

an opportunity to submit comments on the proposed actions. If the Committee approves the proposed additions, the entities of the Federal government identified in the notice for each product or service will be required to procure the services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. If approved, the action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the services to the government.

2. If approved, the action will result in authorizing small entities to furnish the services to the government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the services proposed for addition to the Procurement List. Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

End of Certification

The following services are proposed for addition to Procurement List for production by the nonprofit agencies listed:

Services

Service Type/Location: Custodial & Grounds Maintenance, Avery Street Building, Public Debt Facility, Parkersburg, West Virginia.

NPA: SW Resources, Inc., Parkersburg, West Virginia.

Contract Activity: TREAS-PUB DEBT, Parkersburg, West Virginia.

Service Type/Location: Custodial Services, Naval Air Station Whidbey Island, Oak Harbor, Washington.

NPA: New Leaf, Inc., Oak Harbor, Washington.

Contract Activity: Naval Facilities Engineering Command, Oak Harbor, Washington.

Service Type/Location: Food Service, Volk Field Air National Guard, Camp Douglas, Wisconsin.

NPA: Challenge Unlimited, Inc., Alton, Illinois.

Contract Activity: Iowa Air National Guard, Des Moines Iowa.

Service Type/Location: Medical Transcription, VA Medical Center, Building 36, Northport, New York.

NPA: National Telecommuting Institute, Inc.,

Boston, Massachusetts.
Contract Activity: VA Medical Center—Northport, Northport, New York.

Patrick Rowe,

Deputy Executive Director.

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COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions

AGENCY: Committee for Purchase from People Who Are Blind or Severely Disabled.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to the Procurement List products and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: June 27, 2004.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia, 22202-3259.

FOR FURTHER INFORMATION CONTACT: Sheryl D. Kennerly, (703) 603-7740.

SUPPLEMENTARY INFORMATION: On April 2, and April 9, 2004, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice (69 FR 17391, and 18868/18869) of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the products and services and impact of the additions on the current or most recent contractors, the Committee has determined that the products and services listed below are suitable for procurement by the Federal government under 41 U.S.C. 46-48c and 41 CFR 51-2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the products and services to the government.

2. The action will result in authorizing small entities to furnish the products and services to the government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the products and services proposed for addition to the Procurement List.

End of Certification

Accordingly, the following products and services are added to the Procurement List:

Products

Product/NSN: Air Force Physical Training Uniform, Jacket—50% of the Defense Supply Center Philadelphia's requirement.

8415-01-518-4594;
8415-01-518-4599;
8415-01-518-4600;
8415-01-518-4601;
8415-01-518-4603;
8415-01-518-4604;
8415-01-518-4605;
8415-01-518-4607;
8415-01-518-4608;
8415-01-518-4609;
8415-01-518-4610;
8415-01-518-4611;
8415-01-518-4612;
8415-01-518-4613;
8415-01-518-4615;
8415-01-518-4616;
8415-01-518-4617;
8415-01-518-4618;
8415-01-518-4619;
8415-01-518-4620;
8415-01-518-4621;
8415-01-518-4622;
8415-01-518-4623;
8415-01-518-4647.

NPA: Blind Industries & Services of Maryland, Baltimore, Maryland at its facility in Salisbury, Maryland

NPA: Winston-Salem Industries for the Blind, Winston-Salem, North Carolina

Contract Activity: Defense Supply Center Philadelphia, Philadelphia, Pennsylvania

Product/NSN: Air Force Physical Training Uniform, Pant—50% of the Defense Supply Center Philadelphia's requirement.

8415-01-518-4561;
8415-01-518-4562;
8415-01-518-4563;
8415-01-518-4564;
8415-01-518-4565;
8415-01-518-4566;
8415-01-518-4567;
8415-01-518-4568;
8415-01-518-4570;
8415-01-518-4571;
8415-01-518-4572;
8415-01-518-4573;
8415-01-518-4574;
8415-01-518-4575;
8415-01-518-4576;
8415-01-518-4577;
8415-01-518-4578;
8415-01-518-4579;
8415-01-518-4580;
8415-01-518-4581;

8415-01-518-4582;
8415-01-518-4583;
8415-01-518-4584;
8415-01-518-4585.

NPA: Association for the Blind & Visually Impaired & Goodwill Industries of Greater Rochester, Rochester, New York

NPA: El Paso Lighthouse for the Blind, El Paso, Texas

NPA: L.C. Industries For The Blind, Inc., Durham, North Carolina at its facility in Louisville, Kentucky

NPA: Lions Services, Inc., Charlotte, North Carolina

NPA: New York City Industries for the Blind, Inc., Brooklyn, New York

Contract Activity: Defense Supply Center Philadelphia, Philadelphia, Pennsylvania

Product/NSN: Gloves, Disposable
8415-01-392-8448

NPA: Bestwork Industries for the Blind, Inc., Runnemede, New Jersey

Contract Activity: GSA, Southwest Supply Center, Fort Worth, Texas

Product/NSN: Three Wheel Tape Dispenser
7520-00-634-6724

Product/NSN: Two Wheel Tape Dispenser
7520-00-285-1772

NPA: The Arc of Bergen and Passaic Counties, Inc., Hackensack, New Jersey

Contract Activity: Office Supplies & Paper Products Acquisition Center, New York, New York

Services

Service Type/Location: Custodial Services
Food & Drug Administration, CDER Lab/
Office Building, White Oak, Maryland

NPA: Alliance, Inc., Baltimore, Maryland
Contract Activity: GSA/PBS National Capitol Region, Washington, DC

This action does not affect current contracts awarded prior to the effective date of this addition or options that may be exercised under those contracts.

Patrick Rowe,

Deputy Executive Director.

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DEPARTMENT OF COMMERCE

Bureau of Industry and Security

[Docket No. 01-BXA-17]

Decision and Order

On December 10, 2001 the Bureau of Industry and Security ("BIS")¹ issued a charging letter against the respondent, Jason Liao, individually and doing business as JFD International (collectively referred to as "Liao"), that alleged five violations of the Export

¹ The Bureau of Industry and Security was formerly known as the Bureau of Export Administration. The name of the Bureau was changed pursuant to an order signed by the Secretary of Commerce on April 16, 2002.

Administration Regulations,² which were issued under the Export Administration Act of 1979, as amended (50 U.S.C. app. §§ 2401-2420 (2000)) ("Act").³

Specifically, BIS charged that (i) on or about December 9, 1996, Liao exported detector log video amplifiers (DLVAs) from the United States to the People's Republic of China ("PRC") without the validated export license required under Section 772A.1(b) of the former Regulations; (ii) in connection with the December 9, 1996 export, Liao knew or had reason to know that a validated export license was required, in violation of Section 787A.4(a) of the former Regulations; (iii) on or about January 27, 1997, Liao exported DLVAs from the United States to the PRC without the license required under Sections 742.4 and 742.5 of the Regulations; (iv) in connection with the January 27, 1997 export, Liao knew or had reason to know that a license was required, in violation of Section 764.2(e) of the Regulations; and (v) Liao aided and abetted the release of controlled technology to three PRC nationals in violation of Section 764.2(b) of the Regulations by issuing a letter on or about July 18, 1997 to the PRC nationals inviting them the United States, knowing that Suntek Microwave Inc. would release U.S.-origin technology to them. The PRC nationals subsequently entered the United States and Suntek did release U.S.-origin technology to them.

On October 21, 2003, the Administrative Law Judge ("ALJ")

² The Regulations governing the violations at issue are found in the 1996 and 1997 versions of the Code of Federal Regulations (15 CFR Parts 768-799 (1996), as amended (61 FR 12714, March 25, 1996) (hereinafter "the former Regulations"), and 15 CFR Parts 768-799 (1997) ("the Regulations"). The March 25, 1996 *Federal Register* publication redesignated, but did not republish, the then-existing Regulations as 15 CFR Parts 768A-799A. As an interim measure that was part of the transition of newly restructured and reorganized Regulations, the March 25, 1996 *Federal Register* publication also restructured and reorganized the Regulations, designating them as an interim rule at 15 C.F.R. Parts 730-774, effective April 24, 1996. The 2003 Regulations establish the procedures that apply to this matter.

³ 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 (2000)) (IEEPA). On November 13, 2000, the Act was reauthorized and it remained in effect through August 20, 2001. Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp., p. 783 (2002)), which has been extended by successive Presidential Notices, the most recent being that of August 7, 2003 (68 FR 47833, August 11, 2003), continues the Regulations in effect under IEEPA.

conducted an evidentiary hearing in this matter. On April 5, 2004, the ALJ issued a Recommended Decision and Order, in which he found that Liao committed the five violations described above. With regard to the unlawful exports of national security controlled DLVAs to the PRC, the ALJ determined that, based on uncontested evidence, Liao delivered 70 DLVAs to a customer in the PRC, which was controlled by the PRC, without obtaining the required export licenses.

In addition, based on evidence that Liao had previously obtained licenses for exports of similar amplifiers to the PRC and on the sworn testimony of two witnesses that Liao knew that licenses were required for the export of the 70 DLVAs to the PRC, the ALJ found that Liao knew or should have known that these exports required a license from the Commerce Department.

Finally, the ALJ held that Liao aided and abetted the transfer of controlled technology to three PRC nationals without the required export license by inviting and facilitating the travel of the PRC nationals to the United States for the purpose of obtaining the controlled technology. The ALJ recommended a monetary penalty of \$55,000, the denial of Liao's export privileges for 20 years, and the exclusion of Liao from practice before BIS for a period of 20 years.

The ALJ's Recommended Decision and Order, together with the entire record in this case, have been referred to me for final action under Section 766.22 of the Regulations. Based on my review of the entire record, I find that the record supports the ALJ's findings of fact and conclusions of law regarding the liability of Liao for each of the above-referenced charges. I also find that the penalty recommended by the ALJ is appropriate, given the knowing nature of the violations, the scope of the respondent's efforts to make unauthorized exports, and the importance of preventing future unauthorized exports. I therefore affirm the findings of fact and conclusions of law in the ALJ's Recommended Decision and Order.⁴

⁴ There is a clarification to the ALJ's Recommended Decision and Order that needs to be made. In the Recommended Decision and Order, the ALJ concludes that Liao released U.S.-origin technology to PRC nationals without the required export licenses: "In consideration of the entire record, and lack of countervailing evidence, I find BIS presented reliable, probative, and substantial evidence that Liao released United States-origin technology to three Chinese nationals without a license as required by 15 CFR 734.2(b)." ALJ Recommend Decision and Order, 25. BIS, however, did not charge Liao with improperly transferring controlled technology to PRC nationals, and did not submit any evidence supporting this conclusion. I therefore vacate this portion of the ALJ's