

# 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.

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## DEPARTMENT OF AGRICULTURE

### Agriculture Marketing Service

[TM-01-02]

#### Notice of Organic Certification Cost Share Program

**AGENCY:** Agricultural Marketing Services, USDA.

**ACTION:** Notice.

**SUMMARY:** This Notice invites eligible States to submit a Standard Form 424, Application for Federal Assistance, and to enter into a Cooperative Agreement with the Agricultural Marketing Service for the Allocation of Organic Certification Cost-Share Funds. The Agricultural Marketing Service (AMS) has allocated \$1.0 million for an organic certification cost-share program in Fiscal Year 2001. Funds will be available under this program to 15 designated States to assist organic crop and livestock producers in transitioning into the new National Organic Program. Eligible States interested in obtaining cost-share funds for their organic producers will have to submit an Application for Federal Assistance, and will have to enter into a cooperative agreement with AMS for the allocation of such funds.

**DATES:** Completed applications for federal assistance along with signed cooperative agreements must be received by July 9, 2001 in order to participate in the program.

**ADDRESSES:** Applications for federal assistance and cooperative agreements shall be requested from and submitted to: Bob Pooler, Marketing Specialist, National Organic Program, USDA/AMS/TMP/NOP, PO Box 96456, Room 2510-South, Ag Stop 0268, Washington, DC 20090-6456; Telephone: (202) 690-3655; Fax: (202) 205-7808; e-mail: Bob.Pooler@usda.gov. Additional information may be found through the

National Organic Program's homepage at <http://www.ams.usda.gov/nop>.

**FOR FURTHER INFORMATION CONTACT:** Bob Pooler, Marketing Specialist, National Organic Program, USDA/AMS/TM/NOP, PO Box 96456, Room 2510-South, Ag Stop 0268, Washington, DC, 20090-6456; Telephone: (202) 690-3655; Fax: (202) 205-7808; e-mail: Bob.Pooler@usda.gov.

**SUPPLEMENTARY INFORMATION:** The Organic Certification Cost-Share Program is part of the Agricultural Management Assistance Program authorized under the Agricultural Risk Protection Act of 2000 (ARPR), Public Law 106-224, section 524, 114 Stat. 387 (2000), 7 U.S.C. 1524. Under the applicable ARPR provisions, the Department is authorized to provide cost share assistance to producers in not more than 15 states which have a historically low participation rate in the Federal crop insurance program. One of the purposes of the ARPR's cost-share program is to assist producers in transitioning to the new National Organic Program authorized under the Organic Foods Production Act of 1990, 7 U.S.C. 6501-6522.

The Department has determined that the following States are eligible to participate in the program: Connecticut, Delaware, Maine, Maryland, Massachusetts, Nevada, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Utah, Vermont, West Virginia, or Wyoming.

To participate in the program, eligible States must complete a Standard Form 424, Application for Federal Assistance, and enter into a written cooperative agreement with AMS. The program will provide cost-share assistance, through participating States, to organic crop and livestock producers who have been certified by a certifying agent as of December 21, 2000. The Department has determined that payments will be limited to 70 percent of an individual producer's certification costs up to a maximum of \$500.00.

**Authority:** Pub. L. 106-224, section 524, 114 Stat. 387 (2000), 7 U.S.C. 1524.

Dated: May 17, 2001.

**Kenneth C. Clayton,**  
*Acting Administrator.*

[FR Doc. 01-12937 Filed 5-22-01; 8:45 am]

**BILLING CODE 3410-02-P**

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## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[Docket No. TB-01-02]

#### Flue-Cured Tobacco Advisory Committee; Meeting

In accordance with the Federal Advisory Committee Act (5 U.S.C. App.) announcement is made of the following committee meeting:

*Name:* Flue-Cured Tobacco Advisory Committee.

*Date:* June 21, 2001.

*Time:* 9 a.m.

*Place:* United States Department of Agriculture, (USDA), Agricultural Marketing Service (AMS), Tobacco Programs, Flue-Cured Tobacco Cooperative Stabilization Corporation Building, Room 223, 1306 Annapolis Drive, Raleigh, North Carolina 27608.

*Purpose:* To elect officers, establish submarketing areas, recommend opening dates, discuss selling schedules, and other related matters for the 2001 flue-cured tobacco marketing season.

The meeting is open to the public. Persons, other than members, who wish to address the Committee at the meeting should contact John P. Duncan III, Deputy Administrator, Tobacco Programs, AMS, USDA, STOP 0280, 1400 Independence Avenue, SW., Room 502 Cotton Annex Building, Washington, DC 20250-0280, (202) 205-0567, prior to the meeting. Written statements may be submitted to the Committee before, at, or after the meeting. If you need any accommodations to participate in the meeting, please contact the Tobacco Programs at (202) 205-0567 by June 15, 2001, and inform us of your needs.

Dated: May 17, 2001

**Kenneth C. Clayton,**  
*Acting Administrator.*

[FR Doc. 01-12936 Filed 5-22-01; 8:45 am]

**BILLING CODE 3410-02-P**

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## DEPARTMENT OF COMMERCE

### Bureau of Export Administration

**Action Affecting Export Privileges; TAL Industries, Inc.; In the Matter of: TAL Industries, Inc., 901 Corporate Center Drive, Suite 207, Monterey Park, CA 91754, Respondent**

#### Order

The Bureau of Export Administration, United States Department of Commerce (hereinafter "BXA"), having notified TAL Industries, Inc. (hereinafter "TAL")

of its intention to initiate an administrative proceeding against it pursuant to section 13(c) of the Export Administration Act of 1979, as amended (50 U.S.C. app. secs. 2401–2420 (1994 & Supp. IV 1998)) (hereinafter the “Act”),<sup>1</sup> and the Export Administration Regulations (currently codified at 15 CFR parts 730–774 (2000)) (the “Regulations”),<sup>2</sup> based on allegations that TAL committed 24 violations of the former Regulations, *to wit*, 1 violation of § 787.3(b), 13 violations of § 787.5(a)(1), and 10 violations of § 787.6 of the former Regulations, as follows:

1. *15 CFR 787.3(b): Conspiracy*

Beginning in 1992 and continuing into 1995, TAL committed 1 violation of § 787.3 of the former Regulations by conspiring and acting in concert with others to violate the Act and former Regulations. The goal of the conspiracy was to obtain Department of Commerce export licenses authorizing the export of machine tools from the United States to the CATIC Machining Company, Ltd. in Beijing, China for use in the machining of parts and components of civil aircraft that were planned for a joint project with the McDonnell Douglas Corporation (hereinafter the “Trunkliner program”) and then to divert the machine tools to unauthorized end-users in China, including the Nanchang Aircraft Manufacturing Company. To accomplish the goal of the conspiracy, the conspirators, including TAL, took actions in furtherance of the conspiracy, primarily by making or causing to be made false and misleading representations of material fact, directly and indirectly, to BXA and other U.S. Government agencies. The false and misleading representations included misrepresentations about the end-user and end-use of the machine tools. The conspirators, including TAL, represented that the CATIC Machining Center, Ltd. in Beijing, China would be the end-user of the machine tools and

the end-use of the machine tools was for the Trunkliner program. However, the CATIC Machining Company, Ltd. in Beijing, China was not the end-user nor the ultimate consignee of the machine tools, and the machine tools were not for use in the Trunkliner program.

2. *15 CFR 787.5(a)(1): Misrepresentation and Concealment*

a. On or about May 26, 1994, TAL committed 10 violations of § 787.5(a)(1) of the former Regulations by making or causing to be made false or misleading representations of material fact to BXA and other U.S. Government agencies in connection with 10 separate export license applications submitted to BXA by Douglas Aircraft (the McDonnell Douglas Corporation) for the export of machine tools to China. For each of these 10 license applications, TAL falsely gave assurances and represented on end-user and ultimate consignee statements, export control documents as defined in § 770.2 of the former Regulations, that the CATIC Machining Company, Ltd. in Beijing, China would be the end-user of the machine tools and the end-use of the machine tools was for machining the parts and components of civil aircraft in the Trunkliner program. However, the CATIC Machining Company, Ltd. in Beijing, China was neither the end-user nor the ultimate consignee, and the machine tools were not for use in the Trunkliner program.

b. On or about June 7, 1994 and on or about June 23, 1994, TAL, through the McDonnell Douglas Corporation, committed two violations of § 787.5(a)(1) of the former Regulations by falsely representing to BXA and other U.S. government agencies that the machine tools were to be exported to the CATIC Machining Company, Ltd. in Beijing, China, they were for use in the Trunkliner program, and the Trunkliner program was being carried out in accordance with the 1992 contract. However, the CATIC Machining Company, Ltd. in Beijing, China was neither the end-user nor the ultimate consignee, the machine tools were not for use in the Trunkliner program, and the Trunkliner program had been delayed and was not being carried out in accordance with the 1992 contract.

c. On or about June 5, 1995, TAL, through the China National Aero-Technology Import and Export Corporation, committed 1 violation of § 787.5(a)(1) of the former Regulations by submitting a letter to BXA falsely representing that the machine tools that were authorized for export to the CATIC Machining Company, Ltd. in Beijing, China and diverted to the Nanchang Aircraft Manufacturing Company in

Nanchang, China in violation of the terms and conditions of the licenses would not be unpacked until authorization was received from the U.S. Department of Commerce. However, the stretch press had been unpacked and placed in a building in Nanchang, China.

3. *15 CFR 787.6: Export, Diversion, Reexport, and Transshipment*

Between on or about November 12, 1994 and on or about February 18, 1995, TAL committed 10 violations of § 787.6 of the former Regulations by violating or causing the violation of the terms and conditions of 10 separate Department of Commerce export licenses. The 10 export licenses named China National Aero-Technology International Supply Company as the purchaser, China Aviation Supply and Marketing Corporation, North China Branch, as the intermediate consignee, CATIC Machining Company, Ltd. as the ultimate consignee, and the Trunkliner program as the end-use. TAL violated the terms and conditions of each of the 10 export licenses by diverting the machine tools to unauthorized end-users in China, including the Nanchang Aircraft Manufacturing Company.

BXA and TAL having entered into a Settlement Agreement pursuant to § 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 a civil penalty of \$1,320,000 is assessed against TAL, which shall be paid to the U.S. Department of Commerce within thirty days from the date of entry of this Order. Payment shall be made in the manner specified in the attached instructions.

*Second*, that, pursuant to the Debt Collection Act of 1982, as amended (31 U.S.C. 3701–3720E (1983 and Supp. 2000)), the civil penalty owned under this Order accrues interest as more fully described in the attached Notice, and, if payment is not made by the due date specified herein, TAL will be assessed, in addition to interest, a penalty charge and an administrative charge, as more fully described in the attached Notice.

*Third*, that for a period of ten years from the date of this Order, TAL Industries, Inc., 901 Corporate Center Drive, Suite 207, Monterey Park California 91754, shall be denied its U.S. export privileges as described herein (hereinafter the “denial period”). TAL and all of its successors, assigns, officers, representatives, agents, and employees, may not participate, directly

<sup>1</sup> The Act expired on August 20, 1994. Executive Order 12924 (3 CFR, 1994 Comp. 917 (1995)), which had been extended by successive Presidential Notices, the most recent being that of August 3, 2000 (65 FR 48347, August 8, 2000), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701–1706 (1994 & Supp. IV 1998)) until November 13, 2000 when the Act was reauthorized. See Pub. L. 106–508, 114 Stat. 2360.

<sup>2</sup> The alleged violations occurred in 1994 and 1995. The Regulations governing those violations are found in the 1994 and 1995 versions of the Code of Federal Regulations (15 CFR parts 768–799 (1994–1995)) (hereinafter the “former Regulations”). The former Regulations define the violations that BXA alleges occurred. Since that time, the Regulations have been reorganized and restructured; the Regulations establish the procedures that apply to the matters set forth herein.

or indirectly, 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, 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. Benefitting 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.
- Fourth*, that no person may, directly or indirectly, do any of the following:
- A. Export or reexport to or on behalf of TAL or its successors, assigns, officers, representatives, agents, or employees (hereinafter the "denied person") any item subject to the Regulations;
  - B. Take any action that facilitates the acquisition or attempted acquisition by the denied person or 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 the 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 serve any item subject to the Regulations that

has been or will be exported from the United States and that is owned, possessed or controlled by the denied person, or service any item, of whatever origin, that is owned, possessed or controlled by the 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.

*Fifth*, that, after notice and opportunity for comment as provided in Section 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.

*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 TAL shall produce to the Department of Commerce any documents, in its custody, care or control, that were supplied to the United States in the case of *U.S. v. CATIC, et al.*, No. 99-353 (PLF), and TAL hereby certifies that these documents are all the documents that are relevant to the sale, licensing or diversion of the machine tools from the McDonnell Douglas plant in Columbus, Ohio that were allegedly to be used in the Trunkliner program;

*Eighth*, that for the purposes of authenticating documents and as otherwise agreed to by the parties, TAL shall, at its own expense, made its appropriate employees, representatives, officers or agents available to the Department of Commerce to testify at any administrative proceeding initiated by BXA in connection with the sale, licensing and diversion of the machine tools from the McDonnell Douglas plant in Columbus, Ohio that were allegedly to be used in the Trunkliner program.

*Ninth*, that the proposed charging letter, the Settlement Agreement, and this Order shall be made available to the public.

This Order, which constitutes the final agency action in these matters, is effective immediately.

Dated: Entered this 11th day of May, 2001.  
**Dexter M. Price,**  
*Acting Assistant Secretary for Export Enforcement.*  
 [FR Doc. 01-13024 Filed 5-22-01; 8:45 am]  
**BILLING CODE 3510-DT-M**

**DEPARTMENT OF COMMERCE**

**International Trade Administration**

**Initiation of Antidumping and Countervailing Duty Administrative Reviews**

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

**ACTION:** Notice of initiation of antidumping and countervailing duty administrative reviews.

**SUMMARY:** The Department of Commerce has received requests to conduct administrative reviews of various antidumping and countervailing duty orders and findings with April anniversary dates. In accordance with the Department's regulations, we are initiating those administrative reviews.

**EFFECTIVE DATE:** May 23, 2001.

**FOR FURTHER INFORMATION CONTACT:** Holly A. Kuga, Office of AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone: (202) 482-4737.

**SUPPLEMENTARY INFORMATION:**

**Background**

The Department has received timely requests, in accordance with 19 CFR 351.213(b)(2000), for administrative reviews of various antidumping and countervailing duty orders and findings with April anniversary dates.

**Initiation of Reviews**

In accordance with section 19 CFR 351.221(c)(1)(i), we are initiating administrative reviews of the following antidumping and countervailing duty orders and findings. We intend to issue the final results of these reviews not later than April 30, 2002.

	Period to be reviewed
<p style="text-align: center;"><b>Antidumping Duty Proceedings</b></p> <p>Japan: Mechanical Transfer Presses, A-588-810 .....                      Hitachi Zosen Fukui Corporation d/b/a/ H &amp; F Corporation *</p>	<p style="text-align: center;">2/1/00-1/31/01</p>