

comments must be received in ERO by 30 days after each meeting date. Comments may be mailed to the Eastern Regional Office, U.S. Commission on Civil Rights, 1331 Pennsylvania Avenue, Suite 1150, Washington, DC 20425, faxed to (202) 376-7548, or emailed to ero@usccr.gov. Persons who desire additional information may contact the Eastern Regional Office at 202-376-7533.

Records generated from this meeting may be inspected and reproduced at the Eastern Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this advisory committee are advised to go to the Commission's Web site, www.usccr.gov, or to contact the Eastern Regional Office at the above phone number, email or street address.

The meetings will be conducted pursuant to the provisions of the rules and regulations of the Commission and FACA.

Dated: December 11, 2013.

David Mussatt,

*Acting Chief, Regional Programs
Coordination Unit.*

[FR Doc. 2013-29815 Filed 12-13-13; 8:45 am]

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DEPARTMENT OF COMMERCE

Bureau of Industry and Security

**Donald V. Bernardo, a/k/a Don
Bernardo, 701 Fredericksburg Road,
Mathews, NC 28105; Order Denying
Export Privileges**

On November 16, 2011, in the U.S. District Court, Southern District of Florida, Donald V. Bernardo, a/k/a Don Bernardo ("Bernardo"), was convicted of Section 38 of the Arms Export Control Act (22 U.S.C. 2778 (2006 & Supp. IV 2010)) ("AECA"). Specifically, Bernardo was convicted of knowingly and willfully engaging in the business of brokering activities involving Venezuela in negotiating and arranging contracts, purchases, sales, and transfers of defense articles, that is, C-130 Hercules military transport aircraft, in return for a fee, commission and other consideration, without first registering with the U.S. Department of State. Bernardo was sentenced to 12 months of imprisonment and two years of supervised release, and fined a \$100 assessment. Bernardo was released from prison on February 28, 2013. Bernardo is also listed on the U.S. Department of State Debarred List.

Section 766.25 of the Export Administration Regulations ("EAR" or

"Regulations")¹ provides, in pertinent part, that "[t]he Director of the Office of Exporter Services, in consultation with the Director of the Office of Export Enforcement, may deny the export privileges of any person who has been convicted of a violation of the Export Administration Act ("EAA"), the EAR, or any order, license or authorization issued thereunder; any regulation, license, or order issued under the International Emergency Economic Powers Act (50 U.S.C. 1701-1706); 18 U.S.C. 793, 794 or 798; section 4(b) of the Internal Security Act of 1950 (50 U.S.C. 783(b)), or section 38 of the Arms Export Control Act (22 U.S.C. 2778)." 15 CFR 766.25(a); *see also* Section 11(h) of the EAA, 50 U.S.C. app. § 2410(h). The denial of export privileges under this provision may be for a period of up to 10 years from the date of the conviction. 15 CFR 766.25(d); *see also* 50 U.S.C. app. § 2410(h). In addition, Section 750.8 of the Regulations states that the Bureau of Industry and Security's Office of Exporter Services may revoke any Bureau of Industry and Security ("BIS") licenses previously issued in which the person had an interest in at the time of his conviction.

I have received notice of Bernardo's conviction for violating the AECA, and have provided notice and an opportunity for Bernardo to make a written submission to BIS, as provided in Section 766.25 of the Regulations. I have not received a submission from Bernardo.

Based upon my review and consultations with BIS's Office of Export Enforcement, including its Director, and the facts available to BIS, I have decided to deny Bernardo's export privileges under the Regulations for a period of five years from the date of Bernardo's conviction. I have also decided to revoke all licenses issued pursuant to the Act or Regulations in which Bernardo had an interest at the time of his conviction.

Accordingly, it is hereby *ordered*

I. Until November 16, 2016, Donald V. Bernardo, a/k/a Don Bernardo, with a last known address at: 701 Fredericksburg Road, Mathews, NC

¹ The Regulations are currently codified in the Code of Federal Regulations at 15 CFR Parts 730-774 (2013). The Regulations issued pursuant to the Export Administration Act (50 U.S.C. app. §§ 2401-2420 (2000)) ("EAA"). Since August 21, 2001, the EAA 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 8, 2013 (78 FR 49107 (August 12, 2013)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701, *et seq.* (2006 & Supp. IV 2010)).

28105, and when acting for or on behalf of Bernardo, his representatives, assigns, agents or employees (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, 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.

II. 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 the 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 the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Own 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 has been or will be exported from the United States and which 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.

III. After notice and opportunity for comment as provided in Section 766.23 of the Regulations, any other person, firm, corporation, or business organization related to Bernardo by affiliation, ownership, control or position of responsibility in the conduct of trade or related services may also be subject to the provisions of this Order if necessary to prevent evasion of the Order.

IV. This Order is effective immediately and shall remain in effect until November 16, 2016.

V. In accordance with Part 756 of the Regulations, Bernardo may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of Part 756 of the Regulations.

VI. A copy of this Order shall be delivered to the Bernardo. This Order shall be published in the **Federal Register**.

Dated: December 6, 2013.

Eileen M. Albanese,

Acting Director, Office of Exporter Services.

[FR Doc. 2013-29788 Filed 12-13-13; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-588-804, A-412-801]

Ball Bearings and Parts Thereof From Japan and the United Kingdom: Notice of Reinstatement of Antidumping Duty Orders, Resumption of Administrative Reviews, and Advance Notification of Sunset Reviews

AGENCY: Enforcement and Compliance, formerly Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On July 15, 2011, pursuant to a decision of the Court of International Trade (CIT) that affirmed the International Trade Commission's (ITC's) negative injury determinations on remand in the second sunset review of the antidumping duty orders on bearings from Japan and the United Kingdom, the Department of Commerce (the Department) revoked the *Orders*.¹

¹ See *Antidumping Duty Orders: Ball Bearings, Cylindrical Roller Bearings, and Spherical Plain*

On May 16, 2013, the United States Court of Appeals for the Federal Circuit (Federal Circuit) reversed the CIT's decision and ordered the CIT to reinstate the ITC's affirmative material injury determinations.² Subsequently, on November 18, 2013, the CIT issued final judgment reinstating the ITC's affirmative injury determinations.³ Therefore, the Department is now reinstating the *Orders*. Additionally, the Department is resuming the administrative reviews of these orders for the periods May 1, 2009, through April 30, 2010, and May 1, 2010, through April 30, 2011.

DATES: *Effective Date:* November 29, 2013.

FOR FURTHER INFORMATION CONTACT:

Thomas Schauer or Minoo Hatten, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-0410 or (202) 482-1690, respectively.

SUPPLEMENTARY INFORMATION:

Background

On May 15, 1989, the Department published the *Orders* in the **Federal Register**.⁴ Pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act), the Department initiated and the ITC instituted the second sunset reviews of the *Orders* on June 1, 2005.⁵ As a result of its sunset reviews, the Department found that revocation of the *Orders* would be likely to lead to the continuation or recurrence of dumping and notified the ITC of the magnitude of the margins likely to prevail were the *Orders* to be revoked.⁶

Bearings, and Parts Thereof From Japan, 54 FR 20904 (May 15, 1989), and *Antidumping Duty Orders and Amendments to the Final Determinations of Sales at Less Than Fair Value: Ball Bearings, and Cylindrical Roller Bearings and Parts Thereof From the United Kingdom*, 54 FR 20910 (May 15, 1989) (collectively, *Orders*).

² *NSK Corp v. United States International Trade Commission*, 716 F.3d 1352 (Fed. Cir. 2013) (*NSK May 2013*).

³ *NSK Corp. v. United States International Trade Commission*, Court No. 06-334, Slip Op. 2013-143 (CIT November 18, 2013) (*NSK November 2013*).

⁴ See *Orders*.

⁵ See *Initiation of Five-year ("Sunset") Reviews*, 70 FR 31423 (June 1, 2005), and *Certain Bearings From China, France, Germany, Italy, Japan, Singapore, and the United Kingdom*, 70 FR 31531 (June 1, 2005); see also 19 CFR 351.218.

⁶ See *Antifriction Bearings and Parts Thereof from France, Germany, Italy, and the United Kingdom; Five-Year Sunset Reviews of Antidumping Duty Orders; Final Results*, 70 FR 58183 (October 5, 2005), *Ball Bearings and Parts Thereof From Japan and Singapore; Five-Year Sunset Reviews of Antidumping Duty Orders; Final Results*, 71 FR 26321 (May 4, 2006), and *Ball Bearings and Parts Thereof From Japan; Five-Year*

On August 31, 2006, the ITC published its determination that, pursuant to section 751(c) of the Act, revocation of the *Orders*, among others, would be likely to lead to the continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.⁷ NSK Corporation, NSK Ltd., and NSK Europe Ltd. and JTEKT Corporation and Koyo Corporation of U.S.A. filed appeals of this determination with the CIT.

In its third and fourth remand determinations,⁸ the ITC found that revocation of the *Orders* would not be likely to lead to the continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. On April 20, 2011, the CIT affirmed the ITC's fourth remand and entered judgment in the case.⁹ The CIT stayed the effect of its judgment temporarily but, lifted the stay on May 13, 2011.¹⁰ On May 17, 2011, the Federal Circuit issued a temporary stay of the judgment.¹¹

On June 17, 2011, in response to the CIT's entry of judgment in *NSK*, the Department published a notice of a court decision not in harmony with a Department determination, thereby suspending liquidation of all entries of subject merchandise entered, or withdrawn from warehouse, for consumption on or after July 11, 2005, that remained unliquidated, and not deemed liquidated, as of April 30, 2011.¹²

On July 6, 2011, the Federal Circuit's stay lifted.¹³ Therefore, pursuant to the

Sunset Review of Antidumping Duty Order: Amended Final Results, 71 FR 30378 (May 26, 2006).

⁷ See *Certain Bearings From China, France, Germany, Italy, Japan, Singapore, and the United Kingdom*, 71 FR 51850 (August 31, 2006), and ITC Publication 3876 (August 2006) entitled *Certain Bearings from China, France, Germany, Italy, Japan, Singapore, and the United Kingdom*, Investigation Nos. 731-TA-344, 391-A, 392-A and C, 393-A, 394-A, 396, and 399-A (*Second Review*).

⁸ See ITC Publication 4194, *Ball Bearings and Parts Thereof From Japan and the United Kingdom, Investigation Nos. 731-TA-394A and 399A (Second Review) (Third Remand)* (August 2010), and ITC Publication 4223, *Certain Ball Bearings and Parts Thereof From Japan and the United Kingdom, Investigation Nos. 394-A and 399-A (Second Review) (Fourth Remand)* (March 2011).

⁹ See *NSK v. United States*, 774 F. Supp. 2d 1296 (CIT 2011) (*NSK*).

¹⁰ See *NSK Corp. v. United States*, 774 F. Supp. 2d 1300 (CIT 2011).

¹¹ See *NSK Corp. v. United States*, 422 Fed. Appx. 885 (Fed. Cir. 2011).

¹² See *Ball Bearings and Parts Thereof From Japan and the United Kingdom: Notice of Court Decision Not in Harmony with Continuation of Antidumping Duty Orders*, 76 FR 35401 (June 17, 2011) (*Timken Notice*).

¹³ See *NSK v. United States*, 431 Fed. Appx. 910 (Fed. Cir. 2011).