

has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at one of the following addresses:

1. *Submissions via Express/Package Delivery Services*: Foreign-Trade Zones Board, U.S. Department of Commerce, Franklin Court Building—Suite 4100W, 1099 14th Street, NW., Washington, DC 20005; or,

2. *Submissions via the U.S. Postal Service*: Foreign-Trade Zones Board, U.S. Department of Commerce, FCB—Suite 4100W, 1401 Constitution Avenue, NW., Washington, DC 20230.

The closing period for their receipt is July 12, 2004. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to July 26, 2004).

A copy of the application and accompanying exhibits will be available during this time for public inspection at address Number 1 listed above, and at the U.S. Department of Commerce Export Assistance Center, 600 Superior Avenue East, Suite 700, Cleveland, OH 44114.

Dated: May 5, 2004.

**Dennis Puccinelli,**

*Executive Secretary.*

[FR Doc. 04-10772 Filed 5-11-04; 8:45 am]

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## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

[Docket 18-2004]

#### Foreign-Trade Zone 183—Austin, TX Subzone 183A—Dell Computer Corporation Application for Reorganization/Expansion

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Foreign Trade Zone of Central Texas, Inc., grantee of FTZ 183, requesting authority to reorganize and expand FTZ 183 and SZ 183A (Dell Computer Corporation) in Austin, Texas, within and adjacent to the Austin Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR part 400). It was formally filed on May 5, 2004.

FTZ 183 was approved on December 23, 1991 (Board Order 550, 57 FR 42,

1/2/92), expanded twice in 1998 (Board Order 964, 63 FR 13837, 3/23/98; Board Order 994, 63 FR 39071, 7/21/98), expanded in 1999 (Board Order 1035, 64 FR 19978, 4/23/99), and expanded in 2001 (Board Order 1143, 66 FR 16650, 3/27/01). The zone currently consists of eight sites in the Austin, Texas, area: *Site 1* (291 acres, 7 parcels)—Austin Enterprise site, within the Austin Enterprise Zone Area along Highway 290 and the Ben White Boulevard-Montopolis Drive area, Austin; *Site 2* (50 acres)—Balcones Research site located in north central Austin at the intersection of Burnett Road and Longhorn Boulevard; *Site 3* (1,612 acres, 13 parcels) High Tech Corridor site located along I-35, 14 miles north of downtown Austin (site straddles Austin-Round Rock City line); *Site 4* (122 acres) Cedar Park site, some 8 miles northwest of the Austin city limits, in Williamson County; *Site 5* (246 acres, 2 parcels) Round Rock "SSC" site located along I-35 between Chandler Road and Westinghouse Road on the northern edge of the City of Round Rock; *Site 6* (246 acres) Georgetown site, located along I-35 and U.S. 81, south of downtown Georgetown; *Site 7* (40 acres) San Marcos site, located within the San Marcos Municipal Airport facility in eastern San Marcos, adjacent to State Highway 21, on the Hays County/Caldwell County line; and, *Site 8* (200 acres) MET Center industrial park located between U.S. Highway 183 South and State Highway 71 East in southeast Austin, some 5 miles northwest of the new Austin Bergstrom International Airport.

Subzone 183A was approved on November 16, 1992 (Board Order 607, 57 FR 56902, 12/1/92) and expanded in 1996 (Board Order 861, 62 FR 1316, 1/9/97), in 1997 (Board Order 912, 62 FR 42486, 8/7/97) and in 1999 (Board Order 1068, 64 FR 72643, 12/28/99). The subzone currently consists of the following six sites in Austin: *Site 1* (55 acres)—located at the Braker Center Industrial Park at the intersection of Braker Lane and Metric Boulevard; *Site 2* (12 acres)—McKalla 2 (124,000 sq. ft.) located at 2500 McHale Court within the Rutland Center Industrial Park and McKalla 1 (135,000 sq. ft.) located at 10220 McKalla Drive; *Site 3* (11 acres)—Research 1 (100,685 sq. ft.) located at 8701 Research Boulevard; *Site 4* (33 acres, 546,750 sq. ft.)—located in Metric Center at 9500-9800 Metric Boulevard, 9715 Burnet Road and 2106 W. Rundberg; *Site 5* (4 acres, 61,676 sq. ft.)—located in Longhorn Business Park at 2545 Brockton Drive; and, *Site 6* (11 acres, 96,000 sq. ft.)—located in Walnut

Creek Corporate Center at 8619 and 8701 Wall Street.

The applicant is requesting authority to reorganize and expand the zone project as follows:

- Remove 75 acres from FTZ 183—Site 4 (Cedar Park) due to changed circumstances (new total—47 acres);
- Remove McKalla 1 parcel (6.5 acres) located at 10220 McKalla Drive from SZ 183A—Site 2 (new total—5.5 acres);
- Remove Metric 6 parcel (3.1 acres) located at 9500-9800 Metric Boulevard and Metric 4/12 parcel (21.5 acres) located at 9715 Burnett Road from SZ 183A—Site 4 (new total—8.4 acres); and,
- Expand FTZ 183—Site 3 (High-Tech Corridor) to include an additional 84 acres at: Metric Center (45.5 acres— which includes the McKalla 1, Metric 6 and Metric 4/12 parcels, and two new buildings—Metric 10E and 10W) in Austin; and, Crystal Park (38.5 acres, 5 buildings) located at 110, 116, 120, 106D and 106E Old Settlers Boulevard in Round Rock (new total—1,696 acres).

No specific manufacturing requests are being made at this time. Such requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at one of the following addresses:

1. *Submissions via Express/Package Delivery Services*: Foreign-Trade Zones Board, U.S. Department of Commerce, Franklin Court Building—Suite 4100W, 1099 14th Street, NW., Washington, DC 20005; or,
2. *Submissions via the U.S. Postal Service*: Foreign-Trade Zones Board, U.S. Department of Commerce, FCB—Suite 4100W, 1401 Constitution Avenue, NW., Washington, DC 20230.

The closing period for their receipt is July 12, 2004. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to July 26, 2004).

A copy of the application and accompanying exhibits will be available during this time for public inspection at address Number 1 listed above, and at the U.S. Department of Commerce Export Assistance Center, 1700 North Congress, Suite 130, Austin, TX 78701.

Dated: May 5, 2004.

**Dennis Puccinelli,**

*Executive Secretary.*

[FR Doc. 04-10770 Filed 5-11-04; 8:45 am]

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## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

Docket No. 01-BXA-18

#### Action Affecting Export Privileges; Charlie Kuan

In the Matter of: Charlie Kuan, 2541 Robin Court, Union City, California 94587, Respondent

#### Order

The Bureau of Industry and Security, United States Department of Commerce ("BIS") having initiated an administrative proceeding against Charlie Kuan, the former President of Suntek Microwave Inc., ("Kuan") pursuant to Section 766.3 of the Export Administration Regulations (currently codified at 15 CFR parts 730-774 (2003)) ("Regulations"),<sup>1</sup> and section 13(c) of the Export Administration Act of 1979, as amended (50 U.S.C. app. §§ 2401-2420 (2000;)) ("Act"),<sup>2</sup> based on the charging letter issued to Kuan that alleged that Kuan committed 17 violations of the regulations. Specifically, the charges are:

1. *One violation of 15 CFR 787A.2—Aiding and Abetting an Unlicensed Export:* On or about December 1, 1996, Kuan aided and abetted the unlicensed

<sup>1</sup> The regulations governing the violations at issue are found in the 1996, 1997, 1998, 1999 and 2000 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, 1998, 1999 and 2000). The March 25, 1996 **Federal Register** publication redesignated, but did not republish, the then-existing Regulations as 15 CFR part 768A-799A. As an interim measure that was part of the transition to 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 CFR parts 730-774, effective April 24, 1996. The 2003 Regulations establish the procedures that apply to this matter.

<sup>2</sup> 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, 2003 (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 7, 2003 (68 FR 47833, August 11, 2003)), has continued the Regulations in effect under IEEPA.

export of detector log video amplifiers, items subject to the former Regulations and classified under ECCN 3A001.b.4.a, by authorizing the procurement of the detector log video amplifiers by Silicon Valley Scientific Instruments Corporation (SVSIC) from Suntek Microwave, Inc. (Suntek) who then exported them to the People's Republic of China (PRC) without a validated license as required by Section 771A.1 of the former Regulations.

2. *One violation of 15 CFR 764.2(e)—Transfer of Controlled Commodity Knowing That It Will be Exported Without a License:* On or about January 27, 1997, Kuan authorized the procurement of detector log video amplifiers, items subject to the Regulations and classified under ECCN 3A001.b.4.a, by SVSIC from Suntek knowing or having reason to know that SVSIC would export them to the PRC without a license as required by Sections 742A.4 and 742.5 of the Regulations.

3. *Nine Violations of 15 CFR 764.2(b)—Aiding and Abetting an Unlicensed Export:* From on or about November 1996 through on or about April 2000, Kuan arranged for the entrance of citizens of the PRC, not citizens or permanent resident aliens of the United States, into the United States, knowing or having reason to know that Suntek then would release the U.S.-origin technology classified under ECCN 3E001 to them without the licenses required under Sections 742.4 and 742.5 of the Regulations.

4. *One Violation of 15 CFR 764.2(a)—False Statements on License Application:* On or about July 25, 1997, Suntek filed an application for a license with BIS to export detector log video amplifiers to the PRC. On the application, Suntek stated that the purchaser, intermediate consignee, ultimate consignee, and end-user were China Electronic Science & Technical University when, in fact, China Electronic Science & Technical University was not the purchaser, intermediate consignee, ultimate consignee, or end-user. Kuan certified on the license application that all information contained therein was true and correct when, in fact, Kuan knew or had reason to know that the information contained therein was false.

5. *Five Violations of 15 CFR 764.2(e)—Exporting Without Licenses:* On or about February 4, 1998, February 26, 1998, April 28, 1998, May 7, 1998, and June 8, 1998, Kuan authorized the sales and exports of detector log video amplifiers, items subject to the Regulations and classified under ECCN 3A001.b.4.a, by Suntek from the United

States to the PRC. At the time Kuan authorized the exports, Kuan knew or had reason to know that no licenses were obtained for the exports as required under Sections 742.4 and 742.5 of the Regulations.

BIS and Kuan 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 a civil penalty of \$187,000 is assessed against Kuan, 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, Kuan 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*, for a period 20 years from the date of entry of the Order, Charlie Kuan, 2541 Robin Court, Union City, California 94587, when acting for or on behalf of Kuan, his assigns, representatives, agents, or employees ("Denied Person") may not participate, directly or indirectly, 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