

project (i) merits and is not otherwise feasible without an increase to the EDA investment rate; or (ii) will be of no or only incidental benefit to the recipient. See section 204(c)(3) of PWEDA (42 U.S.C. 3144) and 13 CFR 301.4(b)(4).

While cash contributions are preferred, in-kind contributions, consisting of assumptions of debt or contributions of space, equipment, and services, may provide the non-Federal share of the total project cost. See section 204(b) of PWEDA (42 U.S.C. 3144). EDA will fairly evaluate all in-kind contributions, which must be eligible project costs and meet applicable Federal cost principles and uniform administrative requirements. Funds from other Federal financial assistance awards are considered matching share funds only if authorized by statute that allows such use, which may be determined by EDA's reasonable interpretation of the statute. See 13 CFR 300.3. The applicant must show that the matching share is committed to the project, available as needed and not conditioned or encumbered in any way that precludes its use consistent with the requirements of EDA investment assistance. See 13 CFR 301.5.

**Intergovernmental Review:** Applications under the Research and Evaluation Program are not subject to Executive Order 12372, "Intergovernmental Review of Federal Programs."

**Evaluation and Selection Procedures:** To apply for an award under this announcement, an eligible applicant must submit a completed application (Form ED-900A, Application for Investment Assistance) to EDA during the timeframe specified in the **DATES** section of this notice. Applications received after 5 p.m. EDT on August 15, 2006 will not be considered for funding. By September 15, 2006, EDA expects to notify the applicants selected for investment assistance. Unsuccessful applicants will be notified by postal mail that their applications were not recommended for funding. Applications that do not meet all items required or that exceed the page limitations set forth in this competitive solicitation will be considered non-responsive and will not be considered by the review panel. Applications that meet all the requirements will be evaluated by a review panel comprised of at least three (3) EDA staff members, all of whom will be full-time federal employees.

**Evaluation Criteria:** The review panel will evaluate the applications and rate and rank them using the following criteria of approximate equal weight:

1. Conformance with EDA's statutory and regulatory requirements, including

the extent to which the proposed project satisfies the award requirements set out below and as provided in 13 CFR 306.2:

- a. Strengthens the capacity of local, State or national organizations and institutions to undertake and promote effective economic development programs targeted to regions of distress;
  - b. Benefits distressed regions; and
  - c. Demonstrates innovative approaches to stimulate economic development in distressed regions;
2. The degree to which an EDA investment will have strong organizational leadership, relevant project management experience and a significant commitment of human resources talent to ensure the project's successful execution (see 13 CFR 301.8(b));

3. The ability of the applicant to implement the proposed project successfully (see 13 CFR 301.8);

4. The feasibility of the budget presented; and

5. The cost to the Federal government.

**Selection Factors:** EDA expects to fund the highest ranking applications submitted under this competitive solicitation. The Assistant Secretary is the Selecting Official and will normally follow the recommendation of the review panel. However, the Assistant Secretary may not make any selection, or he may select an application out of rank order for the following reasons: (1) A determination that the application better meets the overall objectives of sections 2 and 207 of PWEDA (42 U.S.C. 3121 and 3147); (2) the applicant's performance under previous awards; or (3) the availability of funding.

#### **The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements**

The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements, published in the **Federal Register** on December 30, 2004 (69 FR 78389), are applicable to this competitive solicitation. This notice may be accessed by entering the **Federal Register** volume and page number provided in the previous sentence at the following Internet Web site: <http://gpoaccess.gov/fr/retrieve.html>.

#### **Paperwork Reduction Act**

This request for applications contains a collection of information subject to the requirements of the Paperwork Reduction Act (PRA). The Office of Management and Budget (OMB) has approved the use of the Application for Investment Assistance (Form ED-900A) under control number 0610-0094. The Form ED-900A also incorporates Forms

SF-424 (Application for Financial Assistance), SF-424A (Budget-Non-Construction Programs) and SF-424B (Assurances-Non-Construction Programs). Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA unless the collection of information displays a currently valid OMB control number.

#### **Executive Order 12866**

This notice has been determined to be not significant for purposes of Executive Order 12866, "Regulatory Planning and Review."

#### **Executive Order 13132**

It has been determined that this notice does not contain "policies that have Federalism implications," as that phrase is defined in Executive Order 13132, "Federalism."

#### **Administrative Procedure Act/Regulatory Flexibility Act**

Prior notice and an opportunity for public comments are not required by the Administrative Procedure Act or any other law for rules concerning grants, benefits, and contracts (5 U.S.C. 553(a)(2)). Because notice and opportunity for comment are not required pursuant to 5 U.S.C. 553 or any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are inapplicable. Therefore, a regulatory flexibility analysis has not been prepared.

Dated: July 12, 2006.

**Benjamin Erulkar,**

*Deputy Assistant Secretary of Commerce for Economic Development and Chief Operating Officer.*

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## **DEPARTMENT OF COMMERCE**

### **Bureau of Industry and Security**

**Action Affecting Export Privileges; Diao Mohsen; In the Matter of: Diao Mohsen, 927 Pavonia Avenue, Apartment 2, Jersey City, NJ 07306; Order Denying Export Privileges**

#### **A. Denial of Export Privileges of Diao Mohsen**

On February 15, 2002, in the U.S. District Court in the Southern District of Florida, following a plea of guilty, Diao Mohsen ("Mohsen") was convicted of violating section 38 of the Arms Export Control Act (22 U.S.C. 2778 (2000)) ("AECA"). Mohsen pled guilty of

knowingly and willfully attempting to export from the United States to Pakistan stinger missiles and night vision goggles, items designated as defense articles without obtaining the required approval from the U.S. Department of State. Mohsen was sentenced to 30 months imprisonment followed by three years of supervised release. He was released from prison on September 13, 2003 and will be released from U.S. Probation Office supervision on September 12, 2006.

Section 11(h) of the Export Administration Act of 1979, as amended (currently codified at 50 U.S.C. app. §§ 2401–2420 (2000)) (“Act”)<sup>1</sup> and Section 766.25 of the Export Administration Regulations<sup>2</sup> (“Regulations”) provide, in pertinent part, that “[t]he Director of Exporter Services, in consultation with the Director of the Office of Export Enforcement, may deny export privileges of any person who has been convicted of a violation of \* \* \* AECA,” for a period not to exceed 10 years from the date of conviction. 15 CFR 766.25(a) and (d). In addition, Section 750.8 of the Regulations states that BIS’s Office of Exporter Services may revoke any BIS licenses previously issued in which the person had an interest in at the time of his conviction.

I have received notice of Mohsen’s indictment for violating the AECA, and have provided notice and an opportunity for Mohsen to make a written submission to the Bureau of Industry and Security as provided in Section 766.25 of Regulations. Mohsen made a telephone call to the Office of Chief Counsel for Industry and Security and was instructed to make a written submission as provided by the Regulations. Having received no submission from Mohsen, I, following consultations with the Export Enforcement, including the Director, Office of Export Enforcement, have decided to deny Mohsen’s export privileges under the Regulations for a period of 10 years from the date of Mohsen’s conviction.

Accordingly, it is hereby *Ordered*:

I. Until February 25, 2012, Daa Mohsen, 927 Pavonia Avenue, Apartment 2, Jersey City, NJ 07306, and when acting for or on behalf of Mohsen,

<sup>1</sup> 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 2, 2005 (70 FR 45273, August 5, 2005), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701–1706 (2000)) (“IEEPA”).

<sup>2</sup> The Regulations are currently codified at 15 CFR parts 730–774 (2006).

his representatives, assigns, agents, or employees, (collectively referred to hereinafter as the “Denied Person”) may not, 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.

II. 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.

III. After notice and opportunity for comment as provided in section 766.23 of the Regulations, any other person, firm, corporation, or business organization related to Daa Mohsen by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be made subject to the provisions of this Order.

IV. 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.

V. This Order is effective immediately and shall remain in effect until February 15, 2012.

VI. In accordance with part 756 of the Regulations, Mohsen may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of part 756 of the Regulations.

VII. A copy of this Order shall be delivered to Mohsen. This Order shall be published in the **Federal Register**.

Dated: July 11, 2006.

**Eileen M. Albanese,**

*Director, Office of Exporter Services.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–570–831]

#### **Fresh Garlic from the People’s Republic of China: Final Results of 2004–2005 Semi-Annual New Shipper Reviews**

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

**SUMMARY:** On May 4, 2006, the Department of Commerce (“the Department”) published the preliminary results of new shipper reviews of the antidumping duty order on fresh garlic from the People’s Republic of China (“PRC”). See *Fresh Garlic from the People’s Republic of China: Preliminary Results of 2004–2005 Semi-Annual New Shipper Reviews*, 71 FR 26322 (May 4, 2006) (“*Preliminary Results*”). The