

to U.S. Government-funded nonmilitary international broadcasting. They will address internal procedural, budgetary, and personnel issues, as well as sensitive foreign policy issues relating to potential options in the U.S. international broadcasting field. This meeting is closed because if open it likely would either disclose matters that would be properly classified to be kept secret in the interest of foreign policy under the appropriate executive order (5 U.S.C. 552b.(c)(1)) or would disclose information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action. (5 U.S.C. 552b.(c)(9)(B)) In addition, part of the discussion will relate solely to the internal personnel issues of the BBG or the International Broadcasting Bureau. (5 U.S.C. 552b.(c)(2) and (6)).

**CONTACT PERSON FOR MORE INFORMATION:** Persons interested in obtaining more information should contact Brenda Thomas at (202) 401-3736.

Dated: June 2, 1997.

**David W. Burke,**  
Chairman.

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## DEPARTMENT OF COMMERCE

### Export Administration

#### Karl Cording; Decision and Order

In the Matter of: Karl Cording, with Addresses at Anzstrasse 8, Windhoek, Namibia, A. Rosenthal (PTY) Ltd., P.O. Box 97, 292 Independence Avenue, Windhoek, Namibia, A. Rosenthal (PTY) Ltd., P.O. Box 3721, 13 Loop Street, Cape Town, South Africa, and A. Rosenthal (PTY) Ltd., P.O. Box 44198, 65 7th Street, Denmyr Building, 2104 Linden, South Africa, Respondent.

#### Decision and Order

On November 27, 1995, the Office of Export Enforcement, Bureau of Export Administration, United States Department of Commerce (hereinafter "BXA"), issued a charging letter initiating an administrative proceeding against Karl Cording. The charging letter alleged that Cording committed seven violations of the Export Administration Regulations (61 FR 12734-13041, March 25, 1996, to be codified at 15 CFR parts 730-774) (hereinafter the "Regulations"),<sup>1</sup> issued pursuant to the

Export Administration Act of 1979, as amended (50 U.S.C.A. app. 2401-2420 (1991 & Supp. 1997)) (hereinafter the "Act").<sup>2</sup>

Specifically, the charging letter alleged that, between mid-1990 and early 1992, Cording conspired with James L. Stephens, president and co-owner of Weisser's Sporting Goods, National City, California, and Ian Ace, manager of A. Rosenthal, Cape Town, South Africa, to export and, on two separate occasions, actually exported U.S.-origin shotguns, with barrel lengths 18 inches and over, to Namibia and South Africa, without applying for and obtaining from the Department the validated export licenses Cording knew or had reason to know were required under the Act and Regulations. In addition, BXA alleged that, in furtherance of the conspiracy, and in connection with each of those exports, Cording made false or misleading representations of material fact to a U.S. Government agency in connection with the preparation, submission, or use of export control documents. BXA alleged that, in so doing, Cording committed one violation of section 787.3(b), two violations of section 787.4(a), two violations of section 787.5(a), and two violations of section 787.6 of the former Regulations, for a total of seven violations of the former Regulations.

The charging letter was served on Cording during December 1995. Cording failed to answer the charging letter. Thus, on April 18, 1997, pursuant to section 766.7 of the Regulations, BXA moved that the Administrative Law Judge find the facts to be as alleged in the charging letter and render a Recommended Decision and Order.

Following BXA's motion, on May 1, 1997, Chief Administrative Law Judge Joseph A. Ingolio issued a Recommended Decision and Order in which he found the facts to be as alleged in the charging letter, and concluded that those facts constituted violations of the Act and Regulations, as BXA alleged. The Administrative Law Judge also concurred with BXA's recommendation that the appropriate penalty to be imposed for those violations is a denial, for a period of 20

Since that time, the Regulations have been reorganized and restructured; the restructured Regulations, to be codified at 15 CFR Parts 730-774, establish the procedures that apply to the matters set forth in this Decision and Order.

<sup>2</sup> The Act expired on August 20, 1994. Executive Order 12924 (3 CFR, 1994 Comp. 917 (1995)), extended by Presidential Notices of August 15, 1995 (3 CFR, 1995 Comp. 501 (1996)) and August 14, 1996 (61 FR 42527, August 15, 1996), continued the Regulations in effect under International Emergency Economic Powers Act (currently codified at 50 U.S.C.A. 1701-1706 (1991 & Supp. 1997)).

years, of all of Cording's export privileges. As provided by section 766.22(a) of the Regulations, the Recommended Decision and Order has been referred to me for final action.

Based on my review of the entire record, I affirm the findings of fact and conclusions of law in the Recommended Decision and Order of the Administrative Law Judge.

*Accordingly, it is therefore Ordered, First*, that for a period of 20 years from the date of this Order, Karl Cording, with an address at Anzstrasse 8, Windhoek, Namibia; with an address c/o A. Rosenthal (PTY) Ltd., P.O. Box 97, 292 Independence Avenue, Windhoek, Namibia; with an address c/o A. Rosenthal (PTY) Ltd., P.O. Box 3721, 13 Loop Street, Cape Town, South Africa; and with an address c/o A. Rosenthal (PTY) Ltd., P.O. Box 44198, 65 7th Street, Denmyr Building, 2104 Linden, South Africa, may not, directly or indirectly, participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to an "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. Benefiting 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.

*Second*, 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;

<sup>1</sup> The violations at issue occurred between mid-1990 and early 1992. The Regulations governing those violations are found in the 1990, 1991, and 1992 versions of the Code of Federal Regulations (15 CFR parts 768-799 (1990, 1991, and 1992)) and are referred to hereinafter as the former Regulations.

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 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 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.

*Fifth*, that a copy of this Order shall be served on Cording and BXA, and shall be published in the **Federal Register**.

This Decision and Order, which constitutes final agency action in this matter, is effective immediately.

Dated: May 29, 1997.

**William A. Reinsch,**  
Under Secretary for Export Administration.  
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## DEPARTMENT OF COMMERCE

### Export Administration

#### Pan Asia Exim Enterprises PTE Limited; Decision and Order

In the Matter of: Pan Asia Exim Enterprises PTE Limited, 108 Tagore Lane, Singapore 2678, Respondent.

On March 5, 1996, the Office of Export Enforcement, Bureau of Export Administration, United States Department of Commerce (hereinafter "BXA"), issued a charging letter initiating an administrative proceeding against Pan Asia Exim Enterprises PTE Limited (hereinafter "Pan Asia"). The charging letter alleged that Pan Asia committed one violation of the Export Administration Regulations (61 FR 12734-13041, March 25, 1996, to be codified at 15 CFR parts 730-774) (hereinafter the "Regulations"),<sup>1</sup> issued pursuant to the Export Administration Act of 1979, as amended (50 U.S.C.A. app. 2401-2420 (1991 & Supp. 1997)) (hereinafter the "Act").<sup>2</sup>

Specifically, the charging letter alleged that, on or about April 22, 1993, Pan Asia reexported U.S.-origin spare parts for small 4HP to 12HP engines from Singapore to Vietnam without obtaining from BXA the reexport authorization required by section 774.1(a) of the former Regulations. BXA alleged that, by reexporting commodities to any person or destination in violation of or contrary to the terms of the Act, or any regulation, order, or license issued thereunder, Pan Asia committed one violation of Section 787.6 of the former Regulations.

The charging letter was served on Pan Asia on March 15, 1996. Pan Asia failed to answer the charging letter within 30 days of service of the charging letter, as required by section 788.7 of the former Regulations. Thus, pursuant to section 766.7 of the Regulations, BXA moved that the Administrative Law Judge (hereinafter the "ALJ") find the facts to be as alleged in the charging letter and render a Recommended Decision and Order.

Following BXA's motion, the ALJ issued a Recommended Decision and Order in which he found the facts to be as alleged in the charging letter, and concluded that those facts constitute a violation of the former Regulations by Pan Asia, as BXA alleged. The ALJ also agreed with BXA's recommendation that

the appropriate penalty to be imposed for that violation is a denial, for a period of two years, of all of Pan Asia's export privileges. As provided by section 766.22 of the Regulations, the Recommended Decision and Order has been referred to me for final action.

Based on my review of the entire record, I affirm the findings of fact and conclusions of law in the Recommended Decision and Order of the ALJ.

*Accordingly, it is therefore Ordered,*

*First*, That, for a period of two years from the date of this Order, Pan Asia Exim Enterprises PTE Limited, 108 Tagore Lane, Singapore 2678, and all its successors, assignees, officers, representatives, agents and employees, whenever acting within the scope of their employment with Pan Asia, 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;

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. Benefiting 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.

*Second*, 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 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

<sup>1</sup> The violation at issue occurred in 1993. The Regulations governing the violation are found in the 1993 version of the Code of Federal Regulations (15 CFR parts 768-799 (1993)) and are referred to hereinafter as the former Regulations. Since that time, the Regulations have been reorganized and restructured; the restructured Regulations, to be codified at 15 CFR parts 730-774, establish the procedures that apply to the matters set forth in this decision and order.

<sup>2</sup> The Act expired on August 20, 1994. Executive Order 12924 (3 CFR, 1994 Comp. 917 (1995)), extended by Presidential Notices of August 15, 1995 (3 CFR, 1995 Comp. 501 (1996)) and August 14, 1996 (61 FR 42527, August 15, 1996), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C.A. §§ 1701-1706 (1996 & Supp. 1997)).