

all selected participants on the first day of the testing will be required to acknowledge that their suggestions and comments may not be incorporated into the final version for technical or other reasons.

### Special Accommodations

This public testing is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be received by the Department of Commerce no later than November 29, 2018 and should be included in the email requesting participation in the public testing referenced above.

Dated: November 20, 2018.

**Matthew S. Borman,**

*Deputy Assistant Secretary for Export Administration.*

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**BILLING CODE 3510-33-P**

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

#### Order Denying Export Privileges

*In the Matter of:* Gregory Allen Justice, Inmate Number: 73792-112, FCI Safford, P.O. Box 9000, Safford, AZ 85548.

On September 19, 2017, in the U.S. District Court for the Central District of California, Gregory Allen Justice (“Justice”) was convicted of violating Section 38 of the Arms Export Control Act (22 U.S.C. 2778 (2012)) (“AECA”), among other crimes. Justice was convicted of violating Section 38 of the AECA by knowingly and willfully attempting to export, cause others to export, and aid and abet the export to Russia, for the intended benefit of the Russian Government, of defense articles designated on the United States Munitions List (“USML”), without the required U.S. Department of State licenses. Justice, an engineer who worked for a defense contractor, knowingly and willfully sold and provided USML-controlled technical data relating to U.S. military satellite programs to a person he believed to be an agent of a Russian intelligence service, but who was in fact an undercover Federal Bureau of Investigation employee. Justice was sentenced to 60 months in prison, three years of supervised release, and a \$200 special assessment.

The Export Administration Regulations (“EAR” or “Regulations”) are administered and enforced by the U.S. Department of Commerce’s Bureau

of Industry and Security (“BIS”).<sup>1</sup> Section 766.25 of the Regulations provides, in pertinent part, that the “Director of [BIS’s] Office of Exporter Services, in consultation with the Director of [BIS’s] Office of Export Enforcement, may deny the export privileges of any person who has been convicted of a violation of . . . section 38 of the Arms Export Control Act (22 U.S.C. 2778).” 15 CFR 766.25(a). 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).<sup>1</sup> In addition, pursuant to Section 750.8 of the Regulations, BIS’s Office of Exporter Services may revoke any BIS-issued licenses in which the person had an interest at the time of his/her conviction.<sup>2</sup>

BIS has received notice of Justice’s conviction for violating Section 38 of the AECA, and has provided notice and an opportunity for Justice to make a written submission to BIS, as provided in Section 766.25 of the Regulations. BIS has not received a submission from Justice.

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 Justice’s export privileges under the Regulations for a period of 10 years from the date of Justice’s conviction. I have also decided to revoke all BIS-issued licenses in which Justice had an interest at the time of his conviction.

<sup>1</sup> The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730-774 (2018). The Regulations originally issued under the Export Administration Act of 1979, as amended, 50 U.S.C. 4601-4623 (Supp. III 2015) (“EAA”), which lapsed on August 21, 2001. The President, through Executive Order 13,222 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, 2018 (83 FR 39,871 (Aug. 13, 2018)), continued the Regulations in full force and effect under the International Emergency Economic Powers Act, 50 U.S.C. 1701, *et seq.* (2012) (“IEEPA”). On August 13, 2018, the President signed into law the John S. McCain National Defense Authorization Act for Fiscal Year 2019, which includes the Export Control Reform Act of 2018, Title XVII, Subtitle B of Pub. L. No. 115-232, 132 Stat. 2208 (“ECRA”). While Section 1766 of ECRA repeals the provisions of the EAA (except for three sections which are inapplicable here), Section 1768 of ECRA provides, in pertinent part, that all rules and regulations that were made or issued under the EAA, including as continued in effect pursuant to IEEPA, and were in effect as of ECRA’s date of enactment (August 13, 2018), shall continue in effect until modified, superseded, set aside, or revoked through action undertaken pursuant to the authority provided under ECRA.

<sup>1</sup> See also Section 11(h) of the EAA, 50 U.S.C. 4610(h) (Supp. III 2015); Sections 1760(e) and 1768 of ECRA, Title XVII, Subtitle B of Pub. L. No. 115-232, 132 Stat. 2208, 2225 and 2233 (Aug. 13, 2018); and note 1, *supra*.

<sup>2</sup> See note 2, *supra*.

Accordingly, it is hereby ORDERED: First, from the date of this Order until September 19, 2027, Gregory Allen Justice, with a last known address of Inmate Number: 73792-112, FCI Safford, P.O. Box 9000, Safford, AZ 85548, and when acting for or on his behalf, his successors, assigns, employees, agents or representatives (“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 engaging 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 from any other activity subject to the Regulations.

Second, 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. 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 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.

Third, 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 Justice by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order in order to prevent evasion of this Order.

Fourth, in accordance with Part 756 of the Regulations, Justice 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.

Fifth, a copy of this Order shall be delivered to Justice and shall be published in the **Federal Register**.

Sixth, this Order is effective immediately and shall remain in effect until September 19, 2027.

Issued this 15th day of November, 2018.

**Karen H. Nies-Vogel,**

*Director, Office of Exporter Services.*

[FR Doc. 2018-25619 Filed 11-23-18; 8:45 am]

**BILLING CODE P**

**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[C-570-068]

**Forged Steel Fittings From the People’s Republic of China: Countervailing Duty Order**

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

**SUMMARY:** Based on affirmative final determinations by the Department of Commerce (Commerce) and the International Trade Commission (ITC), Commerce is issuing a countervailing duty order on forged steel fittings from the People’s Republic of China (China).

**DATES:** Applicable November 26, 2018.

**FOR FURTHER INFORMATION CONTACT:** Brian Smith or Janae Martin, AD/CVD Operations, Office VIII, Enforcement

and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone (202) 482-1766 or (202) 482-0238, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

On October 5, 2018, Commerce published its final determination in the countervailing duty investigation of forged steel fittings from China.<sup>1</sup> On November 19, 2018, the ITC notified Commerce of its final determination, pursuant to section 705(d) of the Act, that an industry in the United States is materially injured within the meaning of section 705(b)(1)(A)(i) of the Act, by reason of subsidized imports of forged steel fittings from China.<sup>2</sup>

**Scope of the Order<sup>3</sup>**

The products covered by this order are forged steel fittings from China. For a complete description of the scope of this order, see the Appendix to this notice.

**Countervailing Duty Order**

On November 19, 2018, in accordance with section 705(d) of the Act, the ITC notified Commerce of its final determination in this investigation, in which it found that imports of forged steel fittings are materially injuring a U.S. industry.<sup>4</sup> Therefore, in accordance with section 705(c)(2) of the Act, we are publishing this countervailing duty order.

As a result of the ITC’s final determination, in accordance with section 706(a) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to assess, upon further instruction by Commerce, countervailing duties on unliquidated entries of subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after March 14, 2018, the date on which Commerce published its preliminary countervailing duty determination in

the **Federal Register**,<sup>5</sup> and before July 11, 2018, the effective date on which Commerce instructed CBP to discontinue the suspension of liquidation in accordance with section 703(d) of the Act. Section 703(d) of the Act states that the suspension of liquidation pursuant to a preliminary determination may not remain in effect for more than four months. Therefore, entries of subject merchandise from China made on or after July 11, 2018, and prior to the date of publication of the ITC’s final determination in the **Federal Register** are not liable for the assessment of countervailing duties due to Commerce’s discontinuation of the suspension of liquidation.

**Suspension of Liquidation**

In accordance with section 706 of the Act, Commerce will direct CBP to reinstitute the suspension of liquidation of subject merchandise from China, effective the date of publication of the ITC’s notice of final determination in the **Federal Register**, and to assess, upon further instruction by Commerce pursuant to section 706(a)(1) of the Act, countervailing duties for each entry of the subject merchandise in an amount based on the net countervailable subsidy rates for the subject merchandise. On or after the date of publication of the ITC’s final injury determination in the **Federal Register**, we will instruct CBP to require, at the same time as importers would normally deposit estimated duties on this merchandise, cash deposits for each entry of subject merchandise equal to the rates noted below. These instructions suspending liquidation will remain in effect until further notice. The all others rate applies to all producers or exporters not specifically listed, as appropriate.

Company	Subsidy rate (percent)
Both-Well (Taizhou) Steel Fittings, Co., Ltd .....	13.41
All-Others .....	13.41

**Notifications to Interested Parties**

This notice constitutes the countervailing duty order with respect to forged steel fittings from China pursuant to section 706(a) of the Act. Interested parties can find a list of countervailing duty orders currently in

<sup>1</sup> See *Forged Steel Fittings from the People’s Republic of China: Final Affirmative Countervailing Duty Determination*, 83 FR 50342 (October 5, 2018) (*Final Determination*).

<sup>2</sup> See ITC Notification Letter to the Deputy Assistant Secretary for Enforcement and Compliance, referencing ITC Investigation Nos. 701-TA-589 and 731-TA-1394-95, dated November 19, 2018 (ITC Notification).

<sup>3</sup> See Memorandum to the File, “Placing Carbon Steel Butt Weld Pipe Fitting Scope Ruling on the Record, dated September 19, 2018.

<sup>4</sup> See ITC Notification; see also *Forged Steel Fittings from China and Italy* (Inv. Nos. 701-TA-589 and 731-TA-1394-1395 (Final), USITC Publication 4850, November 2018).

<sup>5</sup> See *Forged Steel Fittings from the People’s Republic of China: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination with Final Antidumping Duty Determination*, 83 FR 11170 (March 14, 2018).