

Notices

Federal Register

Vol. 65, No. 77

Thursday, April 20, 2000

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 COMMERCE

[Docket No. 991208326-9326-01]

RIN 0605-XX06

Privacy Act of 1974; Altered System of Records

AGENCY: Department of Commerce.

ACTION: Notice of amendment of Privacy Act System of Records: Commerce System 14.

SUMMARY: In accordance with the Privacy Act (5 U.S.C. 552a(e) (4) and (11), the Department of Commerce is issuing notice of our intent to amend the system of records entitled Commerce Department System 14, "Litigation, Claims, and Administrative Proceeding Records," to add to this system records compiled in conjunction with a newly established complaint procedure for sexual orientation discrimination claims. We invite public comment on the proposed change in this publication.

DATES: *Effective Date:* The amendments will be effective May 22, 2000.

Comment Date: Written comments must be submitted on or before May 22, 2000.

ADDRESSES: Comments may be mailed to Kathryn E. Hawker, Chief, Compliance Division, Office of Civil Rights, U.S. Department of Commerce, Room 7840, 14th & Constitution Avenue, NW, Washington, DC 20230, 202-482-4993.

SUPPLEMENTARY INFORMATION: The amendment adds to this system files containing records of claims filed under a new complaint procedure for sexual orientation discrimination claims that will be established by Department Administrative Order. This complaint process is being established to implement Executive Order 11478, as amended by Executive Order 12106, and as further amended by Executive Order 13087 (collectively, the Executive Order). This Executive Order prohibits employment discrimination based on

sexual orientation in Federal employment and provides that "this policy of equal opportunity applies to and must be an integral part of every aspect of personnel policy and practices in the employment, development, advancement, and treatment of civilian employees of the Federal government, to the extent permitted by law." The new complaint process provides a mechanism for ensuring that the requirements of the Executive Order are being met throughout the Department.

The Department's sexual orientation process is modeled on the Equal Employment Opportunity (EEO) complaint process. Employees and applicants who believe they have been subject to discrimination based on sexual orientation or related retaliation must first contact an EEO Counselor, who attempts to resolve the issues informally. If the issues are not resolved through counseling, the complainant may file a formal complaint of discrimination with the Department's Office of Civil Rights, which investigates the issues. The Director, Office of Civil Rights issues a final decision on the merits. The Department's Alternative Dispute Resolution Process may be used at any time throughout the complaint process. Final agency decisions may be appealed to the Department's Chief Financial Officer/Assistant Secretary for Administration.

Classification

This notice is not subject to the notice and comment requirements of the Administrative Procedure Act. 5 U.S.C. 553(a)(2).

This notice is exempt from review under Executive Order 12866.

Brenda Dolan,

Departmental Freedom of Information Act and Privacy Act Officer.

Accordingly, the Litigation, Claims, and Administrative Proceeding Records system notice originally published at 46 FR 63517, December 31, 1981, is amended by the addition of the following information and updates:

COMMERCE/DEPT-14

SYSTEM NAME:

Litigation, Claims, and Administrative Proceeding Records.

SYSTEM LOCATION:

Insert before current paragraph i:

"For matters involving the Department's Sexual Orientation Discrimination Complaint Process: Files containing informal complaint records are maintained by the Bureau EEO Officer. Files containing records of formal complaints are maintained in the Departmental Office of Civil Rights, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Room 6010, Washington, DC 20230.

Change current paragraph i. to paragraph j.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: *

CATEGORIES OF RECORDS IN THE SYSTEM: *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Add after "E.O. 10450;": "E.O. 11478", as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

The names, social security numbers, home address and salary may be disclosed to the appropriate federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual; to an authorized appeal grievance examiner, formal complaints examiner, administrative judge, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint or appeal filed by an employee; in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Add after "Paper records in file folders": "and electronic records in computer files.

RETRIEVABILITY:

Add after "Files alphabetically by name": "or numerically by complaint number."

SAFEGUARDS:

After first sentence, add: "Access to electronic files is limited to those whose official duties require access."

RETENTION AND DISPOSAL: ***SYSTEM MANAGER(S) AND ADDRESS:**

Add before last paragraph:
"For records at location i.: Chief, Compliance Division, Office of Civil Rights, U.S. Department of Commerce, Washington, DC 20230."

Change last paragraph as follows:
Strike "e, f and i.:" and replace with "e, f, and j.:"

NOTIFICATION PROCEDURE:

Strike "For records at location i.:" and replace with "For records at location j.:"

Prior to the above sentence, add:

For records at location i.: Information may be obtained from: Chief, Compliance Division, Office of Civil Rights, U.S. Department of Commerce, Washington, DC 20230."

RECORDS ACCESS PROCEDURES: ***CONTESTING RECORD PROCEDURES: *****RECORD SOURCE CATEGORIES: *****SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: ***

* No changes are being made.

[FR Doc. 00-9931 Filed 4-19-00; 8:45 am]

BILLING CODE 3510-BP-P

DEPARTMENT OF COMMERCE**Bureau of Export Administration****Action Affecting Export Privileges; Thane-Coat, Inc., Jerry Vernon Ford and Preston John Engebretson**

In the matters of: Thane-Coat, Inc., 12725 Royal Drive, Stafford, Texas 77477, Jerry Vernon Ford, President, Thane-Coat, Inc., 12725 Royal Drive, Stafford, Texas 77477 and with an address at 7707 Augustine Drive, Houston, Texas 77036, and Preston John Engebretson, Vice-President, Thane-Coat, Inc., 12725 Royal Drive, Stafford, Texas 77477 and with an address at 8903 Bonhomme Road, Houston, Texas 77074, Respondents.

Decision and Order on Renewal of Temporary Denial Order

On October 13, 1999, I issued a Decision and Order on Renewal of Temporary Denial Order (hereinafter "Order" or "TDO"), renewing for 180 days, in a "non-standard" format, a May 5, 1997 Order naming, *inter alia*, Thane-

Coat, Inc.; Jerry Vernon Ford, president, Thane-Coat, Inc.; and Preston John Engebretson, vice-president, Thane-Coat, Inc. (hereinafter referred to collectively as the "Respondents"), as persons temporarily denied all U.S. export privileges. 64 FR 56483-56485 (October 30, 1999). Unless renewed, the Order will expire on April 10, 2000.

On March 20, 2000, pursuant to Section 766.24 of the Export Administration Regulations (currently codified at 15 CFR Parts 730-774 (1999)) (hereinafter the "Regulations"), issued pursuant to the Export Administration Act of 1979, as amended (50 U.S.C.A. app. §§ 2401-2420 (1991 & Supp. 1999)) (hereinafter the "Act"),¹ the Office of Export Enforcement, Bureau of Export Administration, United States Department of Commerce (hereinafter "BXA"), requested that I renew the Order against Thane-Coat, Inc., Jerry Vernon Ford, and Preston John Engebretson for 180 days in a non-standard format, consistent with the terms agreed to by and between the parties in April 1998.

In its request, BXA stated that, as a result of an ongoing investigation, it had reason to believe that, during the period from approximately June 1994 through approximately July 1996, Thane-Coat, Inc., through Ford and Engebretson, and using its affiliated companies, TIC Ltd. and Export Materials, Inc., made approximately 100 shipments of U.S.-origin pipe coating materials, machines, and parts to the Dong Ah Consortium in Benghazi, Libya. These items were for use in coating the internal surface of prestressed concrete cylinder pipe for the Government of Libya's Great Man-Made River Project.² Moreover, BXA's investigation gave it reason to believe that the Respondents and the affiliated companies employed a scheme to export U.S.-origin products from the United States, through the United Kingdom, to Libya, a country subject to a comprehensive economic sanctions program, without the authorizations

¹ The act expired on August 20, 1994. Executive Order 12924 (3 CFR, 1994 Comp. 917 (1995)), extended by Presidential Notices of August 15, 1995 (3 CFR, 1995 Comp. 501 (1996)), August 14, 1996 (3 CFR 1996 Comp. 298 (1997)), August 13, 1997 (3 CFR, 1997 Comp. 306 (1998)), August 13, 1998 (3 CFR, 1998 Comp. 294 (1999)), and August 10, 1999 (64 Fed. Reg. 44101, August 13, 1999), continued the Regulations in effect under the International Emergency Economic Powers Act (currently codified at 50 U.S.C.A. §§ 1701-1706 (1991 & Supp. 1999)).

² BXA understands that the ultimate goal of this project is to bring fresh water from wells drilled in southeast and southwest Libya through prestressed concrete cylinder pipe to the coastal cities of Libya. This multibillion dollar, multiphase engineering endeavor is being performed by the Dong Ah Construction Company of Seoul, South Korea.

required under U.S. law, including the Regulations. The approximate value of the 100 shipments at issue was \$35 million. In addition, the Respondents and the affiliated companies undertook several significant and affirmative actions in connection with the solicitation of business on another phase of the Great Man-Made River Project.

BXA has stated that it believes that the matters under investigation and the information obtained to date in that investigation support renewal of the TDO issued against the Respondents. In that regard, in April 1998, BXA and the Respondents reached an agreement, whereby BXA sought a renewal of the TDO in a "non-standard" format, denying all of the Respondents' U.S. export privileges to the United Kingdom, the Bahamas, Libya, Cuba, Iraq, North Korea, Iran, and any other country or countries that may be made subject in the future to a general trade embargo by proper legal authority. In return, the Respondents agreed that, among other conditions, at least 14 days in advance of any export that any of the Respondents intends to make of any item from the United States to any destination world-wide, the Respondents will provide to BXA's Dallas Field Office (i) notice of the intended export, (ii) copies of all documents reasonably related to the subject transaction, including, but not limited to, the commercial invoice and bill of lading, and (iii) the opportunity, during the 14-day notice period, to inspect physically the item at issue to ensure that the intended shipment is in compliance with the Export Administration Act, the Export Administration Regulations, or any order issued thereunder. BXA has sought renewal of the TDO in a "non-standard" format; respondents have not opposed renewal of the TDO in the "non-standard" format.

Based on BXA's showing, I find that it is appropriate to renew the order temporarily denying the export privileges to Thane-Coat, Inc., Jerry Vernon Ford, and Preston John Engebretson in a "non-standard" format, incorporating the terms agreed to by and between the parties in April 1998. I find that such renewal is necessary in the public interest to prevent an imminent violation of the Regulations and to give notice to companies in the United States and abroad to cease dealing with these persons in any commodity, software, or technology subject to the Regulations and exported or to be exported to the United Kingdom, the Bahamas, Libya, Cuba, Iraq, North Korea, Iran, and any other country or countries that may be