Notices

Federal Register
Vol. 65, No. 182
Tuesday, September 19, 2000

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Action Affecting Export Privileges; Summit United Industries, Inc.; Order Denying Export Privileges

On August 18, 1999, Summit United Industries, Inc. (Summit) was convicted in the United States District Court for the Southern District of Texas, Houston Division, of violating the International Emergency Economic Powers Act (50 U.S.C.A. 1701–1706 (1991 & Supp. 2000)) (IEEPA). Specifically, Summit was convicted of aiding and abetting United States persons and others known and unknown to the United States Attorney of knowingly and willfully exporting, and causing to be exported, two sets of gear and shaft assemblies intended for use in a gear box used in an industrial turbine from the United States to Italy for ultimate delivery to WAHA, located in Tripoli, Libya, without the written authorization of the United States Government.

Section 11(h) of the Export Administration Act of 1979, as amended (currently codified at 50 U.S.C.A. app. 2401–2420 (1991 & Supp. 2000)) (the Act),[1] provides that, at the discretion of the Secretary of Commerce,[2] no person convicted of violating the IEEPA, or certain other provisions of the United States Code, shall be eligible to apply for or use any export license issued pursuant to, or provided by, the Act or the Export Administration Regulations (currently codified at 15 CFR parts 730–774 (2000), as amended (65 *Fed. Reg.* 14862, March 20, 2000)) (the Regulations), for a period of up to 10 years from the date of the conviction. In addition, any license issued pursuant to the Act in which such a person had any interest at the time of conviction may be revoked.

Pursuant to sections 766.25 and 750.8(a) of the Regulations, upon notification that a person has been convicted of violating the IEEPA, the Director, Office of Exporter Services, in consultation with the Director, Office of Export Enforcement, shall determine whether to deny that person's export privileges for a period of up to 10 years from the date of conviction and shall also determine whether to revoke any license previously issued to such a person.

Having received notice of Summit's conviction for violating the IEEPA, and after providing notice and an opportunity for Summit to make a written submission to the Bureau of Export Administration before issuing an Order denying its export privileges, as provided in section 766.25 of the Regulations, I, following consultations with the Director, Office of Export Enforcement, have decided to deny Summit's export privileges for a period of five years from the date of its conviction. The five-year period ends on August 18, 2004. I have also decided to revoke all licenses issued pursuant to the Act in which Summit had an interest at the time of its conviction.

Accordingly, *it is hereby Ordered*

I. Until August 18, 2004, Summit United Industries, Inc., 6707 Sutter Park Lane, Houston, Texas 77066, 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.

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. 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.

III. After notice and opportunity for comment as provided in Section 766.23 of the Regulations, any person, firm, corporation, or business organization related to Summit 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.

[1] The Act expired on August 20, 1994. Executive Order 12924 (3 C.F.R., 1994 Comp. 917 (1995)), which has been extended by successive Presidential Notices, the most recent being that of August 3, 2000 (65 *Fed. Reg.* 48347, August 8, 2000), continued the Regulations in effect under the IEEPA.

[2] Pursuant to appropriate delegations of authority that are reflected in the Regulations, the Director, Office of Exporter Services, in consultation with the Director, Office of Export Enforcement, exercises the authority granted to the Secretary by Section 11(h) of the Act.

IV. 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.

V. This Order is effective immediately and shall remain in effect until August 18, 2004.

VI. In accordance with Part 756 of the Regulation, Summit may file an appeal from this Order with the Under Secretary for Export Administration. 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.

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

Dated: August 29, 2000.

Eileen M. Albanese,

Director, Office of Exporter Services.

[FR Doc. 00–23964 Filed 9–18–00; 8:45 am]

BILLING CODE 3510–DT–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–812]

Dynamic Random Access Memory Semiconductors (''DRAMs''): Rescission of Changed Circumstances Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On December 13, 1999, the Department of Commerce (''the Department'') initiated a changed circumstances review, in response to a request from Micron Technology Inc. (''the petitioner''), to determine whether Hyundai MicroElectronics Co., Ltd. (''Hyundai MicroElectronics''), is the successor-in-interest to LG Semicon Co., Ltd., (''LG Semicon'') and Hyundai Electronics Industries Co., Ltd., (''Hyundai''). The Department is rescinding this review after receiving a withdrawal from the petitioner of its request for review.

EFFECTIVE DATE: September 19, 2000.

FOR FURTHER INFORMATION CONTACT: Ronald Trentham or Maisha Cryor, AD/CVD Enforcement, Office 4, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; (202) 482–6320 and (202) 482–5831, respectively.

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (''the Act''), are references to the provisions effective January 1, 1995, the effective date of the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations at 19 CFR Part 351 (1999).

Background

On November 12, 1999, the petitioner requested that the Department conduct a changed circumstances review to determine the cash deposit rate to be applied to Hyundai MicroElectronics in light of the acquisition of LG Semicon by Hyundai, two companies subject to the antidumping duty order.

On December 13, 1999, the Department published in the **Federal Register** (64 FR 69492) a notice of initiation of a changed circumstances review. On August 14, 2000, the petitioner requested that it be allowed to withdraw its request for review.

Rescission of Review

The Department is rescinding this review because the requesting party withdrew its request and there are no compelling reasons to continue the review. *See Brass Sheet and Strip From Canada; Termination of Antidumping Duty Administrative Review,* 63 FR 23269 (April 28, 1998). We note that LG Semicon and Hyundai currently have the same cash deposit rate and that the acquisition of LG Semicon by Hyundai took place in October 1999. Therefore, we will address the acquisition in the context of the May 1, 1999 through April 30, 2000 administrative review of DRAMs from Korea.

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.105(a). Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulation and the terms of an APO is a sanctionable violation.

This notice is in accordance with section 771(i) of the Act and of 19 CFR 351.216.

Dated: September 8, 2000.

Holly A. Kuga,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 00–24036 Filed 9–18–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Yeshiva University, Notice of Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5 p.m. in Room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 00–023. *Applicant:* Yeshiva University, Bronx, NY 10461. *Instrument:* Q Pix Colony Picker. *Manufacturer:* Genetix Ltd., United Kingdom. *Intended Use:* See notice at 65 FR 49966, August 16, 2000.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States. *Reasons:* The foreign instrument provides picking of clones containing DNA of interest from subclone libraries of bacterial artificial chromosomes with a picking rate of 3500 clones per hour and gridding of 100,000 samples per hour. The National Institutes of Health advises in its memorandum of August 10, 2000 that (1) this capability is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

Gerald A. Zerdy,

Program Manager, Statutory Import Programs Staff.

[FR Doc. 00–24037 Filed 9–18–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review

ACTION: Notice of Application to Amend an Export Trade Certificate of Review.

SUMMARY: The Office of Export Trading Company Affairs (''OETCA''), International Trade Administration, Department of Commerce, has received an application to amend an Export