Dated: August 3, 1995.

## William A. Reinsch,

Under Secretary for Export Administration.

## Recommended Decision and Default Order

On March 31, 1995, the Office of Export Enforcement, Bureau of Export Administration, United States Department of Commerce (hereinafter, the "Department"), issued a charging letter initiating an administrative proceeding against Realtek Semi-Conductor Co. Ltd. (hereinafter, "Realtek"), a Taiwanese entity. The charging letter alleged that Realtek committed one violation of the Export Administration Regulations (currently codified at 15 C.F.R. Parts 768-799 (1995)) (hereinafter, the "Regulations"),1 issued pursuant to the Export Administration Act of 1979, as amended (currently codified at 50 U.S.C.A. app. §§ 2401–2420 (1991, Supp. 1993, and Pub. L. No. 103–277, July 5, 1994)) (hereinafter, the "Act").2

Specifically, the charging letter alleged that, on or about April 1, 1990, Realtek caused, aided, or abetted the export from the United States to Taiwan of U.S.-origin Trident TVGA 8800 and TVGA 8900 technology without the written letter of assurance required by Section 779.4 of the Regulations. Accordingly, the Department alleged that Realtek committed one violation of Section 787.2 of the Regulations.

The charging letter was served on Realtek on April 12, 1995. Realtek failed to file an answer within 30 days after service pursuant to Section 788.7(a) of the Regulations. On June 5, 1995, I ordered the Department to file a proposed order together with any evidence in support of the allegation in the charging letter.

On the basis of the Department's submission and all of the supporting evidence presented, I have determined that Realtek violated Section 787.2 of the Regulations by causing, aiding, or abetting the export from the United States to Taiwan of U.S.-origin Trident TVGA 8800 and TVGA 8900 technology without the written letter of assurance required by Section 779.4 of the Regulations.

The Department urges as a sanction that Realtek's export privileges be denied for a period of five years. I

<sup>1</sup> The alleged violation occurred during 1990. The Regulations governing the violation are found in the 1990 version of the Code of Federal Regulations, codified at 15 C.F.R. Parts 768–799 (1990).

concur in the Department's recommendation.

Accordingly, it is therefore ordered, First, that all outstanding individual validated licenses in which Realtek appears or participates, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Exporter Services for cancellation. Further, all of Realtek's privileges of participating, in any manner or capacity, in any special licensing procedure, including, but not limited to, distribution licenses, are hereby revoked.

Second, Realtek, with an address at 6F, No. 4 Fu-Shon Street, Taipei, Taiwan, and all successors, assigns, officers, representatives, agents, and employees, shall, for a period of five years from the date of final agency action, be denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction in the United States or abroad involving any commodity or technical data exported or to be exported from the United States, and subject to the Regulations.

A. Without limiting the generality of the foregoing, participation, either in the United States or abroad, shall include participation, directly, or indirectly, in any manner or capacity: (i) as a party or as a representative of a party to any export license application submitted to the Department; (ii) in preparing or filing with the Department any export license application or request for reexport authorization, or any document to be submitted therewith; (iii) in obtaining from the Department of using any validated or general export license, reexport authorization, or other export control document; (iv) in carrying on negotiations with respect to, or in receiving, ordering, buying, selling, delivering, storing, using, or disposing of, in whole or in part, any commodities or technical data exported or to be exported from the United States and subject to the Regulations; and (v) in financing, forwarding, transporting, or other servicing of such commodities or technical data.

B. After notice and opportunity for comment as provided in Section 788.3(c) of the Regulations, any person, firm, corporation, or business organization related to Realtex 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.

C. As provided by Section 787.12(a) of the Regulations, without prior disclosure of the facts to and specific authorization of the Office of Exporter Services, in consultation with the Office

of Export Enforcement, no person may directly or indirectly, in any manner or capacity: (i) apply for, obtain, or use any license, Shipper's Exporter Declaration, bill of lading, or other export control document relating to an export or reexport of commodities or technical data by, to, or for another person then subject to an order revoking or denying his export privileges or then excluded from practice before the Bureau of Export Administration; or (ii) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate: (a) in any transaction which may involve any commodity or technical data from the United States; (b) in any reexport thereof; or (c) in any other transaction which is subject to the Export Administration Regulations, if the person denied export privileges may obtain any benefit or have any interest in, directly or indirectly, any of these transactions.

Third, that a copy of this Order shall be served on Realtek and on the Department.

Fourth, that this Order, as affirmed or modified, shall become effective upon entry of the final action by the Under Secretary for Export Administration, in accordance with the Act (50 U.S.C.A. app. § 2412(c)(1)) and the Regulations (15 CFR 788.23).

Dated: July 12, 1995.

## Edward J. Kuhlmann,

Administrative Law Judge.

To be considered in the 30 day statutory review process which is mandated by Section 13(c) of the Act, submissions must be received in the Office of the Under Secretary for Export Administration, U.S. Department of Commerce, 14th & Constitution Avenue NW., Room 3898B, Washington, D.C. 20230, within 12 days. Replies to the other party's submission are to be made within the following 8 days. 15 CFR 788.23(b), 50 FR 53134 (1985). Pursuant to Section 13(c)(3) of the Act, the order of the final order of the Under Secretary may be appealed to the U.S. Court of Appeals for the District of Columbia within 15 days of its issuance.

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## **Interntional Trade Administration**

[A-357-804]

Silicon Metal From Argentina; Preliminary Results of Antidumping Duty Administrative Review

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

<sup>&</sup>lt;sup>2</sup> The Act expired on August 20, 1994. Executive Order 12924 (59 Fed. Reg. 43437, August 23, 1994) continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C.A. §§ 1701–1706 (1991)).