

This Order, which constitutes the final agency action in this matter, is effective immediately.

Entered this 11th day of June 1996.

John Despres,

Assistant Secretary for Export Enforcement.

[FR Doc. 96-15743 Filed 6-19-96; 8:45 am]

BILLING CODE 3510-DT-M

Action Affecting Export Privileges; Wolfgang Nothacker; Order

The Office of Export Enforcement, Bureau of Export Administration, United States Department of Commerce (BXA), having notified Wolfgang Nothacker ("Nothacker") of its intention to initiate an administrative proceeding against him pursuant to section 13(c) of the Export Administration Act of 1979, as amended (50 U.S.C.A. app. §§ 2401-2420 (1991 & Supp. 1996)) (the Act),¹ and the Export Administration Regulations (15 CFR parts 768-799 (1995), as amended (61 FR 12714 (March 25, 1996)) (the Regulations),² based on allegations that:

1. Between January 1991 and December 1992, Nothacker conspired with a U.S. company to ship U.S.-origin fuel pumps to Libya, knowing that such shipments were prohibited by the Regulations, in violation of section 787.3(b) of the Regulations; and

2. On three separate occasions, on or about January 31, 1991, April 3, 1991, and December 5, 1992, Nothacker caused, aided or abetted the reexport of U.S.-origin fuel pumps to Libya without the required reexport authorization, in violation of section 787.2 of the Regulations; and

BXA and Nothacker having entered into a Settlement Agreement pursuant to section 766.18(a) of the Regulations whereby they agreed to settle this matter in accordance with the terms and conditions set forth therein, and the terms of the Settlement Agreement having been approved by me;

It is therefore ordered:

First, that, for a period of ten years from the date of this Order, Nothacker 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 Regulations, or in any other activity subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license,³ 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 Regulations, or in any other activity subject to the Regulations; 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 Regulations, or in any other activity subject to the Regulations.

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

A. Export or reexport to or on behalf of the denied person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by a denied person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby a 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 the denied person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the denied person in the United States any item subject to the Regulations 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 Regulations that have been or will be exported from the United States and that is owned, possessed or controlled by a denied person, or service any item, of whatever origin, that is owned, possessed or controlled by a denied person if such service involves the use of any item

subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Fourth, that, after notice and opportunity for comment as provided in § 766.23 of the Regulations, any person, firm, corporation, or business organization related to the denied person 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.

Fifth, that as authorized by § 766.18 of the Regulations, the ten-year denial period set forth in paragraph SECOND above shall be suspended for a period of nine years beginning one year from the date of entry of this Order, and shall thereafter be waived, provided that: i) during the period of suspension, Nothacker commits no violation of the Act or any regulation, order or license issued thereunder; and ii) Nothacker cooperates with BXA in connection with its investigation into the transactions identified in the proposed Charging Letter, as agreed by BXA and Nothacker.

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

Seventh, that the proposed Charging Letter, the Settlement Agreement, and this Order shall be made available to the public. A copy of this Order shall be published in the Federal Register.

This Order, which constitutes the final agency action in this matter, is effective immediately.

Entered this 11th day of June 1996.

John Despres,

Assistant Secretary for Export Enforcement.

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¹ The Act expired on August 20, 1994. Executive Order 12924 (3 CFR, 1994 Comp. 917 (1995)), extended by Presidential Notice of August 15, 1995 (60 FR 42767, August 17, 1995), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C.A. §§ 1701-1706 (1991 & Supp. 1996)).

² The March 25, 1996 Federal Register publication redesignated the existing Regulations as 15 CFR Parts 768A-799A. In addition, the March 25 Federal Register publication restructured and reorganized the Regulation, designating them as an interim rule at 15 CFR Parts 730-774, effective April 24, 1996.

³ For purposes of this Order, "license" includes any general license established in 15 CFR Parts 768A-799A.