

United States that is owned, possessed or controlled by a denied person, or service any item, of whatever origin, that is owned, possessed or controlled by a 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, 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.

Fourth, that as authorized by Section 766.18(c) of the Regulations, the last five years of the denial period set forth in paragraph FIRST shall be suspended for a period of five years beginning five years from the date of the entry of this Order and shall thereafter be waived, provided that during the period of suspension, Hashemi has committed no violation of the Act or any regulation, order or license issued thereunder.

Fifth, 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 this matter, is effective immediately.

Entered this 12th day of March, 2001.

Lisa A. Prager,

Acting Assistant Secretary for Export Enforcement.

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DEPARTMENT OF COMMERCE

Bureau of Export Administration

Action Affecting Export Privileges; Refinery Industries, Inc.

In the Matter of: Refinery Industries, Inc., 193 Route 46, Budd Lake, New Jersey 07828, Respondent.

Order

The Office of Export Enforcement, Bureau of Export Administration, United States Department of Commerce (BXA), having notified Refinery Industries, Inc. (Refinery) of its intention to initiate an administrative proceeding against Refinery pursuant to section 13(c) of the Export Administration Act of 1979, as amended (50 U.S.C.A. app. 2401-2420 (1991,

Supp. 2000 and Pub. L. No. 106-508)) (the Act),¹ and the Export Administration Regulations (currently codified at 15 CFR parts 730-774 (2000)) (the Regulations),² based on allegations that, on or about May 5, 1998 and on or about August 10, 1998, Refinery attempted to export U.S.-origin Gastesters from the United States through Germany to Iran without obtaining the authorization required by section 746.7 of the Regulations, in violation of section 764.2(a) of the Regulations; and

BXA and Refinery having entered into a Settlement Agreement pursuant to section 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, a civil penalty of \$22,000 is assessed against Refinery, which shall be paid to the U.S. Department of Commerce within 30 days of the date 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.A. §§ 3701-3720E (1983 and Supp. 2000)), the civil penalty owed 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, Refinery will be assessed, in addition to interest, a penalty charge and an administrative charge, as more fully described in the attached Notice.

Third, Refinery Industries, Inc., 193 Route 46, Budd Lake, New Jersey, and all of its successors and assigns, officers, representatives, agents and employees, may not, for a period of 10 years from the date of this Order, participate, directly 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 the denied person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by a 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 a 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 that is owned, possessed or controlled by a denied person, or service any item, of whatever origin, that is owned, possessed or controlled by a 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 as authorized by section 766.18(c) of the Regulations, the last five years of the denial period set forth in paragraph Third shall be suspended for a period of five years beginning five years from the date of the entry of this Order and shall thereafter be waived, provided that during the period of suspension, Refinery has committed no violation of the Act or any regulation, order or license issued thereunder.

Seventh, 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 this matter, is effective immediately.

¹ During the time of the Act's lapse (August 20, 1994 through November 12, 2000), the President, through 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.A. 1701-1706 (1991 & Supp. 2000)).

² The Regulations governing the violations at issue are found in the 1998 version of the Code of Federal Regulations. Those Regulations are codified at 15 CFR parts 730-774 (1998) and, to the degree to which they pertain to this matter, are substantially the same as the 2000 version.

Entered this 12th day of March, 2001.

Lisa A. Prager,

Acting Assistant Secretary for Export Enforcement.

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DEPARTMENT OF COMMERCE

Bureau of Export Administration

[Docket No. 010315067-1067-01]

National Defense Stockpile Market Impact Committee Request for Public Comments on the Potential Market Impact of Proposed Increases in Stockpile Disposals of Vegetable Tannin (Quebracho) and Talc, and Sales of Sebacic Acid and Tungsten Metal Powder

AGENCY: Department of Commerce.

ACTION: Notice of request for public comments on the potential market impact of proposed increases in the disposal quantities of Vegetable Tannin (Quebracho), Talc, Sebacic Acid, and Tungsten Metal Powder from the National Defense Stockpile under the Fiscal Year (FY) 2001 Annual Materials Plan (AMP) and the proposed FY 2002 AMP.

SUMMARY: This notice is to advise the public that the National Defense Stockpile Market Impact Committee (co-chaired by the Departments of Commerce and State) is seeking public comments on the potential market impact of proposed increases in the disposal quantities of Vegetable Tannin (Quebracho) and Talc, and sales of Sebacic Acid and Tungsten Metal Powder from the National Defense Stockpile under the Fiscal Year (FY) 2001 Annual Materials Plan (AMP) and the proposed FY 2002 AMP.

DATES: Comments must be received by April 23, 2001.

ADDRESSES: Written comments should be sent to Richard V. Meyers, Co-Chair, Stockpile Market Impact Committee, Office of Strategic Industries and Economic Security, Room 3876, Bureau of Export Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC. 20230; FAX (202) 482-5650; E-Mail: rmeyers@bxa.doc.gov.

FOR FURTHER INFORMATION CONTACT: Richard V. Meyers, Office of Strategic Industries and Economic Security, Bureau of Export Administration, U.S. Department of Commerce, (202) 482-3634; or Terri L. Robl, Office of International Energy and Commodity

Policy, U.S. Department of State, (202) 647-3423; co-chairs of the National Defense Stockpile Market Impact Committee.

SUPPLEMENTARY INFORMATION: Under the authority of the Strategic and Critical Materials Stock Piling Act of 1979, as amended, (50 U.S.C. 98 *et seq.*), the Department of Defense (DOD), as National Defense Stockpile Manager, maintains a stockpile of strategic and critical materials to supply the military, industrial, and essential civilian needs of the United States for national defense. Section 3314 of the Fiscal Year (FY) 1993 National Defense Authorization Act (NDAA) (50 U.S.C. 98h-1) formally established a Market Impact Committee (the Committee) to "advise the National Defense Stockpile Manager on the projected domestic and foreign economic effects of all acquisitions and disposals of materials from the stockpile * * *." The Committee must also balance market impact concerns with the statutory requirement to protect the Government against avoidable loss.

The Committee is comprised of representatives from the Departments of Commerce, State, Agriculture, Defense, Energy, Interior, Treasury, and the Federal Emergency Management Agency, and is co-chaired by the Departments of Commerce and State. The FY 1993 NDAA directs the Committee to "consult from time to time with representatives of producers, processors and consumers of the types of materials stored in the stockpile."

The National Defense Stockpile Administrator has proposed revising both the current FY 2001 Annual Materials Plan (AMP) and the proposed FY 2002 AMP (both AMPs previously approved by the Committee) to increase the disposal quantities of Vegetable Tannin (Quebracho) and Talc, and sales of Sebacic Acid and Tungsten Metal Powder as set forth in Attachment 1 to this Notice. The proposed increases will allow for the burial of additional quantities of Vegetable Tannin and Talc; and will permit additional quantities of Sebacic Acid and Tungsten Metal Powder to be sold at high prices into a world market currently experiencing a shortage of these materials. The Committee is seeking public comments on the potential market impact of these proposed increases.

The quantities of Vegetable Tannin (Quebracho), Talc, Sebacic Acid, and Tungsten Metal Powder (including the proposed increases) listed in both the FY 2001 and proposed FY 2002 AMPs are not sales target disposal quantities.

They are only a statement of the proposed maximum quantities of these materials that may be disposed of or sold in a particular fiscal year. The quantities of materials that will actually be offered for sale will depend on the market for the materials at the time of their offering as well as on the quantities of the materials approved for disposal by Congress.

The Committee requests that interested parties provide written comments, supporting data and documentation, and any other relevant information on the potential market impact of the proposed increased disposal quantities of Vegetable Tannin (Quebracho) and Talc, and sales of Sebacic Acid and Tungsten Metal Powder. Although comments in response to this Notice must be received by April 23, 2001 to ensure full consideration by the Committee, interested parties are encouraged to submit comments and supporting information at any time thereafter to keep the Committee informed as to the market impact of the sales of these materials. Public comment is an important element of the Committee's market impact review process.

Public comments received will be made available at the Department of Commerce for public inspection and copying. Anyone submitting business confidential information should clearly identify the business confidential portion of the submission and also provide a non-confidential submission that can be placed in the public file. The Committee will seek to protect such information to the extent permitted by law.

The public record concerning this notice will be maintained in the Bureau of Export Administration's Records Inspection Facility, Room 4525, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230, telephone (202) 482-5653. The records in this facility may be inspected and copied in accordance with the regulations published in part 4 of Title 15 of the Code of Federal Regulations (15 CFR 4.1 *et seq.*).

Information about the inspection and copying of records at the facility may be obtained from Ms. Dawnielle Battle, the Bureau of Export Administration's Freedom of Information Officer, at the above address and telephone number.

Dated: March 16, 2001.

Matthew S. Borman,

Deputy Assistant Secretary, Bureau of Export Administration.