

DEPARTMENT OF COMMERCE**[I.D. 122000A]****Submission For OMB Review;
Comment Request**

The Department of Commerce has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Shoreside Processor Electronic Logbook Reports for the Alaska Bering Sea/Aleutian Islands Pollock and Pacific Cod Fisheries

Form Number(s): None

OMB Approval Number: None

Type of Request: Emergency

Burden Hours: 887

Number of Respondents: 19

Average Hours Per Response: 35 minutes

Needs and Uses: The American Fisheries Act (AFA) imposed major structural changes on the Bering Sea and Aleutian Islands Management Area (BSAI) pollock fishery, which is managed by National Marine Fisheries Service (NMFS), Alaska Region. These changes include addition of new recordkeeping and reporting requirements for participation in the BSAI pollock fishery for processors that receive groundfish from AFA catcher vessels and for BSAI pollock fishery cooperatives formed under the AFA. On November 30, 2000, NMFS released the Biological Opinion assessing the groundfish fisheries of the BSAI and GOA and effects on Steller sea lions as required by the Endangered Species Act (ESA). As a result, changes are required to recordkeeping and reporting procedures in order to facilitate management of fisheries by National Marine Fishery Service (NMFS). Existing requirements for electronic reporting by shoreside processors will be extended to processors that receive Pacific cod harvested in the Pacific cod directed fishery and to processors receiving pollock from the pollock directed fishery.

Affected Public: Business and other for-profit

Frequency: On occasion

Respondent's Obligation: Mandatory

OMB Desk Officer: David Rostker, (202) 395-3897.

Copies of the above information collection proposal can be obtained by calling or writing Madeleine Clayton, DOC Forms Clearance Officer, (202) 482-3129, Department of Commerce, Room 6086, 14th and Constitution

Avenue, NW, Washington, DC 20230 (or via the Internet at MClayton@doc.gov).

Written comments and recommendations for the proposed information collection should be sent within 10 days of publication of this notice to David Rostker, OMB Desk Officer, Room 10202, New Executive Office Building, Washington, DC 20503.

Dated: December 19, 2000.

Madeleine Clayton,

Departmental Forms Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 00-33001 Filed 12-26-00; 8:45 am]

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DEPARTMENT OF COMMERCE**Bureau of Export Administration****[97-BXA-01]**

In the Matter of: Modern Engineering Services, LTD., P.O. Box 1727, Islamabad, Pakistan, also known as Engineering and Technical Services, P.O. Box 2639, Islamabad, Pakistan, Respondent; Decision and Order

On April 1, 1997, the Office of Export Enforcement, Bureau of Export Administration, United States Department of Commerce (hereinafter "BXA"), issued a charging letter initiating this administrative proceeding against Modern Engineering Services, Ltd., also known as, Engineering and Technical Services (MES). The charging letter alleged that MES committed two violations of the Export Administration Regulations (currently codified at 15 CFR parts 730-774 (2000)) (the Regulations)¹, issued under the Export Administration Act of 1979, as amended (50 U.S.C.A. app. 2401-2420 (1991 & Supp. 2000) and Pub. L. No. 106-508) (the Act).² Specifically, the charging letter alleges that on or about April 1, 1992, and November 27, 1992, U.S. exporters, based upon information provided to them by MES, represented

¹ The alleged violations occurred in 1992. The Regulations governing the violations at issue are found in the 1992 version of the Code of Federal Regulations (15 CFR Parts 768-799 (1992)). Those Regulations define the violations that BXA alleges occurred and are referred to hereinafter as the former Regulations. Since that time the Regulations have been reorganized and restructured; the restructured Regulations establish the procedures that apply to the matters set forth herein.

² The Act expired on August 20, 1994. Executive Order 12924 (3 CFR, 1994 Comp. 917 (1995)), which has been extended by successive Presidential Notices, the most recent being that of August 3, 2000 (65 Fed. Reg. 48347, August 8, 2000)), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C.A. 1701-1706 (1991 & Supp. 2000)). The Act was reauthorized on November 13, 2000. See Pub. L. No. 106-508, November 13, 2000.

on export license applications, export control documents as defined in section 770.2 of the former Regulations, that MES was located at House No. 22621 I-10/2, Islamabad, Pakistan, and No. 1 Street #17, f-8-3 Rawalpindi, Islamabad, Pakistan, respectively, when in fact MES was not located at either of those addresses. BXA alleges that by making false and misleading misrepresentations, statements, or certifications of material fact, directly or indirectly, to BXA, in connection with the preparation, submission, issuance, use or maintenance of an export control document, MES committed two violations of section 787.5(a)(1) of the former Regulations.

Section 766.3(b)(1) of the Regulations provides that notice of issuance of a charging letter shall be served on a respondent "[b]y mailing a copy by registered or certified mail addressed to the respondent at respondent's last known address." BXA has established that notice of issuance of the charging letter was served on MES in accordance with section 766.3(b)(1) of the Regulations. BXA presented evidence that on April 1, 1997, BXA sent the charging letter by registered mail to MES at MES's last known address.

As to the date of service, BXA alleges that June 30, 1997 should be the date of delivery as that is the date MES constructively refused service of process. BXA's position is based upon section 766.3(c) of the Regulations, which provides that "[t]he date of service of notice of the issuance of a charging letter instituting an administrative enforcement proceeding . . . is the date of its delivery, or of its attempted delivery if delivery is refused." I find that June 30, 1997 shall be the date of attempted delivery. As stated above, BXA sent the charging letter to MES's last known addresses by registered mail. BXA also presented evidence that it made diligent and good faith efforts to locate MES, including visiting MES's last known address in Pakistan and trying to send the charging letter by facsimile to MES's last known fax number, as BXA did not receive a return receipt for the charging letter. Further, BXA has stated that the United States Postal Service informed BXA that it takes a maximum of 90 days for a letter sent by registered mail from the United States to reach Pakistan. Hence, as the charging letter was sent on April 1, 1997, it is appropriate to find that the charging letter reached Pakistan no later than June 30, 1997.

Section 766.6(a) of the Regulation provides, in pertinent part, that "[t]he respondent must answer the charging letter within 30 days after being served