

rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority

This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

Issued: January 4, 1999.

By order of the Commission.

Donna R. Koehnke,
Secretary.

[FR Doc. 99-752 Filed 1-12-99; 8:45 am]

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INTERNATIONAL TRADE COMMISSION

[USITC SE-99-02]

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: January 20, 1999 at 11:00 a.m.

PLACE: Room 101, 500 E Street SW, Washington, DC 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda for future meeting: none.
2. Minutes.
3. Ratification List.
4. Inv. No. AA1921-188 (Review)

(Prestressed Concrete Steel Wire Strand from Japan)—briefing and vote. (The Commission will transmit its determination to the Secretary of Commerce on February 2, 1999.)

5. Outstanding action jackets:

- (1.) Document No. GC-98-061:

Decision on petition of complainant Atmel for relief from final determination finding U.S. Patent No. 4,451,903 unenforceable in Inv. No. 337-TA-395 Certain EPROM, EEPROM, Flash Memory, and Flash Microcontroller Semiconductor Devices and Products Containing Same).

- (2.) Document No. GC-98-068:

Whether to review final initial determination finding no violation of section 337 in Inv. No. 337-TA-403 (Certain Acesulfame Potassium and Blends and Products Containing Same).

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: January 11, 1999.

Donna R. Koehnke,
Secretary.

[FR Doc. 99-850 Filed 1-11-99; 2:56 pm]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 98-22]

Yi Heng Enterprises Development Co. and Luciano Martinez & cia S.C.S.; Suspension of Shipments

On March 4, 1998, the then-Acting Deputy Administrator of the Drug Enforcement Administration (DEA) issued two Orders to Suspend Shipment to Yi Heng Enterprises Development Company (Yi Heng) of Hong Kong, China, notifying it that DEA had ordered the suspension of two shipments of 10,000 kilograms each of potassium permanganate that were transshipped through the Port of Oakland, California on December 6 and 28, 1997, on their way to its customer Luciano Martinez y cia S.C.S. (Martinez) of Bogota, Colombia. The Orders to Suspend Shipment stated that DEA believed that the listed chemical may be diverted based on failure to notify DEA of the transshipments in violation of 21 CFR 1313.31 and on alleged diversionary practices by Martinez.

On April 7, 1998, a hearing was requested on the suspension of shipments on behalf of both Yi Heng and Martinez and the matter was docketed before Administrative Law Judge Mary Ellen Bittner. Both Yi Heng and Martinez waived the requirement set forth in 21 U.S.C. 971(c)(2) that the hearing be held within 45 days after the request for a hearing is filed, but did not waive their right to a hearing at a later date. During prehearing procedures, the issue was raised whether Martinez was entitled to participate in the hearing. In a Memorandum to Counsel, Ruling, and Order for Prehearing Statements dated May 4, 1998, Judge Bittner concluded, as will be discussed in more detail below, that Martinez is entitled to participate in a hearing on the record pursuant to 21 U.S.C. 971(c).

The hearing in this matter was scheduled to begin on August 11, 1998. However, on August 5, 1998, counsel for Martinez and Yi Heng filed a Notice of

Waiver of Hearing, stating that they "have concluded that the suspension orders can be sustained based on the absence of notice pursuant to 21 CFR 1313.12, 21 CFR 1313.21, and 21 CFR 1313.31," and that they therefore "waive their right to a hearing on the suspension of shipments orders." On August 6, 1998, the Government filed a response to the Notice of Waiver of Hearing indicating that it did not object to the waiver of the hearing, but arguing that the issues cannot be limited to those set forth in the notice. Thereafter, on August 7, 1998, Judge Bittner issued an Order which terminated the proceedings before her and indicated that the file would be forwarded to the Deputy Administrator.

On August 11, 1998, counsel for Yi Heng and Martinez submitted a letter to Government counsel forwarding additional documents to be included in the file for consideration by the Deputy Administrator. In that letter, counsel for Yi Heng and Martinez states that "(n)otwithstanding the fact that the proceedings before the administrative law judge have been terminated, we have not withdrawn our legal arguments set forth in our filings before the ALJ. Those legal arguments, as set forth in our prehearing conference statements are now to be submitted for review and determination by the Deputy Administrator."

The Deputy Administrator concludes that Yi Heng and Martinez are deemed to have waived their opportunity for a hearing. After considering relevant material from the file in this matter, the Deputy Administrator now enters his final order without a hearing pursuant to 21 CFR 1313.54(c) and 1313.57.

First, the Deputy Administrator must address whether Martinez was entitled to participate in these proceedings. Pursuant to 21 U.S.C. 802(35) and 21 CFR 1310.04, potassium permanganate is a List II chemical because it is a chemical that is used in the illegal manufacturing of a controlled substance. Each regulated person who imports or exports a listed chemical is required to notify DEA of the importation or exportation not later than 15 days before the transaction is to take place. See 21 U.S.C. 971(a). A regulated person is defined in 21 U.S.C. 802(38) as "a person who manufactures, distributes, imports or exports a listed chemical. * * *" DEA may order the suspension of any importation or exportation of a listed chemical pursuant to 21 U.S.C. 971(c) on the ground "that the chemical may be diverted to the clandestine manufacture of a controlled substance," and a regulated person to whom an order to