Respondents violated § 787.5(a) of the EAR by indirectly making a false or misleading representation concerning the ultimate destination of U.S.-computer equipment in connection with the preparation, submission, or use of an export license application.

The ALJ found that the appropriate penalty for the violations should be that the Respondents and all successors, assignees, officers, representatives, agents and employees be denied for a period of twenty years from this date all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction in the United States or abroad involving commodities or technical data exported or to be exported from the United States and subject to the Export Administration Regulations.

Based on my review of the entire record, I affirm the Recommended Decision and Default Order of the Administrative Law Judge.

This constitutes final agency action in this matter.

Dated: July 12, 1995.

William A. Reinsch,

Under Secretary for Export Administration.

Recommended Decision and Default Order

On May 4, 1993, the Office of Export Enforcement, Bureau of Export Administration, United States Department of Commerce (Department), issued a charging letter initiating administrative proceedings against Hubert Maassen, individually and doing business as HM-EDV (collectively referred to hereinafter as Maassen). The charging letter alleged that Maassen committed four violations of the Export Administration Regulations (currently codified at 15 CFR parts 768-799 (1995)) (the Regulations),¹ issued pursuant to the Export Administration Act of 1979, as amended (currently codified at 50 U.S.C.A. app. §§ 2401-2420 (1991, Supp. 1993, and Pub. L. No. 103-277, July 5, 1994) (the Act)).²

Specifically, the charging letter alleged that Maassen, on three separate occasions, reexported from the then-Federal Republic of Germany through Austria to Hungary U.S.-origin computer equipment, without obtaining from the Department the reexport authorization required by § 774.1 of the Regulations. The charging letter further alleged that Maassen indirectly made a false or misleading representation concerning the ultimate destination of U.S.-origin computer equipment, a material fact, in connection with the preparation, submission, or use of an export license application, an export control document. Accordingly, the Department alleged that Maassen committed three violations of § 787.6 and one violation of § 787.5(a) of the Regulations.

On May 26, 1995, in light of the fact that Maassen had not answered the

¹ The alleged violations occurred during 1988 and 1989. The Regulations governing the violations at issue are found in the 1988 version of the Code of Federal Regulations, codified at 15 CFR Parts 368-399 (1988), and the 1989 version of the Code of Federal Regulations, codified at 15 CFR Parts 768-799 (1989). Effective October 1, 1988, the Regulations were redesignated as 15 CFR Parts 768-799 (53 FR 37751, September 28, 1988). The redesignation merely changed the first number of each part from "3" to "7."

² The Act expired on August 20, 1994. Executive Order 12924 (59 Fed. Reg. 43437, August 23, 1994) continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C.A. §§ 1701-1706 (1991)).

charging letter in accordance with the requirements of § 787.7 of the Regulations, I ordered the Department to file a default submission, together with supporting evidence for the allegations made, by June 26, 1995.

On the basis of the Department's submission and all of the supporting evidence presented, I have determined that Maassen violated § 787.6 and 787.5(a) of the Regulations by reexporting from the FRG through Austria to Hungary U.S.-origin computer equipment without obtaining from the Department the reexport authorization required by § 774.1 of the Regulations, and by indirectly making a false or misleading representation concerning the ultimate destination of U.S.-origin computer equipment, a material fact, in connection with the preparation, submission, or use of an export license application, an export control document, as the Department alleges.

For those violations, the Department urges as a sanction that Maassen's export privileges be denied for 20 years. I concur in the Department's recommendation.

Accordingly, it is therefore ordered, First, that all outstanding individual validated licenses in which Hubert Maassen, individually and doing business as HM-EDV, appears or participates, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Exporter Services for cancellation. Further, all of Maassen's privileges of participating, in any manner or capacity, in any special licensing procedure, including, but not limited to, distribution licenses, are hereby revoked.

Second, Hubert Maassen, individually and doing business as HM-EDV, with an address at Hirmerweg 4, D8000 Munich, Federal Republic of Germany (collectively referred to hereinafter as Maassen), and all successors, assigns, officers, representatives, agents, and employees, shall, for a period of 20 years from the date of final agency action, be denied all privileges of participating, directly or indirectly, in any transaction in the United States or abroad involving any commodity or technical data exported or to be exported from the United States, and subject to the Regulations.

A. Without limiting the generality of the foregoing, participation, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (i) as a party or as a representative of a party to any export license application submitted to

the Department; (ii) in preparing or filing with the Department any export license application or request for reexport authorization, or any document to be submitted therewith; (iii) in obtaining from the Department or using any validated or general export license, reexport authorization, or other export control document; (iv) in carrying on negotiations with respect to, or in receiving, ordering, buying, selling, delivering, storing, using, or disposing of, in whole or in part, any commodities or technical data exported or to be exported from the United States and subject to the Regulations; and (v) in financing, forwarding, transporting, or other servicing of such commodities or technical data.

B. After notice and opportunity for comment as provided in § 788.3(c) of the Regulations, any person, firm, corporation, or business organization related to Maassen by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be subject to the provisions of this Order.

C. As provided by § 787.12(a) of the Regulations, without prior disclosure of the facts to and specific authorization of the Office of Exporter Services, in consultation with the Office of Export Enforcement, no person may directly or indirectly, in any manner or capacity: (i) apply for, obtain, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to an export of reexport of commodities or technical data by, to, or for another person then subject to an order revoking or denying his export privileges or then excluded from practice before the Bureau of Export Administration; or (ii) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate: (a) in any transaction which may involve any commodity or technical data exported or to be exported from the United States; (b) in any reexport thereof; or (c) in any other transaction which is subject to the Export Administration Regulations, if the person denied export privileges may obtain any benefit or have any interest in, directly or indirectly, any of these transactions.

Third, that a copy of this Order shall be served on Maassen and on the Department.

Fourth, that this Order, as affirmed or modified, shall become effective upon entry of the final action by the Under Secretary for Export Administration, in accordance with the Act (50 U.S.C.A. app. § 2412(c)(1)) and the Regulations (15 CFR § 788.23).

Dated: June 27, 1995.

Edward J. Kuhlmann,
Administrative Law Judge.

To be considered in the 30 day statutory review process which is mandated by Section 13(c) of the Act, submissions must be received in the Office of the Under Secretary for Export Administration, U.S. Department of Commerce, 14th & Constitution Ave., N.W., Room 3898B, Washington, D.C., 20230, within 12 days. Replies to the other party's submission are to be made within the following 8 days. 15 C.F.R. § 788.23(b), 50 Fed. Reg. 53134 (1985). Pursuant to Section 13(c)(3) of the Act, the order of the final order of the Under Secretary may be appealed to the U.S. Court of Appeals for the District of Columbia within 15 days of its issuance.

[FR Doc. 95-17575 Filed 7-17-95; 8:45 am]

BILLING CODE 3510-DT-M

International Trade Administration

[A-549-813]

Notice of Antidumping Duty Order and Amended Final Determination: Canned Pineapple Fruit From Thailand

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: July 18, 1995.

FOR FURTHER INFORMATION CONTACT: Michelle Frederick or Jennifer Katt, Office of Antidumping Duty Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230; telephone (202) 482-0186 or (202) 482-0498, respectively.

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute and to the Department's regulations are in reference to the provisions as they existed on December 31, 1994.

AMENDED FINAL DETERMINATION: In accordance with section 735(a) of the Tariff Act of 1930, as amended (the Act), on May 26, 1995, the Department made its final determination that canned pineapple fruit (CPF) from Thailand is being, or is likely to be, sold in the United States at less than fair value (60 FR 29553 (June 5, 1995)). After publication of this determination, we received submissions, timely filed pursuant to 19 CFR 353.28(b)(1994), from The Dole Food Company, Inc., and its affiliates Dole Packaged Foods Company and Dole Thailand, Inc. (collectively Dole), Siam Agro Industry