

3884, in the Herbert C. Hoover Building, 14th Street between Pennsylvania and Constitution Avenues, NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration with respect to technical questions that affect the level of export controls applicable to materials processing equipment and related technology.

#### Agenda

##### Open Session

1. Opening Remarks and Introductions.
2. Presentation of Papers and Comments by the Public.
3. Review on September 2008 Wassenaar Expert's Meeting.
4. Discussion on 2009 Proposals.
5. Report on proposed changes to the Export Administration Regulations.
6. Other Business.

##### Closed Session

7. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 sections 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference to 20 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at [Yspringer@bis.doc.gov](mailto:Yspringer@bis.doc.gov) no later than October 9, 2008.

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 Ms. Springer via e-mail.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on July 16, 2008, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 sections (10)(d)), that the portion of the meeting dealing with matters the disclosure of which would be likely to frustrate significantly implementation of an agency action as described in 5 U.S.C. 552b(c)(9)(B) shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 sections 10(a)(1) and 10(a)(3).

The remaining portions of the meeting will be open to the public.

For more information, call Yvette Springer at (202) 482-2813.

Dated: September 25, 2008.

**Yvette Springer,**

*Committee Liaison Officer.*

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## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

[Docket No. 0809191238-81241-01]

#### National Defense Stockpile Market Impact Committee Request for Public Comments on the Potential Market Impact of Proposed Stockpile Disposals for Fiscal Year 2010

**AGENCY:** Bureau of Industry and Security, Commerce.

**ACTION:** Notice of inquiry.

**SUMMARY:** This notice is to advise the public that the National Defense Stockpile Market Impact Committee, co-chaired by the Departments of Commerce and State, is seeking public comments on the potential market impact of the proposed disposal levels of excess materials for the Fiscal Year (FY) 2010 Annual Materials Plan.

**DATES:** To be considered, written comments must be received by October 30, 2008.

**ADDRESSES:** Address all comments concerning this notice to Michael Vaccaro, U.S. Department of Commerce, Bureau of Industry and Security, Office of Strategic Industries and Economic Security, 1401 Constitution Avenue, NW., Room 3876, Washington, DC 20230, fax: (202) 482-5650 (Attn: Michael Vaccaro), e-mail: [MIC@bis.doc.gov](mailto:MIC@bis.doc.gov); or Peter Secor, U.S. Department of State, Bureau of Economic and Business Affairs, Office of International Energy and Commodity Policy, Washington, DC 20520, fax: (202) 647-8758 (Attn: Peter Secor), or e-mail: [SecorPF@state.gov](mailto:SecorPF@state.gov).

**FOR FURTHER INFORMATION CONTACT:** David Newsom, Office of Strategic Industries and Economic Security, Bureau of Industry and Security, U.S. Department of Commerce, Telephone: (202) 482-7417.

#### SUPPLEMENTARY INFORMATION:

##### Background

Under the authority of the Strategic and Critical Materials Stock Piling Act of 1979, as amended (50 U.S.C. 98, *et seq.*), the Department of Defense (DOD), as National Defense Stockpile Manager, maintains a stockpile of strategic and critical materials to supply the military, industrial, and essential civilian needs of the United States for national

defense. Section 3314 of the Fiscal Year (FY) 1993 National Defense Authorization Act (NDAA) (50 U.S.C. 98h-1) formally established a Market Impact Committee (the Committee) to "advise the National Defense Stockpile Manager on the projected domestic and foreign economic effects of all acquisitions and disposals of materials from the stockpile \* \* \*". The Committee must also balance market impact concerns with the statutory requirement to protect the Government against avoidable loss.

The Committee is comprised of representatives from the Departments of Commerce, State, Agriculture, Defense, Energy, Interior, the Treasury, and Homeland Security, and is co-chaired by the Departments of Commerce and State. The FY 1993 NDAA directs the Committee to consult with industry representatives that produce, process, or consume the materials contained in the stockpile.

In Attachment 1, the Defense National Stockpile Center (DNSC) lists the proposed quantities that are enumerated in the stockpile inventory for the FY 2010 Annual Materials Plan. The Committee is seeking public comments on the potential market impact of the sale of these materials. Public comments are an important element of the Committee's market impact review process.

The quantities listed in Attachment 1 are not disposal or sales target quantities, but rather a statement of the proposed maximum disposal quantity of each listed material that may be sold in a particular fiscal year by the DNSC. The quantity of each material that will actually be offered for sale will depend on the market for the material at the time of the offering as well as on the quantity of each material approved for disposal by Congress.

#### Submission of Comments

The Committee requests that interested parties provide written comments, supporting data and documentation, and any other relevant information on the potential market impact of the sale of these commodities. All comments must be submitted to the address indicated in this notice. All comments submitted through e-mail must include the phrase "Market Impact Committee Notice of Inquiry" in the subject line.

The Committee encourages interested persons who wish to comment to do so at the earliest possible time. The period for submission of comments will close on October 30, 2008. The Committee will consider all comments received before the close of the comment period.

Comments received after the end of the comment period will be considered, if possible, but their consideration cannot be assured.

All comments submitted in response to this notice will be made a matter of public record and will be available for public inspection and copying. Anyone submitting business confidential information should clearly identify the business confidential portion of the

submission and also provide a non-confidential submission that can be placed in the public record. The Committee will seek to protect such information to the extent permitted by law.

The Office of Administration, Bureau of Industry and Security, U.S. Department of Commerce, displays public comments on the BIS Freedom of Information Act (FOIA) Web site at

<http://www.bis.doc.gov/foia>. This office does not maintain a separate public inspection facility. If you have technical difficulties accessing this Web site, please call BIS's Office of Administration at (202) 482-1900 for assistance.

Dated: September 22, 2008.

**Christopher R. Wall,**  
Assistant Secretary for Export Administration.

#### ATTACHMENT 1—PROPOSED FY 2010 ANNUAL MATERIALS PLAN

Material	Unit	Quantity	Footnote
Bauxite, Metallurgical Jamaican .....	LDT	5,000	(1)
Beryl Ore .....	ST	1	(1)
Beryllium Metal .....	ST	60	.....
Chromium, Ferro .....	ST	100,000	.....
Chromium, Metal .....	ST	1,000	.....
Cobalt .....	LB Co	1,000,000	(1)
Columbium Metal Ingots .....	LB Cb	10,000	(1)
Germanium .....	Kg	8,000	.....
Manganese, Chemical Grade .....	SDT	5,000	(1)
Manganese, Ferro .....	ST	100,000	.....
Manganese, Metallurgical Grade .....	SDT	100,000	(1)
Platinum .....	Tr Oz	9,000	(1)
Platinum-Iridium .....	Tr Oz	1,000	(1)
Talc .....	ST	1,000	(1)
Tantalum Carbide Powder .....	LB Ta	4,000	(1)
Tin .....	MT	4,000	(1)
Tungsten Metal Powder .....	LB W	300,000	.....
Tungsten Ores & Concentrates .....	LB W	8,000,000	.....
VTE, Quebracho .....	LT	6,000	(1)
Zinc .....	ST	8,500	(1)

<sup>1</sup> Actual quantity will be limited to remaining inventory.

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## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

[Docket No. 080507636-8637-01]

#### Revisions to the Unverified List— Guidance as to “Red Flags” Under Supplement No. 3 to 15 CFR Part 732

**AGENCY:** Bureau of Industry and Security, Commerce.

**ACTION:** Notice.

**SUMMARY:** On June 14, 2002, the Bureau of Industry and Security (“BIS”) published a notice in the **Federal Register** that set forth a list of persons in foreign countries who were parties to past export transactions where pre-license checks (“PLC”) or post-shipment verifications (“PSV”) could not be conducted for reasons outside the control of the U.S. Government (“Unverified List”). Additionally, on July 16, 2004, BIS published a notice in the **Federal Register** that advised exporters that the Unverified List would also include persons in foreign

countries in transactions where BIS is not able to verify the existence or authenticity of the end-user, intermediate consignee, ultimate consignee, or other party to the transaction. These notices advised exporters that the involvement of a listed person as a party to a proposed transaction constitutes a “red flag” as described in the guidance set forth in Supplement No. 3 to 15 CFR Part 732, requiring heightened scrutiny by the exporter before proceeding with such a transaction. The notices also stated that, when warranted, BIS would remove persons from the Unverified List. This notice removes one entity from the Unverified List based upon recently conducted PSVs or scheduled PSVs. The entity is: Fuchs Oil Middle East Ltd., P.O. Box 7955, Sharjah Airport Intl. Free Zone, Sharjah, United Arab Emirates.

**DATES:** This notice is effective September 30, 2008.

**FOR FURTHER INFORMATION CONTACT:** Todd E. Willis, Assistant Director, Office of Enforcement Analysis, Bureau of Industry and Security, Telephone Number: (202) 482-4255.

**SUPPLEMENTARY INFORMATION:** In administering export controls under the Export Administration Regulations (15 CFR Parts 730 to 774) (“EAR”), BIS carries out a number of preventive enforcement activities with respect to individual export transactions. Such activities are intended to assess diversion risks, identify potential violations, verify end-uses, and determine the suitability of end-users to receive U.S. commodities or technology. In carrying out these activities, BIS officials, or officials of other federal agencies acting on BIS's behalf, conduct PLCs in appropriate situations to verify the bona fides of the transaction and the suitability of the end-user or ultimate consignee. In addition, such officials sometimes carry out PSVs to ensure that U.S. exports have actually been delivered to the authorized end-user, are being used in a manner consistent with the terms of a license or license exception, and are otherwise consistent with the EAR.

In a notice issued on June 14, 2002 (67 FR 40910), BIS set forth an Unverified List of certain foreign end-users and consignees involved in export transactions where BIS officials, or other