

consumption, and choose the duty-free rate that applies to the finished polysilicon for the foreign inputs used in production. The company may also realize certain logistical/procedural savings related to weekly entry and direct delivery procedures, as well as savings on materials that become scrap/waste during manufacturing. The application indicates that FTZ procedures would help improve the plant's international competitiveness.

In accordance with the Board's regulations, Diane Finver of the FTZ staff is designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is December 8, 2008. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to December 23, 2008).

A copy of the application will be available for public inspection at each of the following locations: U.S. Department of Commerce Export Assistance Center, 700 W. State Street, 2nd floor, Boise, Idaho 83720; and, Office of the Executive Secretary, Foreign-Trade Zones Board, Room 2111, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, D.C. 20230-0002.

For further information, contact Diane Finver at Diane\_Finver@ita.doc.gov or (202) 482-1367.

Dated: October 3, 2008.

**Andrew McGilvray,**  
Executive Secretary.

[FR Doc. E8-24024 Filed 10-8-04; 8:45 am]

BILLING CODE 3510-DS-S

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

[Order No. 1577]

#### Grant of Authority for Subzone Status; Noramco, Inc. (Pharmaceutical Intermediates), Athens, GA

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

*Whereas*, the Foreign-Trade Zones Act provides for “\* \* \* the establishment \* \* \* of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and

for other purposes,” and authorizes the Foreign-Trade Zones Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

*Whereas*, the Board's regulations (15 CFR part 400) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved, and when the activity results in a significant public benefit and is in the public interest;

*Whereas*, the Georgia Foreign Trade Zone, Inc., grantee of FTZ 26, has made application to the Board for authority to establish special-purpose subzone status at the pharmaceutical intermediate manufacturing plant of Noramco, Inc., located in Athens, Georgia (FTZ Docket 23-2008, filed 4/3/08);

*Whereas*, notice inviting public comment has been given in the **Federal Register** (73 FR 20247, 4/15/08); and,

*Whereas*, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied, and that approval of the application is in the public interest;

*Now, therefore*, the Board hereby grants authority for subzone status for activity related to a prescription pharmaceutical intermediate product at the Noramco, Inc., facility located in Athens, Georgia (Subzone 26K), as described in the application and **Federal Register** notice, and subject to the FTZ Act and the Board's regulations, including Section 400.28.

Signed at Washington, DC, this 1st day of October 2008.

**David M. Spooner,**

Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

**Andrew McGilvray,**  
Executive Secretary.

[FR Doc. E8-23888 Filed 10-8-08; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

Order No. 1575

#### Termination of Foreign-Trade Subzone 61G, Carolina, Puerto Rico

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), and the Foreign-Trade Zones Board Regulations (15 CFR Part 400), the Foreign-Trade Zones Board has adopted the following order:

*Whereas*, on November 28, 1995, the Foreign-Trade Zones Board issued a grant of authority to the Puerto Rico Trade and Export Company (PRTEC) authorizing the establishment of Foreign-Trade Subzone 61G at the IPR Pharmaceuticals, Inc. facility, Carolina, Puerto Rico (Board Order 787, 60 FR 63499, 12/11/95);

*Whereas*, PRTEC has advised the Board that zone procedures are no longer needed at the facility and requested voluntary termination of Subzone 61G (FTZ Docket 18-2008);

*Whereas*, the request has been reviewed by the FTZ Staff and U.S. Customs and Border Protection officials, and approval has been recommended;

*Now, therefore*, the Foreign-Trade Zones Board terminates the subzone status of Subzone 61G, effective this date.

Signed at Washington, DC, this 18th day of September 2008.

**David M. Spooner,**

Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

Attest:

**Andrew McGilvray,**  
Executive Secretary.

[FR Doc. E8-24026 Filed 10-8-08; 8:45 am]

BILLING CODE 3510-DS-S

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

#### Action Affecting Export Privileges; Philip Cheng

In the Matter of: Philip Cheng, currently incarcerated at: Registration Number 10105-111 FCI, Terminal Island, Federal Correctional Institution, P.O. Box 3007, San Pedro, CA 90731; and with an address at: 7654 Peach Blossom Drive, Cupertino, CA 95014.

#### Order Denying Export Privileges

On December 3, 2007, in the U.S. District Court for Northern District of California, Philip Cheng (“Cheng”) pled guilty to and was convicted of violating Section 38 of the Arms Export Control Act (22 U.S.C. 2778 (2000)). Cheng pled guilty to willfully engaging in brokering activities in facilitating the export and transfer of defense articles and defense services, specifically the brokering of the export of thermal imaging and infrared technology controlled under 22 CFR 121.1, Category XII(c), without having registered with and obtained the required authorization from the Department of State. Cheng was sentenced to 24 months imprisonment, followed by three years of supervised release, and ordered to pay a \$50,000

fine and a \$100.00 special assessment fee.

Section 766.25 of the Export Administration Regulations (“EAR” or “Regulations”)<sup>1</sup> provides, in pertinent part, that “[t]he Director of the Office of Exporter Services, in consultation with the Director of the Office of Export Enforcement, may deny the export privileges of any person who has been convicted of a violation of the [Export Administration Act (“EAA”)], the EAR, of any order, license or authorization issued thereunder; any regulation, license, or order issued under the International Emergency Economic Powers Act (50 U.S.C. 1701–1706); 18 U.S.C. 793, 794 or 798; section 4(b) of the Internal Security Act of 1950 (50 U.S.C. 783(b)), or section 38 of the Arms Export Control Act (22 U.S.C. 2778).” 15 CFR 766.25(a); see also Section 11(h) of the EAA, 50 U.S.C. app. § 2410(h). The denial of export privileges under this provision may be for a period of up to 10 years from the date of the conviction. 15 CFR 766.25(d); see also 50 U.S.C. app. § 24 10(h). In addition, Section 750.8 of the Regulations states that the Bureau of Industry and Security’s Office of Exporter Services may revoke any Bureau of Industry and Security (“BIS”) licenses previously issued in which the person had an interest in at the time of his conviction.

I have received notice of Cheng’s conviction for violating the AECA, and have provided notice and an opportunity for Cheng to make a written submission to BIS, as provided in Section 766.25 of the Regulations. I have received a submission from Cheng. Based upon my review and consideration of that submission, my consultations with BIS’s Office of Export Enforcement, including its Director, and the facts available to BIS, I have decided to deny Cheng’s export privileges under the Regulations for a period of eight years from the date of Cheng’s conviction.

Accordingly, it is hereby *ordered*:

I. Until December 3, 2015, Philip Cheng, currently incarcerated at Registration Number 10105–111, FCI Terminal Island, Federal Correctional Institution, P.O. Box 3007, San Pedro,

CA 90731, and with an address at: 7654 Peach Blossom Drive, Cupertino, CA 95014, and when acting for or on behalf of Cheng, 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 Philip Cheng 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 if necessary to prevent evasion of the 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 December 3, 2015.

VI. In accordance with Part 756 of the Regulations, Cheng 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 Cheng. This Order shall be published in the **Federal Register**.

Dated: September 29, 2008.

**Bernard Kritzer**,

*Director, Office of Exporter Services.*

[FR Doc. E8–23795 Filed 10–8–08; 8:45 am]

**BILLING CODE 3510–DT–M**

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

#### Galaxy Aviation Trade Co. Ltd., et al.; Final Decision and Order

In the Matter of:

Galaxy Aviation Trade Company Ltd., 15 Moreland Court, Lyndale Avenue, Finchley Road, London, UK, NW2 2PJ.

Hooshang Seddigh, 15 Moreland Court, Lyndale Avenue, Finchley Road, London, UK, NW2 2PJ.

Hamid Shaken Hendi, 5th Floor, 23 Nafisi Avenue, Shahrak Ekbatan, Karaj Special Road, Tehran, Iran.

Hossein Jahan Peyma, 2/1 Makran Cross, Heravi Square, Moghan Aye, Pasdaran Cross, Tehran, Iran.

Appellants; Final Decision and Order.

<sup>1</sup> The Regulations are currently codified in the Code of Federal Regulations at 15 CFR Parts 730–774 (2008). The Regulations issued pursuant to the EAA, which is currently codified at 50 U.S.C. app. § 2401–2420 (2000). Since August 21, 2001, the EAA has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), which has been extended by successive Presidential Notices, the most recent being that of July 23, 2008 (73 FR 43603, July 25, 2008), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701–1706 (2000)).