



UNITED STATES DEPARTMENT OF COMMERCE
Bureau of Industry and Security
Washington, D.C. 20230

OCT 15 2003

AMENDED PROPOSED CHARGING LETTER

FEDERAL EXPRESS - OVERNIGHT

Future Metals, Inc.
10401 State Street
Tamarac, Florida 33321

Attention: Luis E. Benitez
President

Dear Mr. Benitez:

The Bureau of Industry and Security, United States Department of Commerce (BIS), has reason to believe that Future Metals, Inc. (Future Metals), violated the Export Administration Regulations (15 C.F.R. Parts 730-774 (2003)) (the Regulations),¹ issued pursuant to the Export Administration Act of 1979, as amended (50 U.S.C. app. §§ 2401-2420 (2000)) (the Act),² on 40 occasions. Specifically, BIS charges that Future Metals committed the following violations:

¹ The Regulations are currently codified in the Code of Federal Regulations at 15 C.F.R. Parts 730-774 (2003). The Regulations governing the violations at issue are found in the 1998, 1999 and 2000 versions of the Code of Federal Regulations. These Regulations are codified at 15 C.F.R. Parts 730-774 (1998-2000) and, to the degree to which they pertain to this matter, are substantially the same as the 2003 version.

² 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 C.F.R., 2000 Comp. 397 (2001)), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. §§ 1701 - 1706 (2000)) (IEEPA). On November 13, 2000, the Act was reauthorized 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 (3 C.F.R., 2001 Comp. 783 (2002)), as extended by the Notice of August 7, 2003 (68 *Fed. Reg.* 47833, August 11, 2003)), has continued the Regulations in effect under IEEPA.



**Charges 1-15 15 C.F.R. § 764.2(a) - Engaging in Prohibited Conduct - Exports
Without the Required Licenses**

On 15 occasions, from on or about July 25, 1998, through on or about October 27, 2000, Future Metals exported aluminum bars (ECCN 1C202) from the United States to India without obtaining the required licenses from the Department of Commerce as required by Section 742.3 of the Regulations. In doing so, Future Metals committed 15 violations of Section 764.2(a) of the Regulations.

**Charges 16-30 15 C.F.R. § 764.2(e) - Acting with Knowledge of a Violation - Exports
Without the Required Licenses When Future Metals Knew that
Licenses Were Required**

Between on or about July 25, 1998, and on or about October 27, 2000, in connection with the exports referenced in Charges 1-15 above, Future Metals sold and transferred aluminum bars that were exported from the United States with knowledge that a violation of the Act, the Regulations, or any order, license or authorization issued thereunder was about to occur, that is, the items would be exported without the licenses required by Section 742.3 of the Regulations. In doing so, Future Metals committed 15 violations of Section 764.2(e) of the Regulations.

**Charges 31-35 15 C.F.R. § 764.2(i) - Failure to Comply with Reporting,
Recordkeeping Requirements**

Future Metals failed to comply with the recordkeeping provisions of Section 762.2 of the Regulations by failing to retain export control documents, including Shipper's Export Declarations, which were required to be maintained under the Regulations. In doing so, Future Metals committed five violations of Section 764.2(i) of the Regulations.

**Charge 36 15 C.F.R. § 764.2(a) - Engaging in Prohibited Conduct - Export
Without the Required License**

On or about July 19, 1999, Future Metals exported aluminum sheets from the United States through the Netherlands to Hindustan Aeronautics Limited, Engine Division, in India, an organization on the Department of Commerce Entity List, Supplement No. 4 to Part 744 of the Regulations, without obtaining a license from the Department of Commerce as required by then Section 744.11 of the Regulations. In doing so, Future Metals committed one violation of Section 764.2(a) of the Regulations.

Charge 37 **15 C.F.R. § 764.2(e) - Acting with Knowledge of a Violation - Export Without the Required License When Future Metals Knew that a License Was Required**

On or about July 19, 1999, in connection with the export referenced in Charge 36 above, Future Metals sold and transferred aluminum sheets that were exported from the United States with knowledge that a violation of the Act, the Regulations, or any order, license or authorization issued thereunder was about to occur, that is, the items would be exported without the license required by then Section 744.11 of the Regulations. In doing so, Future Metals committed one violation of Section 764.2(e) of the Regulations.

Charge 38 **15 C.F.R. § 764.2(a) - Engaging in Prohibited Conduct - Export Without the Required License**

On or about May 6, 2000, Future Metals exported stainless steel tubes from the United States to Hindustan Aeronautics Limited, Engine Division, in India, an organization on the Department of Commerce Entity List, Supplement No. 4 to Part 744 of the Regulations, without obtaining a license from the Department of Commerce as required by then Section 744.11 of the Regulations. In doing so, Future Metals committed one violation of Section 764.2(a) of the Regulations.

Charge 39 **15 C.F.R. § 764.2(e) - Acting with Knowledge of a Violation - Export Without the Required License When Future Metals Knew that a License Was Required**

On or about May 6, 2000, in connection with the export referenced in Charge 38 above, Future Metals sold and transferred stainless tubes that were exported from the United States with knowledge that a violation of the Act, the Regulations, or any order, license or authorization issued thereunder was about to occur, that is, the items would be exported without the license required by then Section 744.11 of the Regulations. In doing so, Future Metals committed one violation of Section 764.2(e) of the Regulations.

Charge 40 **15 C.F.R. § 764.2(i) - Failure to Comply with Reporting, Recordkeeping Requirements**

Future Metals failed to comply with the recordkeeping provisions of Section 762.2 of the Regulations by failing to retain export control documents, including a Shipper's Export Declaration, which were required to be maintained under the Regulations. In doing so, Future Metals committed one violation of Section 764.2(i) of the Regulations.

Each transaction is described in greater detail in Schedule A, which is enclosed herewith and incorporated herein by reference.

BIS alleges that Future Metals committed 17 violations of Section 764.2(a) of the Regulations, 17 violations of Section 764.2(e) of the Regulations, and six violations of Section 764.2(i) of the Regulations, for a total of 40 violations.

Accordingly, Future Metals is hereby notified that an administrative proceeding is instituted against it pursuant to Section 13(c) of the Act and Part 766 of the Regulations for the purpose of obtaining an order imposing administrative sanctions, including any or all of the following:

The maximum civil penalty allowed by law of up to \$11,000 per violation;³

Denial of export privileges; and/or

Exclusion from practice before BIS.

If Future Metals fails to answer the charges contained in this letter within 30 days after being served with notice of issuance of this letter, that failure will be treated as a default. (Regulations, Sections 766.6 and 766.7). If Future Metals defaults, the Administrative Law Judge may find the charges alleged in this letter are true without hearing or further notice to Future Metals. The Under Secretary of Commerce for Industry and Security may then impose up to the maximum penalty on each of the charges in this letter.

Future Metals is further notified that it is entitled to an agency hearing on the record if Future Metals files a written demand for one with its answer. (Regulations, Section 766.6). Future Metals is also entitled to be represented by counsel or other authorized representative who has power of attorney to represent it. (Regulations, Sections 766.3(a) and 766.4).

The Regulations provide for settlement without a hearing. (Regulations, Section 766.18). Should you have a proposal to settle this case, you or your representative should transmit it to me through the attorney representing BIS named below.

The U.S. Coast Guard is providing administrative law judge services in connection with the matters set forth in this letter. Accordingly, Future Metals' answer must be filed in accordance with the instructions in Section 766.5(a) of the Regulations with:

U.S. Coast Guard ALJ Docketing Center
40 S. Gay Street
Baltimore, Maryland 21202-4022

³ Pursuant to the Federal Civil Penalties Adjustment Act of 1990 (28 U.S.C. §2461, note (2000)), and 15 C.F.R. §6.4(a)(2) (2003), the maximum penalty for each violation committed after October 23, 1996 and before November 1, 2000 is \$11,000.

Future Metals, Inc.
Proposed Charging Letter
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In addition, a copy of Future Metals' answer must be served on BIS at the following address:

Chief Counsel for Industry and Security
Attention: Christine Lee
Room H-3839
United States Department of Commerce
14th Street and Constitution Avenue, N.W.
Washington, D.C. 20230

Christine Lee is the attorney representing BIS in this case; any communications that you may wish to have concerning this matter should occur through her. Ms. Lee may be contacted by telephone at (202) 482-5301.

Sincerely,

Mark D. Menefee
Director
Office of Export Enforcement

Enclosure

SCHEDULE A

**SCHEDULE OF VIOLATIONS
EXPORTS BY
FUTURE METALS, INC.**

Charge No.	Export Date (on or about)	Commodity	Air Waybill No. or Bill of Lading No.	Invoice No.	Destination
1, 16	7/25/98	aluminum bars	83152	095366	Hindustan Aeronautics Ltd. (HAL), Helicopter Division, India
2, 17	8/08/98	aluminum bars	83416	094934	HAL, Helicopter Division
3, 18, 31	8/15/98	aluminum bars	83441	093818	HAL, Helicopter Division
4, 19	9/10/98	aluminum bars	82537	100099	HAL, Helicopter Division
5, 20	9/19/98	aluminum bars	83854	099318	HAL, Helicopter Division
6, 21	10/17/98	aluminum bars	84211	099672	HAL, Helicopter Division
7, 22, 32	10/24/98	aluminum bars	84257	102125	HAL, Helicopter Division
8, 23	10/29/98	aluminum bars	82931	103643	HAL, Helicopter Division
9, 24	1/23/99	aluminum bars	90178	109256	HAL, Lucknow Division, India
10, 25	3/12/99	aluminum bars	90678	113699	HAL, Kanpur Division, India
11, 26	4/05/99	aluminum bars	900041	115072	HAL, Helicopter Division
12, 27, 33	10/31/99	aluminum bars	92965	134142	HAL, Helicopter Division
13, 28, 34	1/12/00	aluminum bars	000165	139258	HAL, Aircraft Division

Charge No.	Export Date (on or about)	Commodity	Air Waybill No. or Bill of Lading No.	Invoice No.	Destination
14, 29, 35	2/04/00	aluminum bars	0000463	141788	HAL, Aircraft Division
15, 30	10/27/00	aluminum bars	02335	164257	HAL, Transport Aircraft Division
36, 37	7/19/99	stainless steel sheets	49800368	U073100I/1 37268	HAL, Engine Division
38, 39, 40	5/06/00	stainless steel tubes	01000	150365	HAL, Engine Division

UNITED STATES DEPARTMENT OF COMMERCE
BUREAU OF INDUSTRY AND SECURITY
WASHINGTON, D.C. 20230

In the Matter of:)
)
Future Metals, Inc.)
10401 State Street)
Tamarac, Florida 33321)
)
Respondent.)
_____)

SETTLEMENT AGREEMENT BETWEEN FUTURE METALS, INC. AND
THE BUREAU OF INDUSTRY AND SECURITY

This Settlement Agreement (“Agreement”) is made by and between Respondent, Future Metals, Inc. (“Future Metals”), and the Bureau of Industry and Security, United States Department of Commerce (“BIS”) (collectively referred to as “Parties”), pursuant to Section 766.18(a) of the Export Administration Regulations (currently codified at 15 C.F.R. Parts 730-774 (2003)) (“Regulations”),¹ issued pursuant to the Export Administration Act of 1979, as amended (50 U.S.C. app. §§ 2401-2420 (2000)) (“Act”),²

¹ The Regulations are currently codified in the Code of Federal Regulations at 15 C.F.R. Parts 730-774 (2003). The Regulations governing the violations at issue are found in the 1998, 1999 and 2000 versions of the Code of Federal Regulations. These Regulations are codified at 15 C.F.R. Parts 730-774 (1998-2000) and, to the degree to which they pertain to this matter, are substantially the same as the 2003 version.

² 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 issued on August 3, 2000 (3 C.F.R., 2000 Comp. 397 (2001)), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. §§ 1701 - 1706 (2000)) (“IEEPA”). On November 13, 2000, the Act was reauthorized 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 (3 C.F.R., 2001 Comp. 783 (2002)), as extended by the Notice of August 7, 2003 (68 *Fed. Reg.* 47833, August 11, 2003)), has continued the Regulations in effect under IEEPA.

WHEREAS, BIS has notified Future Metals of its intention to initiate an administrative proceeding against Future Metals pursuant to the Act and the Regulations;

WHEREAS, BIS has issued a proposed charging letter to Future Metals that alleged that Future Metals committed 40 violations of the Regulations. Specifically, the charges are:

1. *Fifteen Violations of 15 C.F.R. § 764.2(a) - Engaging in Prohibited Conduct:* On 15 occasions, from on or about July 25, 1998, through on or about October 27, 2000, Future Metals exported aluminum bars (ECCN 1C202) from the United States to India without obtaining the required licenses from the Department of Commerce as required by Section 742.3 of the Regulations.
2. *Fifteen Violations of 15 C.F.R. § 764.2(e) - Acting with Knowledge of a Violation:* Between on or about July 25, 1998, and on or about October 27, 2000, in connection with the 15 exports referenced above, Future Metals sold and transferred aluminum bars that were exported from the United States with knowledge that a violation of the Act, the Regulations, or any order, license or authorization issued thereunder was about to occur, that is, the items would be exported without the licenses required by Section 742.3 of the Regulations.
3. *Five Violations of 15 C.F.R. § 764.2(i) - Failure to Comply with Reporting, Recordkeeping Requirements:* Future Metals failed to comply with the recordkeeping provisions of Section 762.2 of the Regulations by failing to retain export control documents, including Shipper's Export Declarations, which were required to be maintained under the Regulations.

4. *One Violation of 15 C.F.R. § 764.2(a) - Engaging in Prohibited Conduct:* On or about July 19, 1999, Future Metals exported aluminum sheets from the United States through the Netherlands to Hindustan Aeronautics Limited, Engine Division, in India, an organization on the Department of Commerce Entity List, Supplement No. 4 to Part 744 of the Regulations, without obtaining a license from the Department of Commerce as required by then Section 744.11 of the Regulations.
5. *One Violation of 15 C.F.R. § 764.2(e) - Acting with Knowledge of a Violation:* On or about July 19, 1999, in connection with the export referenced in paragraph 4 above, Future Metals sold and transferred aluminum sheets that were exported from the United States with knowledge that a violation of the Act, the Regulations, or any order, license or authorization issued thereunder was about to occur, that is, the items would be exported without the license required by then Section 744.11 of the Regulations.
6. *One Violation of 15 C.F.R. § 764.2(a) - Engaging in Prohibited Conduct:* On or about May 6, 2000, Future Metals exported stainless steel tubes from the United States to Hindustan Aeronautics Limited, Engine Division, in India, an organization on the Department of Commerce Entity List, Supplement No. 4 to Part 744 of the Regulations, without obtaining a license from the Department of Commerce as required by then Section 744.11 of the Regulations.

7. *One Violation of 15 C.F.R. § 764.2(e) - Acting with Knowledge of a Violation:*

On or about May 6, 2000, in connection with the export referenced above, Future Metals sold and transferred stainless tubes that were exported from the United States with knowledge that a violation of the Act, the Regulations, or any order, license or authorization issued thereunder was about to occur, that is, the items would be exported without the license required by then Section 744.11 of the Regulations.

8. *One Violation of 15 C.F.R. § 764.2(i) - Failure to Comply with Reporting,*

Recordkeeping Requirements: Future Metals failed to comply with the recordkeeping provisions of Section 762.2 of the Regulations by failing to retain export control documents, including a Shipper's Export Declaration, which were required to be maintained under the Regulations.

WHEREAS, Future Metals has reviewed the proposed charging letter and is aware of the allegations made against it and the administrative sanctions which could be imposed against it if the allegations are found to be true;

WHEREAS, Future Metals fully understands the terms of this Agreement and the Order ("Order") that the Assistant Secretary of Commerce for Export Enforcement will issue if she approves this Agreement as the final resolution of this matter;

WHEREAS, Future Metals enters into this Agreement voluntarily and with full knowledge of its rights;

WHEREAS, Future Metals states that no promises or representations have been made to it other than the agreements and considerations herein expressed;

WHEREAS, Future Metals neither admits nor denies the allegations contained in the proposed charging letter;

WHEREAS, Future Metals wishes to settle and dispose of the matters alleged in the proposed charging letter by entering into this Agreement; and

WHEREAS, Future Metals agrees to be bound by the Order, if entered;

NOW THEREFORE, the Parties hereby agree as follows:

1. BIS has jurisdiction over Future Metals, under the Regulations, in connection with the matters alleged in the proposed charging letter.

2. The following sanction shall be imposed against Future Metals in complete settlement of the violations of the Regulations set forth in the proposed charging letter:

- a. Future Metals shall be assessed a civil penalty in the amount of \$180,000 which shall be paid to the U.S. Department of Commerce within 30 days from the date of entry of the Order.
- b. The timely payment of the civil penalty agreed to in paragraph 2.a. is hereby made a condition to the granting, restoration, or continuing validity of any export license, permission, or privilege granted, or to be granted, to Future Metals.

Failure to make timely payment of the civil penalty set forth above shall result in the denial of all of Future Metals' export privileges for a period of one year from the date of imposition of the penalty.

3. Subject to the approval of this Agreement pursuant to paragraph 8 hereof, Future Metals hereby waives all rights to further procedural steps in this matter (except with respect to any alleged violations of this Agreement or the Order, if entered), including, without limitation, any right to: (a) an administrative hearing regarding the allegations in the proposed charging letter; (b) request a refund of any civil penalty paid pursuant to this Agreement and the Order, if entered; and (c) seek judicial review or otherwise contest the validity of this Agreement or the Order, if entered.

4. Upon entry of the Order and timely payment of the \$180,000 civil penalty, BIS will not initiate any further administrative proceeding against Future Metals in connection with any violation of the Act or the Regulations arising out of the transactions identified in the proposed charging letter.

5. BIS will make the proposed charging letter, this Agreement, and the Order, if entered, available to the public.

6. This Agreement is for settlement purposes only. Therefore, if this Agreement is not accepted and the Order is not issued by the Assistant Secretary of Commerce for Export Enforcement pursuant to Section 766.18(a) of the Regulations, no Party may use this Agreement in any administrative or judicial proceeding and the Parties shall not be bound by the terms contained in this Agreement in any subsequent administrative or judicial proceeding.

7. No agreement, understanding, representation or interpretation not contained in this Agreement may be used to vary or otherwise affect the terms of this Agreement or the Order, if entered, nor shall this Agreement serve to bind, constrain, or otherwise limit any action by any

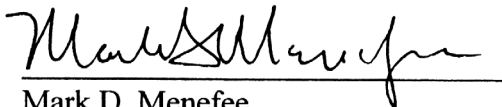
other agency or department of the United States Government with respect to the facts and circumstances addressed herein.

8. This Agreement shall become binding on BIS only if the Assistant Secretary of Commerce for Export Enforcement approves it by entering the Order, which will have the same force and effect as a decision and order issued after a full administrative hearing on the record.

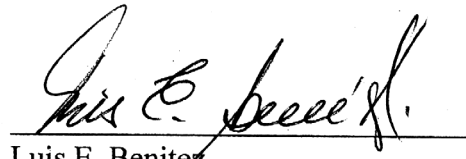
9. Each signatory affirms that he has authority to enter into this Settlement Agreement and to bind his respective party to the terms and conditions set forth herein.

BUREAU OF INDUSTRY AND SECURITY
U.S. DEPARTMENT OF COMMERCE

FUTURE METALS, INC.



Mark D. Menefee
Director, Office of
Export Enforcement



Luis E. Benitez
President

Date: 10/30/03

Date: 10-28-03

UNITED STATES DEPARTMENT OF COMMERCE
BUREAU OF INDUSTRY AND SECURITY
WASHINGTON, D.C. 20230

In the Matter of:)
)
Future Metals, Inc.)
10401 State Street)
Tamarac, Florida 33321)
)
Respondent.)
)

ORDER RELATING TO FUTURE METALS, INC.

The Bureau of Industry and Security, United States Department of Commerce (“BIS”) having notified Future Metals, Inc. (“Future Metals”) of its intention to initiate an administrative proceeding against Future Metals pursuant to Section 766.3 of the Export Administration Regulations (currently codified at 15 C.F.R. Parts 730-774 (2003)) (“Regulations”),¹ and Section 13(c) of the Export Administration Act of 1979, as amended (50 U.S.C. app. §§ 2401-2420 (2000)) (“Act”),² based on the proposed charging letter issued to Future Metals that alleged that Future Metals committed 40 violations of the Regulations. Specifically, the charges are:

¹ The Regulations are currently codified in the Code of Federal Regulations at 15 C.F.R. Parts 730-774 (2003). The Regulations governing the violations at issue are found in the 1998, 1999, 2000 versions of the Code of Federal Regulations. These Regulations are codified at 15 C.F.R. Parts 730-774 (1998-2000) and, to the degree to which they pertain to this matter, are substantially the same as the 2003 version.

² 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 issued on August 3, 2000 (3 C.F.R., 2000 Comp. 397 (2001)), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. §§ 1701 - 1706 (2000)) (“IEEPA”). On November 13, 2000, the Act was reauthorized 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 (3 C.F.R., 2001 Comp. 783 (2002)), as extended by the Notice of August 7, 2003 (68 *Fed. Reg.* 47833, August 11, 2003), has continued the Regulations in effect under IEEPA.

1. *Fifteen Violations of 15 C.F.R. § 764.2(a) - Engaging in Prohibited Conduct:* On 15 occasions, from on or about July 25, 1998, through on or about October 27, 2000, Future Metals exported aluminum bars (ECCN 1C202) from the United States to India without obtaining the required licenses from the Department of Commerce as required by Section 742.3 of the Regulations.
2. *Fifteen Violations of 15 C.F.R. § 764.2(e) - Acting with Knowledge of a Violation:* Between on or about July 25, 1998, and on or about October 27, 2000, in connection with the 15 exports referenced above, Future Metals sold and transferred aluminum bars that were exported from the United States with knowledge that a violation of the Act, the Regulations, or any order, license or authorization issued thereunder was about to occur, that is, the items would be exported without the licenses required by Section 742.3 of the Regulations.
3. *Five Violations of 15 C.F.R. § 764.2(i) - Failure to Comply with Reporting, Recordkeeping Requirements:* Future Metals failed to comply with the recordkeeping provisions of Section 762.2 of the Regulations by failing to retain export control documents, including Shipper's Export Declarations, which were required to be maintained under the Regulations.
4. *One Violation of 15 C.F.R. § 764.2(a) - Engaging in Prohibited Conduct:* On or about July 19, 1999, Future Metals exported aluminum sheets from the United States through the Netherlands to Hindustan Aeronautics Limited, Engine Division, in India, an organization on the Department of Commerce Entity List, Supplement No. 4 to Part 744 of the Regulations, without obtaining a license from

the Department of Commerce as required by then Section 744.11 of the Regulations.

5. *One Violation of 15 C.F.R. § 764.2(e) - Acting with Knowledge of a Violation:*
On or about July 19, 1999, in connection with the export referenced in paragraph 4 above, Future Metals sold and transferred aluminum sheets that were exported from the United States with knowledge that a violation of the Act, the Regulations, or any order, license or authorization issued thereunder was about to occur, that is, the items would be exported without the license required by then Section 744.11 of the Regulations.
6. *One Violation of 15 C.F.R. § 764.2(a) - Engaging in Prohibited Conduct:* On or about May 6, 2000, Future Metals exported stainless steel tubes from the United States to Hindustan Aeronautics Limited, Engine Division, in India, an organization on the Department of Commerce Entity List, Supplement No. 4 to Part 744 of the Regulations, without obtaining a license from the Department of Commerce as required by then Section 744.11 of the Regulations.
7. *One Violation of 15 C.F.R. § 764.2(e) - Acting with Knowledge of a Violation:*
On or about May 6, 2000, in connection with the export referenced above, Future Metals sold and transferred stainless tubes that were exported from the United States with knowledge that a violation of the Act, the Regulations, or any order, license or authorization issued thereunder was about to occur, that is, the items would be exported without the license required by then Section 744.11 of the Regulations.

8. *One Violation of 15 C.F.R. § 764.2(i) - Failure to Comply with Reporting, Recordkeeping Requirements:* Future Metals failed to comply with the recordkeeping provisions of Section 762.2 of the Regulations by failing to retain export control documents, including a Shipper's Export Declaration, which were required to be maintained under the Regulations.

BIS and Future Metals having entered into a Settlement Agreement pursuant to Section 766.18(a) 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 a civil penalty of \$180,000 is assessed against Future Metals, which shall be paid to the U.S. Department of Commerce within 30 days from the date of entry of this Order. Payment shall be made in the manner specified in the attached instructions.

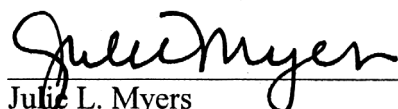
SECOND, that, pursuant to the Debt Collection Act of 1982, as amended (31 U.S.C. §§ 3701-3720E (2000)), the civil penalty owed under this Order accrues interest as more fully described in the attached Notice, and, if payment is not made by the due date specified herein, Future Metals will be assessed, in addition to the full amount of the civil penalty and interest, a penalty charge and an administrative charge, as more fully described in the attached Notice.

THIRD, that the timely payment of the civil penalty set forth above is hereby made a condition to the granting, restoration, or continuing validity of any export license, license exception, permission, or privilege granted, or to be granted, to Future Metals. Accordingly, if Future Metals should fail to pay the civil penalty in a timely manner, the undersigned may enter

an Order denying all of Future Metals' export privileges for a period of one year from the date of entry of this Order.

FOURTH, that the proposed 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.



Julie L. Myers
Assistant Secretary of Commerce
for Export Enforcement

Entered this 12th day of November 2003.