

Respondents: Farms.
Estimated Number of Respondents:
625,000.

Estimated Total Annual Burden on Respondents: 170,000 hours.

Copies of this information collection and related instructions can be obtained without charge from David Hancock, NASS Clearance Officer, at (202) 690-2388.

Comments: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All responses to this notice will become a matter of public record and be summarized in the request for OMB approval.

Signed at Washington, DC, October 10, 2008.

Joseph T. Reilly,

Associate Administrator.

[FR Doc. E8-25565 Filed 10-24-08; 8:45 am]

BILLING CODE 3410-20-P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 55-2008]

Foreign-Trade Zone 26—Atlanta, GA, Area; Application for Reorganization/Expansion; Correction

The **Federal Register** notice (73 FR 60676-60677, 10/14/08) describing the application to reorganize and expand Foreign-Trade Zone 26 in the Atlanta area should be corrected as follows: Proposed Site 12 (241 acres)—within the 1,800-acre Callaway South Industrial Park, located at Pegasus Parkway and South Loop Extension off of Interstate 85, LaGrange. The application otherwise remains unchanged.

Dated: October 21, 2008.

Andrew McGilvray,

Executive Secretary.

[FR Doc. E8-25576 Filed 10-24-08; 8:45 am]

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DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1582]

Expansion of Foreign-Trade Zone 227; Durant, OK

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Rural Enterprises of Oklahoma, Inc., grantee of Foreign-Trade Zone 227, submitted an application to the Board for authority to expand its zone to include two sites in Carter County located at the Ardmore Industrial Airpark (Site 2—2,790 acres) in Springer and at the Westport Industrial Park (Site 3—122 acres) in Ardmore, adjacent to the Dallas/Fort Worth Customs and Border Protection port of entry (FTZ Docket 7-2008, filed 2/8/08);

Whereas, notice inviting public comment was given in the **Federal Register** (73 FR 10421, 2/27/08) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations are satisfied, and that the proposal is in the public interest;

Now, therefore, the Board hereby orders:

The application to expand FTZ 227 is approved, subject to the FTZ Act and the Board's regulations, including Section 400.28, and subject to the Board's standard 2,000-acre activation limit for the overall general-purpose zone project.

Signed at Washington, DC, this 16th day of October, 2008.

David M. Spooner,

Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

Attest:

Andrew McGilvray,

Executive Secretary.

[FR Doc. E8-25579 Filed 10-24-08; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1583]

Expansion of Foreign-Trade Zone 38; Spartanburg County, SC

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the South Carolina State Ports Authority, grantee of Foreign-Trade Zone 38, submitted an application to the Board for authority to expand its zone to include five additional sites (684 acres total) located at the Riverbend Business Center in Spartanburg (Site 8—88 acres), at the Corporate Center I-85 and the Bryant Business Center in Spartanburg (Site 9—207 acres), at the Interchange Commerce Center in Spartanburg (Site 10—334 acres), at the Caliber Ridge Industrial Park in Greer (Site 11—51 acres), and at Industrial Warehousing in Duncan (Site 12—4 acres), and to reorganize its zone by restoring zone status to 19 acres within *Site 3* in Duncan, granting zone status on a permanent basis to 19 acres at *Temporary Site T-1* in Duncan (to become *Site 7*), and making permanent the current temporary location of *Site 1* at the Global Trade Center in Greenville, within the Greenville-Spartanburg Customs and Border Protection port of entry (FTZ Docket 53-2007, filed 12/20/07);

Whereas, notice inviting public comment was given in the **Federal Register** (73 FR 1319, 01/08/08) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations are satisfied, and that the proposal is in the public interest;

Now, therefore, the Board hereby orders:

The application to expand and reorganize FTZ 38 is approved, subject to the FTZ Act and the Board's regulations, including Section 400.28, subject to the Board's 2,000-acre activation limit for the overall general-purpose zone project, and further subject to a sunset provision that would terminate authority on October 31, 2013 for sites 8, 9, 10, 11 and 12 where no activity has occurred under FTZ procedures before that date.

Signed at Washington, DC, this 16th day of October, 2008.

David M. Spooner,

Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

Attest:

Andrew McGilvray,

Executive Secretary.

[FR Doc. E8-25580 Filed 10-24-08; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

[05-BIS-23]

In the Matter of: NEAZ Trading Corporation 612 Business Centre, Mumtaz Hasan Road, Off I.I. Chundrigar Road, Karachi, Pakistan, Respondent

Final Decision and Order

This matter is before me upon a Recommended Decision and Order (“RDO”) of an Administrative Law Judge (“ALJ”)

In a charging letter issued on December 15, 2005, the Bureau of Industry and Security (“BIS”) alleged that Respondent, NEAZ Trading Corporation, committed two violations of the Export Administration Regulations (currently codified at 15 CFR Parts 730-774 (2008) (“Regulations”)),¹ issued pursuant to the Export Administration Act of 1979, as amended (50 U.S.C. app. § 240 1-2420 (2000)) (“Act”).²

The charging letter included a charge that was based on actions taken by NEAZ to evade licensing requirements governing exports of items subject to the Regulations, specifically, the export of items subject to the Regulations to a Pakistani organization listed on BIS’s Entity List. Specifically, Charge One alleged as follows:

Charge 1 (15 CFR 764.2(h)—Actions Taken with Intent to Evade the Regulations)

On or about April 27, 2002, NEAZ, through its operations specialist, took

actions with the intent to evade the U.S. Government’s licensing requirements for exports to Pakistan. Specifically, NEAZ took actions, including but not limited to, the submission of false information to a freight forwarder in connection with an export of components for an online chemical monitoring system, items subject to the Regulations (EAR99 and 4A994), from the United States to the Karachi Nuclear Power Plant (“KANUPP”) in Karachi, Pakistan via the United Arab Emirates (UAE). NEAZ provided shipping information representing that the consignee was in the UAE but omitting the final destination for the items. The purpose of NEAZ’s actions was to conceal the end-user, KANUPP, a Pakistani organization on the Entity List set forth in Supplement No. 4 to Part 744 of the Regulations and for which a Department of Commerce export license was required by section 744.1 of the Regulations. In so doing, NEAZ committed one violation of section 764.2(h) of the Regulations.³

In accordance with section 766.3(b)(1) of the Regulations, on December 15, 2005, BIS mailed the notice of issuance of the charging letter by registered mail to NEAZ at its last known address, which is in Pakistan. Although BIS did not receive a signed return mail receipt for the letter, the charging letter was delivered no later than on or about February 16, 2006. On or about that date, Yasmin Ahmed, NEAZ’s Chief Operating Officer and the person at NEAZ to whose attention the NEAZ charging letter was addressed, telephoned the BIS attorney named in the charging letter to discuss that letter, as well as the charging letter served in a related administrative proceeding also initiated by BIS on December 15, 2005. In the Matter of Yasmin Ahmed (Docket No. 05-BIS-24). Ms. Ahmed had possession of the NEAZ charging letter by the date of that telephone call; otherwise, she would not have known the name or had direct contact information for BIS’s attorney or been able to discuss the charging letter with BIS. To date, NEAZ has not filed an answer to the charging letter with the AU, as required by the Regulations.

Under section 766.6(a) of the Regulations, the “respondent must answer the charging letter within 30 days after being served with notice of issuance” of the charging letter. Section

766.7(a) of the Regulations provides that the “[f]ailure of the respondent to file an answer within the time provided constitutes a waiver of the respondent’s right to appear and contest the allegations in the charging letter,” and that “on BIS’s motion and without further notice to the respondent, [the AU] shall find the facts to be as alleged in the charging letter[.]”

In accordance with section 766.7 of the Regulations, and because more than thirty days had passed since NEAZ had been served with the charging letter, BIS filed a Motion for Default Order that was received by the AU on July 15, 2008. This Motion for Default Order recommended that NEAZ be denied export privileges under the Regulations for a period of seven years.

On September 16, 2008, based on the record before him, the AU issued a RDO in which he found NEAZ in default, found the facts to be as alleged in Charge One of the charging letter, and held that NEAZ had committed the one violation of section 764.2(h) of the Regulations. The AU also recommended the penalty of denial of NEAZ’s export privileges for seven years.

The ALJ’s RDO, together with the entire record in this case, has been referred to me for final action under section 766.22 of the Regulations. I find that the record supports the AU’s findings of fact and conclusions of law. I also find that the penalty recommended by the AU is appropriate, given the nature of the violation and the importance of preventing future unauthorized exports.

Based on my review of the entire record, I affirm the findings of fact and conclusions of law in the ALJ’s RDO.

Accordingly, it is therefore ordered,

First, that, for a period of seven (7) years from the date this Order is published in the **Federal Register**, NEAZ Trading Corporation, 612 Business Centre, Mumtaz Hasan Road, Off I.I. Chundrigar Road, Karachi, Pakistan, and when acting for or on behalf of NEAZ Trading Corporation, its representatives, agents, assigns and employees (hereinafter collectively referred to as the “Denied Person”), 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, license exception, or export control document;

¹ The charged violations occurred during the 2002 period. The Regulations governing the violations at issue are found in the 2000-2002 versions of the Code of Federal Regulations (15 CFR Parts 730-774 (2000-2002)). The 2008 Regulations establish the procedures that apply to this matter.

² Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 CFR 2001 Comp. 783 (2002)), which has been extended by successive Presidential Notices, the most recent being that of August 15, 2007 (72 FR 46,137 (August 16, 2007)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701-1706 (2000)) (“IEEPA”).

³ The charging letter included a second evasion charge, Charge Two, relating to BIS’s export control documentation filing requirements. By Notice of Withdrawal filed with the Administrative Law Judge simultaneously with its Motion for Default Order, BIS provided notice that it was withdrawing Charge Two.