

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Action Affecting Export Privileges; William F. McNeil and American Protection Corporation; Order Denying Permission to Related Persons To Apply for or Use Export Licenses

William F. McNeil, #5 Woodland Road, Pittsfield, Massachusetts 01201, and American Protection Corporation, #5 Woodland Road, Pittsfield, Massachusetts 01201, and with a mailing address at P.O. Box 4227, Pittsfield, Massachusetts 01202-4227

On November 3, 1997, the Director, Office of Exporter Services Bureau of Export Administration, U.S. Department of Commerce, issued an Order denying William F. McNeil's (McNeil) export privileges until August 8, 2001 (62 FR 61269, November 17, 1997). The Order was based on McNeil August 8, 1996 conviction for violating the International Emergency Economic Powers Act (currently codified at 50 U.S.C.A. 1701-1706 (1991 & Supp. 1998)) (IEEPA), and was issued pursuant to Section 11(h) of the Export Administration Act of 1979, as amended (currently codified at 50 U.S.C.A. app. 2401-2490 (1991 & Supp. 1998)) (the Act),¹ and Sections 766.25 and 750.8(a) of the Export Administration Regulations (15 CFR parts 730-774) (1998)) (the Regulations). Section 11(h)(2) of the Act provides that any person related, through affiliation, ownership, control, or position of responsibility, to a person who has been denied export privileges as a result of a conviction for violating IEEPA, may, at the discretion of the Secretary of Commerce,² be denied export privileges as well.

On March 31, 1998, American Protection Corporation was notified, pursuant to Section 766.23 of the Regulations, that the Bureau of Export Administration, U.S. Department of Commerce, has reason to believe that it is related to William McNeil through ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business, and that the order issued

against McNeil should, in order to prevent evasion, also be made applicable to American Protection Corporation.

American Protection Corporation responded to BXA's notice on April 6, 1998 by letter signed by McNeil. McNeil stated in the letter that he is the sole owner and only permanent employee of American Protection Corporation. McNeil also stated that American Protection Corporation has not exported any goods since the denial order against him was issued on November 3, 1997, and that it will not export any goods until the denial order is lifted. This unsupported statement by McNeil is not sufficient, however, to ensure that American Protection Corporation will not be used to evade the order denying McNeil's export privileges. McNeil still is sole owner of American Protection Corporation, and absent a related person order, he could easily use American Protection Corporation to export to his benefit, thereby evading the terms of the order against him.

Therefore, I hereby find that American Protection Corporation is related to William F. McNeil, a person denied all U.S. export privileges until August 8, 2001, through ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business, and that, in order to prevent evasion, the denial order against McNeil issued on November 3, 1997, should also be made applicable to American Protection Corporation.

Accordingly, the Order of November 3, 1997, denying McNeil permission to apply for or use any export license, including any License Exception, is hereby amended to read as follows:

It is ordered:

I. Until August 8, 2001, William F. McNeil, #5 Woodland Road, Pittsfield, Massachusetts 01201, and American Protection Corporation, #5 Woodland Road, Pittsfield, Massachusetts 01201, and with a mailing address at P.O. Box 4227, Pittsfield, Massachusetts 01202-4227, 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 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 persons 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 or will be exported from the United States, including financing or other support activities related to transaction whereby the denied persons acquire or attempt 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 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 that 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.

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 McNeil or to American Protection Corporation 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.

IV. This Order does not prohibit any export, reexport, or other transaction

¹ 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)), August 14, 1996 (3 CFR, 1996 Comp. 298 (1997)), August 13, 1997 (3 CFR, 1997 Comp. 306 (1998)) and August 13, 1998 (63 FR 44121, August 17, 1998), continued the Export Administration Regulations in effect under IEEPA.

² Pursuant to appropriate delegations of authority, 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.

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 8, 2001.

VI. A copy of this Order shall be delivered to McNeil and to American Protection Corporation. This Order shall be published in the **Federal Register**.

Dated: April 27, 1999.

Eileen M. Albanese,

Director, Office of Exporter Services.

[FR Doc. 99-11416 Filed 5-5-99; 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 May 25, 1999, 9:00 a.m., Room 3884, in the Herbert C. Hoover Building, 14th Street between Constitution and Pennsylvania Avenues, N.W., Washington, D.C. 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

Open Session

1. Opening remarks by the Chairperson.
2. Presentation of papers or comments by the public.
3. Update on pending regulatory revisions.
4. Update on policies under review.
5. Report on proposal to amend the Export Administration Regulations concerning the issue of "exporter of Record."
6. Discussion on encryption regulations.
7. Discussion on regulations regarding high Performance Computers.
8. Update on implementation of Wassenaar Arrangement.
9. Discussion on compliance and enforcement issues.

Closed Session

10. 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 open session. Reservations are not required. 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, BXA MS: 3876, 15th St. and Pennsylvania Ave., N.W., U.S. Department of Commerce, Washington, D.C. 20230.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 12, 1999, 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, D.C. For more information, call Lee Ann Carpenter at (202) 482-2583.

Dated: April 30, 1999.

Lee Ann Carpenter,

Committee Liaison Officer.

[FR Doc. 99-11306 Filed 5-5-99; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-351-828]; (C-351-829]

Postponement of Final Determination of Antidumping and Countervailing Duty Investigations of Hot-Rolled Flat-Rolled Carbon-Quality Steel From Brazil

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

ACTION: Notice of extension of time limit.

SUMMARY: The Department of Commerce (the Department) is extending the time limit of the final determinations of the antidumping and countervailing duty investigations of hot-rolled flat-rolled carbon-quality steel from Brazil.

EFFECTIVE DATE: May 6, 1999.

FOR FURTHER INFORMATION CONTACT:

Linda Ludwig, Office of AD/CVD Enforcement, Group III, or Chris Cassell, Office of AD/CVD Enforcement Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482-3833 or (202) 482-4847, respectively.

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930 (the Act), as amended, are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (URAA). In addition, all citations to the Department's regulations are to the regulations at 19 CFR Part 351 (1998).

Postponement of Final Determinations and Extension of Provisional Measures

Pursuant to Section 735(a)(2) of the Tariff Act, on February 2, 1999, Companhia Siderurgica Nacional (CSN), Usinas Siderurgicas de Minas Gerais, S.A., (USIMINAS), and Companhia Siderurgica Paulista (COSIPA) requested that, in the event of affirmative preliminary determination, the Department extend the final determination in this case for the full sixty days permitted by statute. On February 4, 1999, CSN, USIMINAS, and COSIPA also requested an extension of the provisional measures (i.e., suspension of liquidation) period from four to six months in accordance with the Department's regulations (19 CFR § 351.210(e)(2)). On February 12, 1999, the affirmative preliminary determination was signed. Therefore, on February 26, 1999, in accordance with 19 CFR § 351.210(e)(2)(ii), we postponed this final determination until no later than 105 days after the publication of the preliminary determinations in the **Federal Register** (see, Postponement of Final Determination of Antidumping and Countervailing Duty Investigations of Hot-Rolled Flat-Rolled Carbon-Quality Steel from Brazil 64 FR 9474. This notice serves to postpone this final determination for an additional 30 days (i.e., until no later than 135 days after the date of publication of the preliminary determination) as originally requested by the respondents.