

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 delivered to the United States Coast Guard ALJ Docketing Center, 40 Gay Street, Baltimore, Maryland 21202-4022, notifying that office that this case is withdrawn from adjudication, as provided by Section 766.18 of the Regulations.

*Sixth*, that, the 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 24th day of January, 2002.

**Michael J. Garcia,**

*Assistant Secretary of Commerce for Export Enforcement.*

[FR Doc. 02-3853 Filed 2-15-02; 8:45 am]

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## DEPARTMENT OF COMMERCE

### Bureau of Export Administration

[Docket No.: 99-BXA-06]

#### Action Affecting Export Privileges; Preston John Engebretson

In the Matters of: Thane-Coat, Inc., Jerry Vernon Ford, and Preston John Engebretson, Respondents.

#### Order Relating to Respondent, Preston John Engebretson

The Bureau of Export Administration, United States Department of Commerce ("BXA"), having initiated an administrative proceeding against Preston John Engebretson ("Engebretson") pursuant to section 13(c) of the Administration Act of 1979, as amended (50 U.S.C. secs. 2401-2420 (1991 & Supp. V 1999)) (the "Act"),<sup>1</sup> and the Export Administration Regulations (currently codified at 15 CFR parts 730-774 (2001)) (the "Regulations"),<sup>2</sup> based on allegations

that Engebretson committed 112 violations of the former Regulations—one violation of section 787.3(b), 32 violations of section 787.4, five violations of section 787A.4, 32 violations of section 787.5(a), five violations of section 787A.5(a), 32 violations of section 787.6, and five violations of section 787A.6 of the former Regulations. Specifically the charges are:

1. *One Violation of 15 CFR 787.3(b): Conspiracy:* Beginning in June 1994 and continuing through July 1996, Engebretson conspired with Thane-Coat, Inc., Jerry Vernon Ford, TIC, Ltd. and Export Materials, Inc., to violate the former Regulations by devising and employing a scheme to export and by exporting polyurethane (isocyanate/polyol) and polyether polyurethane (collectively referred to as "pipe coating materials"), items subject to the former Regulations, from the United States through the United Kingdom to Libya, a country subject to comprehensive economic sanctions, without applying for and obtaining the required export authorizations from the U.S. Government.

2. *37 Violations of 15 CFR 787.6 and 787A.6: Exports Without the Required Licenses:* Between on or about February 12, 1995 and on or about April 25, 1996, on 37 separate occasions, Engebretson exported or caused to be exported pipe coating materials from the United States to Libya without obtaining validated export licenses from the Department of Commerce as required by sections 772.1(b), 772A.1(b), 785.7, and 785A.7 of the former Regulations.

3. *37 Violations of 15 CFR 787.4 and 787A.4: Acting with Knowledge of a Violation:* In connection with each of the exports described in paragraph 2 above, on 37 separate occasions, Engebretson acted with knowledge or had reason to know that validated licenses were required from the Department of Commerce before the pipe coating materials could be sold to Libya.

4. *37 Violations of 15 CFR 787.5(a) and 787A.5(a): Misrepresentation and Concealment:* In connection with each

violations at issue are found in the 1994 through 1996 versions of the Code of Federal Regulations (15 CFR parts 768-799 (1994-1995), and 15 CFR parts 768-799 (1996), as amended (61 FR 12714, March 25, 1996)) (the "former Regulations"). The March 25, 1996 **Federal Register** publication redesignated, but did not republish, the then-existing Regulations as 15 CFR parts 768A-799A. In addition, the March 25, 1996, **Federal Register** publication restructured and reorganized the Regulations, designating them as an interim rule at 15 CFR parts 730-774, effective April 24, 1996. The former Regulations define the various violations that BXA alleges occurred and the Regulations establish the procedures that apply to this matter.

of the exports described in paragraph 2 above, Engebretson, on 37 separate occasions, filed or caused to be filed Shipper's Export Declarations or bills of lading, export control documents as defined in sections 7702 and 770A.2 of the former regulations, which represented that the ultimate end-use of the pipe coating materials was in the United Kingdom. These statements of material fact were false as the ultimate and-use of the pipe coating materials was in Libya. These false statements were made, directly or indirectly, to an official of the U.S. Government.

BXA and Engebretson having entered into a Settlement Agreement pursuant to Section 766.18(b) 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*, that, for a period of 25 years from the date of this Order, Engebretson, and when acting for or on behalf of Engebretson, his representatives, agents, assigns, or employees ("denied persons"), 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. 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.

*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 persons of the ownership, possession, or control of any item subject to the Regulations that has been

<sup>1</sup> From August 21, 1994, through November 12, 2000, the Act was in lapse. During that period, the President, through Executive Order 12924, which had been extended by successive Presidential Notices, the last of which was August 3, 2000 (3 CFR 2000 Comp. 397 (2001)), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701-1706 (1994 & Supp. V 1999)) ("IEEPA"). On November 13, 2000, the Act was reauthorized by Public Law 106-508 and it remained in effect through August 20, 2001. Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (66 FR 44025 (August 22, 2001)), has continued the Regulations in effect under IEEPA.

<sup>2</sup> The violations at issue occurred from 1994 through 1996. The Regulations governing the

or will be exported from the United States, including financing or other support activities related to a transaction whereby the denied persons acquire or attempt to acquire or such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the denied persons of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the denied persons 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 persons, or service any item, of whatever origin, that is owned, possessed or controlled by the denied persons 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 Engebretson 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.

*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 delivered to the United States Coast Guard ALJ Docketing Center, 40 Gay Street, Baltimore, Maryland 21202-4022, notifying that office that this case is withdrawn from adjudication, as provided by Section 766.18 of the Regulations.

*Sixth*, that, the 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 24th day of January, 2002.

**Michael J. Garcia,**

*Assistant Secretary of Commerce for Export Enforcement.*

[FR Doc. 02-3854 Filed 2-15-02; 8:45 am]

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## DEPARTMENT OF COMMERCE

### Bureau of Export Administration

#### Regulations and Procedures Technical Advisory Committee; Notice of Partially Closed Meeting

The Regulations and Procedures Technical Advisory Committee (RPTAC) will meet March 5, 2002, 9 a.m., Room 3884, in the Herbert C. Hoover Building, 14th Street between Constitution and Pennsylvania Avenues, NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration on implementation of the Export Administration Regulations (EAR) and provides for continuing review to update the EAR as needed.

#### Agenda

##### Public Session

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Update on pending regulations.
4. Working group activity reports.
5. Update on the Wassenaar Arrangement.
6. Discussion on status of Automated Export System regulations.
7. Discussion on status of pending encryption regulations.

##### Closed Session

8. Discussion of matters properly classified under Executive Order 12958, dealing with the U.S. export control program and strategic criteria related thereto.

A limited number of seats will be available for the public session. Reservations are not accepted. To the extent that time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate the distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials prior to the meeting to the following address: Ms. Lee Ann Carpenter, OSIES/EA/EXA, MS: 3876, 14th St. & Constitution Ave., NW., U.S. Department of Commerce, Washington, DC 20230.

The Assistant Secretary for Administration, with the concurrence of

the delegate of the General Counsel, formally determined on February 12, 2001, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings or portions of meetings of the Committee and of any Subcommittees thereof, dealing with the classified materials listed in 5 U.S.C. 552b(c)(1) shall be exempt from the provisions relating to public meetings found in section 10(a)(1) and 10(a)(3) of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6020, U.S. Department of Commerce, Washington, DC. For more information, call Lee Ann Carpenter at (202) 482-2583.

Dated: February 14, 2002.

**Lee Ann Carpenter,**

*Committee Liaison Officer.*

[FR Doc. 02-3996 Filed 2-15-02; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-560-801, A-570-844, A-583-825]

#### Notice of Final Results

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

**ACTION:** Notice of Final Results of Five-Year Sunset Reviews and Revocation of Antidumping Duty Orders on Melamine Institutional Dinnerware from Indonesia (A-560-801), the People's Republic of China (A-570-844), and Taiwan (A-583-825).

**SUMMARY:** On January 2, 2002, the Department of Commerce ("the Department") initiated sunset reviews of the antidumping duty orders on melamine institutional dinnerware ("dinnerware") from Indonesia, the People's Republic of China ("PRC") and Taiwan (67 FR 57). Because no domestic interested party responded to the sunset review notice of initiation by the applicable deadline, the Department is revoking these orders.

**EFFECTIVE DATE:** February 25, 2002.

#### FOR FURTHER INFORMATION CONTACT:

Martha V. Douthitt or James P. Maeder, Office of Policy, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW.,