

license issued thereunder, Harvey violated Section 787.6 of the former Regulations. BXA also alleged that, by selling, transferring, or forwarding commodities export or to be exported from the United States with knowledge of reason to know that a violation of the Act, or any regulation, order or license issued thereunder occurred, was about to occur, or was intended to occur with respect to the shipment, Harvey violated Section 787.4(a) of the former Regulations.

Further, the charging letter alleged that, in connection with the August 4, 1993 transaction, Harvey represented on a bill of lading, an export control document as defined in Section 770.2 of the former Regulations, that the container that she was shipping to the Republic of South Africa held "used household goods and personal effects." In fact, the container also held shotguns (with barrel lengths of 18 inches and over) and shotgun shells that she had concealed among the household items. BXA alleged that, by making false or misleading representations of material fact directly or indirectly to a United States government agency in connection with the preparation, submitted or use of an export control document, Harvey violated Section 787.5(a) of the former Regulations.

BXA presented evidence that Harvey received the charging letter but failed to answer the charging letter, as required by Section 766.7 of the Regulations, and is therefore in default. Thus pursuant to Section 766.7 of the Regulations, BXA moved that the Administrative Law Judge (hereinafter the ALJ) find he facts to be 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 constituted three violations of the former Regulations by Harvey, as BXA alleged. The ALJ also agreed with BXA's recommendation that the appropriate penalty to be imposed for those violations is a denial, for a period of three years, of all of Harvey'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 three years from the date of this Order, Nancy Ann Harvey, 4542 Indian Earth Court NE,

Salem, Oregon, 97305, 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 subjects 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 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 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 uses 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 provision 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 this Order shall be served on Harvey and on BXA, and shall be published in the **Federal Register**.

This Order, which constitutes the final agency action in this matter, is effectively immediately.

Dated: July 12, 1999.

William A. Reinsch,

Under Secretary for Export Administration.

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DEPARTMENT OF COMMERCE

Bureau of Export Administration

Order Denying Permission To Apply For or Use Export Licenses

Action Affecting Export Privileges: Theresa Marie Squillacote, also known as Tina, Mary Teresa Miller, Schwan, The Swan, Margaret, Margrit, Margret, Margrit, Lisa Martin Resi, Anne.

In the Matter of: Theresa Marie Squillacote, also known as Tina, Mary Teresa Miller, Schwan, The Swan, Margaret, Margrit, Margret, Margrit, Lisa Martin, Resi, Anne; currently incarcerated at: Federal Correctional Institution, Register #422-90-083, 501 Capital Circle, NE, Tallahassee, Florida 32301; and with an address at: 3809 13th Street, N.E., Washington, D.C. 20017.

On January 22, 1999, Theresa Marie Squillacote, also known as Tina, Mary Teresa Miller, Schwan, The Swan, Margaret, Margrit, Margaret, Margrit, Lisa Martin, Resi, and Anne (Squillacote), was convicted in the United States District Court for the Eastern District of Virginia of violating Sections 793(b) and 794(a) and (c) of the Espionage Act (18 U.S.C.A. 792-799 (1976 & Supp. 1999)). Specifically, Squillacote was convicted of: (1) unlawfully and knowingly combining, conspiring, conferring and agreeing with other persons, both known and unknown, to knowingly and

unlawfully communicate, deliver, and transmit writings and information relating to the national defense of the United States, with intent and reason to believe that the same would be used to the injury of the United States and to the advantage of the following governments: the German Democratic Republic, the Union of Soviet Socialist Republics, the Russian Federation and the Republic of South Africa: (2) knowingly and unlawfully attempting to communicate, deliver, and transmit classified secret documents pertaining to the national defense of the United States, directly or indirectly, from the Pentagon, with reason to believe that they were to be used to the injury of the United States and to the advantage of the Republic of South Africa; (3) and of knowingly and unlawfully copying, making, taking, and obtaining classified secret documents and writings connected with the national defense of the United States, directly or indirectly, from the Pentagon, with reason to believe that they were to be used to the injury of the United States.

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. 1999)) (the Act)¹ provides that, at the discretion of the Secretary of Commerce,² no person convicted of violating Sections 793, 794, or 798 of the Espionage Act, or certain other provisions of the United States Code, shall be eligible to apply for or use any license, including any License Exception, issued pursuant to, or provided by, the Act or the Export Administration Regulations (currently codified at 15 CFR Parts 730–774 (1999)) (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 Sections 793, 794, or 798 of the Espionage Act, the Director, Office of Exporter Services, in

consultation with the Director, Office of Export Enforcement, shall determine whether to deny that person permission to apply for or use any license, including any License Exception, issued pursuant to, or provided by, the Act and the Regulations, and shall also determine whether to revoke any license previously issued to such a person.

Having received notice of Squillacote's conviction for violating Sections 793(b) and 794(a) and (c) of the Espionage Act, and following consultations with the Director, Office of Export Enforcement, I have decided to deny Squillacote permission to apply for or use any license, including any License Exception, issued pursuant to, or provided by, the Act and the Regulations, for a period of 10 years from the date of her conviction. The 10-year period ends on January 22, 2009. I have also decided to revoke all licenses issued pursuant to the Act in which Squillacote had an interest at the time of her conviction.

Accordingly, it is hereby *ordered*:

I. Until January 22, 2009, Theresa Marie Squillacote, also known as Tina, Mary Teresa Miller, Schwan, The Swan, Margaret, Margit, Margret, Margrit, Lisa Martin, Resi and Anne, currently incarcerated at: Federal Correctional Institution, Register #422–90–083, 501 Capital Circle, NE, Tallahassee, Florida 32301, and with an address at: 3809 13th Street, NE Washington, DC 20017, 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 or 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 Squillacote 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 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 January 22, 2009.

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

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 (3 CFR 1998 Comp. 294 (1999)), continued the Export Administration Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C.A. 1701–1706 (1991 & Supp. 1999)).

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.

Dated: July 19, 1999.

Eileen M. Albanese,

Director, Office of Exporter Services.

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DEPARTMENT OF COMMERCE

Bureau of Export Administration

Action Affecting Export Privileges; Kurt Alan Stand, Also Known as Ken, Junior, and Alan David Jackson; Order Denying Permission To Apply for or Use Export Licenses

On January 22, 1999, Kurt Alan Stand, also known as Ken, Junior, and Alan David Jackson (Stand), was convicted in the United States District Court for the Eastern District of Virginia of violating Sections 793(b) and 794(a) and (c) of the Espionage Act (18 U.S.C.A. §§ 792-799 (1976 & Supp. 1999)). Specifically, Stand was convicted of: (1) unlawfully and knowingly combining, conspiring, confederating and agreeing with other persons, both known and unknown, to knowingly and unlawfully communicate, deliver, and transmit writings and information relating to the national defense of the United States, with intent and reason to believe that the same would be used to the injury of the United States and to the advantage of the following governments: the German Democratic Republic, the Union of Soviet Socialist Republics, the Russian Federation and the Republic of South Africa; (2) knowingly and unlawfully attempting to communicate, deliver, and transmit classified secret documents pertaining to the national defense of the United States, directly or indirectly, from the Pentagon, with reason to believe that they were to be used to the injury of the United States and to the advantage of the Republic of South Africa; (3) and of knowingly and unlawfully copying, making, taking, and obtaining classified secret documents and writings connected with the national defense of the United States, directly or indirectly, from the Pentagon, with reason to believe that they were to be used to the injury of the United States.

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. 1999)) (the Act),¹ provides that, at the discretion of

the Secretary of Commerce,² no person convicted of violating Sections 793, 794, or 798 of the Espionage Act, or certain other provisions of the United States Code, shall be eligible to apply for or use any license, including any License Exception, issued pursuant to, or provided by, the Act or the Export Administration Regulations (currently codified at 15 CFR Parts 730-774 (1999)) (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 Sections 793, 794, or 798 of the Espionage Act, the Director, Office of Exporter Services, in consultation with the Director, Office of Export Enforcement, shall determine whether to deny that person permission to apply for or use any license, including any License Exception, issued pursuant to, or provided by, the Act and the Regulations, and shall also determine whether to revoke any license previously issued to such a person.

Having received notice of Stand's conviction for violating Sections 793(b) and 794(a) and (c) of the Espionage Act, and following consultations with the Director, Office of Export Enforcement, I have decided to deny Stand permission to apply for or use any license, including any License Exception, issued pursuant to, or provided by, the Act and the Regulations, for a period of 10 years from the date of his conviction. The 10-year period ends on January 22, 2009. I have also decided to revoke all licenses issued pursuant to the Act in which Stand had an interest at the time of his conviction.

Accordingly, it is hereby *Ordered*:

I. Until January 22, 2009, Kurt Alan Stand, also known as Ken, Junior, and Alan David Jackson, currently incarcerated at: Federal Transfer Center, Register #422-89-083, P.O. Box 898801, Oklahoma City, Oklahoma 73189-8801, and with an address at: 3809 13th Street, NE., Washington, DC 20017, may not, directly or indirectly, participate in any way in any transaction involving

1998 (3 CFR, 1998 Comp. 294 (1999)), continued the Export Administration Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C.A. §§ 1701-1706 (1991 & Supp. 1999)).

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.

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,

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,