

of this addition or options that may be exercised under those contracts.

**Sheryl D. Kennerly,**

*Director, Information Management.*

[FR Doc. 03-10256 Filed 4-24-03; 8:45 am]

BILLING CODE 6353-01-P

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

[Docket No. 02-BXA-09]

#### **Action Affecting Export Privileges; FRANK CURIC, In the Matter of: Frank Curic, Bisce Polje, BB, 88104 Mostar, Bosnia Herzegovina, Respondent; Order**

The Bureau of Industry and Security, United States Department of Commerce ("BIS"), having initiated an administrative proceeding against Frank Curic, ("Curic"), pursuant to section 13(c) of the Export Administration Act of 1979, as amended (50 U.S.C. app. §§ 2401-2420 (2000)) ("Act"),<sup>1</sup> and the Export Administration Regulations (currently codified at 15 CFR parts 730-774 (2002)) ("Regulations"),<sup>2</sup> based on the charging letter issued to Curic that alleged that Curic violated the Regulations on three occasions. Specially, the charges are:

1. *One Violation of 15 CFR 764.2(c)—Attempting To Export a Shotgun Without the Required License:* On or about July 31, 2000, Curic attempted to export a Mossberg shotgun with a barrel length of at least 18 inches but less than 24 inches (the "shotgun"), an item subject to the Regulations and covered by export control classification number 0A984, from the United States to Bosnia and Herzegovina without obtaining an export license from the Department of Commerce as required by Section 742.7(a) of the Regulations.

<sup>1</sup> From August 21, 1994 through November 12, 2000, the Act was in lapse. During that period, the President, through Executive Order 12924, which has been extended by successive Presidential Notices, the last of which was issued on 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. Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 CFR., 2001 Comp., 783 (2002)), as extended by the Notice of August 14, 2002 (67 FR 53721 (August 16, 2002)), has continued the Regulations in effect under IEEPA.

<sup>2</sup> The Regulations governing the violations at issue are found in the 2000 version of the Code of Federal Regulations (15 CFR parts 730-774 (2000)) and they are substantially the same as the 2002 version of the Regulations which govern the procedural aspects of this case.

2. *One violation of 15 CFR 764.2(e)—Concealing a Shotgun with Knowledge that a Violation of the Regulations Was Intended to Occur:* In connection with the attempted export referenced above, Curic concealed the shotgun knowing that the shotgun would be exported from the United States in violation of the Regulations. Pursuant to section 742.7(a) of the Regulations, an export license was required to export the shotgun, an item subject to the Regulations and covered by export control classification number 0A984, from the United States to Bosnia and Herzegovina. Curic knew that an export license was required from the Department of Commerce to export the shotgun to Bosnia and Herzegovina. However, Curic did not obtain a license to export the item.

3. *One Violation of 15 CFR 764.2(g)(1)—Making a Material Misrepresentation on a Shipper's Export Declaration:* In connection with the attempted export referenced above, Curic, through a freight forwarder, made a material misrepresentation to the United States Government by filing or causing to be filed a Shipper's Export Declaration<sup>3</sup> that stated falsely that Curic's vehicle would be "unpacked," *i.e.*, would not contain any personal belongings or other effects, when it was exported from the United States to Bosnia and Herzegovina and that license exception BAG authorized the export. In response to Curic's statement that his vehicle would be unpacked, the freight forwarder prepared and filed a Shipper's Export Declaration that stated "1 unpacked Lincoln Town Car" was being exported to Bosnia and Herzegovina under license exception BAG. These statements were false as Curic packed this vehicle with his belongings, including the shotgun, before attempting to export it. An export license was required for the export of the shotgun to Bosnia and Herzegovina.

BIS and Curic having entered into a Settlement Agreement pursuant to section 766.18(b) 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 for a period of three years from the date of this Order, Curic, and when acting for or on behalf of Curic, his representatives, agents, assigns or employees ("denied person") may not,

<sup>3</sup> A Shipper's Export Declaration is an export control document as defined in Part 772 of the Regulations.

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. Benefitting 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 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.

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 Curic 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.

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 a copy of this Order shall be delivered to the United States Coast Guard ALJ Docketing Center, 40 Gay Street, Baltimore, Maryland 21202-4022, notifying that office that this case is withdrawn from adjudication, as provided by Section 766.18 of the Regulations.

Sixth, that the 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 upon the date of its publication in the **Federal Register**.

Entered this 16th day of April 2003.

**Dexter M. Price,**

*Acting Assistant Secretary of Commerce for Export Enforcement.*

[FR Doc. 03-10218 Filed 4-24-03; 8:45 am]

**BILLING CODE 3510-DT-M**

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

#### Sensors and Instrumentation, Technical Advisory Committee; Notice of Partially Closed Meeting

The Sensors and Instrumentation Technical Advisory Committee will meet on May 13, 2003, 9:30 a.m., in the Herbert C. Hoover Building, Room 3884, 14th Street between Constitution and Pennsylvania Avenues, NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration on technical questions that affect the level of export controls applicable to sensors and instrumentation equipment and technology.

#### Agenda

##### Public Session

1. Opening remarks and introductions.

2. Update on Bureau of Industry and Security initiatives.

3. Discussion on proposed measures of military utility for thermal imaging products.

4. Presentation on Office of Export Enforcement issues.

5. Presentation of papers and comments by the public.

##### Closed Session

6. 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 during the public session of the meeting. 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 distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials prior to the meeting date to the following address: Ms. Lee Ann Carpenter, OSIES/EA/BIS MS: 3876, U.S. Department of Commerce, 14th St. & Constitution Ave., NW., Washington, DC 20230.

The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on November 29, 2001, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series 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.

For more information contact Lee Ann Carpenter on (202) 482-2583.

Dated: April 22, 2003.

**Lee Ann Carpenter,**

*Committee Liaison Officer.*

[FR Doc. 03-10243 Filed 4-24-03; 8:45 am]

**BILLING CODE 3510-JT-M**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-877]

#### Notice of Final Determination of Sales at Less Than Fair Value: Lawn and Garden Steel Fence Posts From the People's Republic of China

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

**ACTION:** Notice of final determination of sales at less than fair value.

**SUMMARY:** We determine that lawn and garden steel fence posts (fence posts) from the People's Republic of China (PRC) are being sold, or are likely to be sold, in the United States at less than fair value (LTFV), as provided in section 735 of the Tariff Act of 1930, as amended (the Act). The estimated margins of sales at LTFV are shown in the *Final Determination of Investigation* section of this notice.

**EFFECTIVE DATE:** April 25, 2003.

##### FOR FURTHER INFORMATION CONTACT:

Salim Bhabhrawala or Chris Welty, Group II, Office 5, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-1784, (202) 482-0186, respectively.

##### SUPPLEMENTARY INFORMATION:

##### Case History

The preliminary determination in this investigation was published on December 4, 2002. *See Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Lawn and Garden Steel Fence Posts from the People's Republic of China*, 67 FR 72141 (December 4, 2002) (*Preliminary Determination*). Since the preliminary determination, the following events have occurred.

We conducted verification of the questionnaire responses of Shanghai BaoSteel International Economic and Trading Corporation, Ltd. (BaoSteel),<sup>1</sup> Hebei Metals and Minerals Import and Export Corporation (Hebei), and China Nanyang Import & Export Corporation (Nanyang),<sup>2</sup> from January 13 through

<sup>1</sup> Hangzhou Hongyuan Sporting Goods Company, Ltd. was the producer of the subject merchandise sold by BaoSteel during the period of investigation (POI).

<sup>2</sup> Tianjin Shenyuan Steel Company, Ltd. and Tianjin Sunny Steel Products Company, Ltd. were the producers of the subject merchandise sold by Nanyang during the POI.