

listed below from nonprofit agencies employing persons who are blind or have other severe disabilities. I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities and services to the Government.

2. The action will result in authorizing small entities to furnish the commodities and services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the commodities and services proposed for addition to the Procurement List. Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information. The following commodities and services have been proposed for addition to Procurement List for production by the nonprofit agencies listed:

#### *Commodities*

Soup Spoon Ladle  
M.R. 806

NPA: The Lighthouse for the Blind, Inc.,  
Seattle, Washington

Aqua Plunger Mop  
M.R. 1026

NPA:

Signature Works, Inc., Hazlehurst,  
Mississippi

Southern Nevada Sightless, Las Vegas,  
Nevada

#### *Services*

Base Supply Center, Minot Air Force Base,  
North Dakota

NPA: Envision, Inc., Wichita, Kansas  
Base Supply Center, Naval Air Station,  
Kingsville, Texas

NPA: South Texas Lighthouse for the Blind,  
Corpus Christi, Texas

Central Facility Management, U.S. Secret  
Service Headquarters, 930 H Street, NW,  
Washington, DC

NPA: Melwood Horticultural Training  
Center, Upper Marlboro, Maryland  
Janitorial/Custodial, Federal Building #4,  
4401 Suitland Road, Suitland, Maryland

NPA: Davis Memorial Goodwill Industries,  
Washington, DC

Janitorial/Custodial, Veterans Affairs  
Outpatient Clinic, 25 N. 32nd Street,  
Camp Hill, Pennsylvania

NPA: Goodwill Services, Inc., Harrisburg,  
Pennsylvania

Janitorial/Custodial, U.S. Army Reserve  
Center, Fort Jackson, South Carolina

NPA: Camden Vocational Rehabilitation  
Training Center, Camden, South Carolina  
Operation of Individual Equipment Element  
Store, Davis-Monthan Air Force Base,  
Arizona

NPA: Arizona Industries for the Blind,  
Phoenix, Arizona

Operation of Individual Equipment Element  
Store, Minot Air Force Base, North  
Dakota

NPA: Envision, Inc., Wichita, Kansas

#### **Deletions**

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action will result in authorizing small entities to furnish the commodities and services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the commodities and services proposed for deletion from the Procurement List.

The following commodities and services have been proposed for deletion from the Procurement List:

#### *Commodities*

Kit, Shaving, Surgical Preparation

6530-00-676-7372

Surgical Dressing Set

6530-00-105-5826

Box, Filing

7520-00-139-3734

#### *Services*

Administrative Services, Cecil Field Naval  
Air Station, Cecil Field, Florida

Assembly, Living Kit, Basic and  
Supplemental

Commissary Warehousing, Homestead Air  
Reserve Station, Florida

Corrosion Control of Fuel Pipelines,  
Manchester Naval Fuel Department,  
Manchester, Washington

Disposal Support Services, Defense  
Reutilization and Marketing Office,  
Agana, Guam

Fast Pack/Carton Recycling and Pallet Repair,  
Sacramento Army Depot, Sacramento,  
California

Food Service Attendant, Cecil Field Naval  
Air Station, Cecil Field, Florida

Food Service Attendant, Homestead Air  
Reserve Station, Florida

Food Service Attendant, Naval Security  
Group Activity, Homestead Air Force  
Base, Florida

Grounds Maintenance, Andersonville  
National Historic Site, Route 1, Box 85,  
Andersonville, Georgia

Grounds Maintenance, U. S. Postal Service,  
1088 Nandino Boulevard, Lexington,  
Kentucky

Grounds Maintenance, Camp Bonneville,  
Washington

Grounds Maintenance, National Oceanic and  
Atmospheric Administration, National  
Marine Fisheries Service, 2725 Montlake  
Boulevard East, Seattle, Washington

Janitorial/Custodial, Naval Station, Mobile,  
Alabama

Janitorial/Custodial, Riverside National  
Cemetery, 22495 Van Buren Blvd.,  
Riverside, California

Janitorial/Custodial, Federal Building, 100  
North Warren, Saginaw, Michigan

Janitorial/Custodial, Lewistown Flight  
Service Station, Lewistown, Montana

Janitorial/Custodial, BEQ Naval Station,  
Staten Island, New York

Janitorial/Custodial, Newark Air Force Base,  
Ohio

Janitorial/Custodial, Bonneville Power  
Administration, 11743 NE Sumner  
Street, Portland, Oregon

Janitorial/Custodial, Tennessee Air National  
Guard, Nashville Metro Airport,  
Nashville, Tennessee

Janitorial/Grounds Maintenance, Naval  
Industrial Reserve Ordnance Plant,  
Rochester, New York

Laundry Service, Military Entrance  
Processing Station, 1222 Spruce Street,  
St. Louis, Missouri

Microfiche/Microfilm Reproduction, Newark  
Air Force Station, Ohio

Operation of Tool Crib, Kelly Air Force Base,  
Texas

Planting Horticultural Materials, U.S. Forest  
Service, Bend Pine Nursery Market,  
63095 Deschutes Market Road, Bend,  
Oregon

Reproduction Service, Headquarters, U.S.  
Marine Corps, Clarendon Square Office  
Building, 3033 Wilson Boulevard,  
Arlington, Virginia

Tray Delivery Service, Department of  
Veterans Affairs Medical Center, 3601  
South 6th Avenue, Tucson, Arizona

**Beverly L. Milkman,**

*Executive Director.*

[FR Doc. 99-4850 Filed 2-25-99; 8:45 am]

**BILLING CODE 6353-01-P**

## **DEPARTMENT OF COMMERCE**

### **Bureau of Export Administration**

**[Docket No. 97-BXA-20]**

### **Aluminum Company of America Respondent; Decision and Order**

This is an export control administrative enforcement action here for final decision by the Under Secretary pursuant to § 766.22 of the Export Administration Regulations (15 CFR 730, *et seq.*) In a recommended decision and order dated December 21, 1998, the Honorable Parlen L. McKenna, Administrative Law Judge (ALJ), found that the Aluminum Company of America (ALOCA) committed 100 violations of the Export Administration Regulations and proposed a civil

penalty of \$10,000 per violation for a total penalty of \$1,000,000. After reviewing the record of this case, including the briefs of the parties filed before me, I approve the ALJ's recommended findings and decision subject to my comments below.

I approve the ALJ's findings of fact and his conclusions of law. The ALJ correctly found that the former EAR § 787.5(a) (15 CFR 787.5(a)) does not require a showing of knowledge on intent on the part of the respondent. The ALJ correctly determined that ALCOA committed 100 violations of the EAR.

With respect to the penalty, I generally agree with the ALJ's assessment of the factors that bear on the penalty. The ALJ is correct, for example, that the results in prior settlement cases are not precedent for a penalty in this contested case. A willingness to settle on the government's terms is a concrete sign that a violator has admitted his wrongdoing and is making amends. That factor, which is not present in this case, can significantly mitigate the penalty. I also disagree with respondent's counsel that the result in this case will have a chilling effect on voluntary disclosures. ALCOA did not make a voluntary disclosure under the meaning of EAR 764.5 in this case. This penalty should send the message that there are significant advantages to having an internal compliance program that catches and reports problems quickly.

I have made my own assessment of the penalty in light of the findings and conclusions of the ALJ. I approve the ALJ's recommended penalty of \$10,000 for each of the 50 § 787.6 violations for exporting without the required validated export license. With respect to the penalty for the false statement violations under § 787.5(a), however, I am reducing the penalty to \$5,000 per violation. Accordingly, I approve a total penalty of \$750,000.

*It is therefore ordered* that the Aluminum Company of America, having been found by a preponderance of the evidence to have committed 100 violations of the Export Administration Regulations, pay a civil penalty in the amount of \$10,000 for each of the 50 charges of violation of former § 787.6 of the EAR and a civil penalty of \$5,000 for each of 50 charges of violation of former 787.5(a) of the EAR, for a total penalty of \$750,000.

*It is further ordered* that ALCOA shall pay the penalty assessed herein within 30 days from the date of this order and in accordance with the "instructions for Payment of Civil Penalty" attached to

the ALJ's recommended decision and order. Pursuant to the Debt Collection Act of 1982, as amended (31 U.S.C. 3701-3720E (1983 and Supp. 1998)), 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, respondent will be assessed, in addition to interest, a penalty charge and an administrative charge, as more fully described in the attached notice.

*It is further ordered* that this decision and order and the recommended decision and order of the ALJ shall be served on the parties and published in the **Federal Register**.

Entered this 19th day of February, 1999.

**William A. Reinsch,**

*Under Secretary for Export Administration.*

#### Notice

The Order to which this Notice is attached describes the reasons for the assessment of the civil monetary penalty and the rights, if any, the respondent may have to seek review, both within the U.S. Department of Commerce and the courts. It also specifies the amount owed and the date by which payment of the civil penalty is due and payable.

Under the Debt Collection Act of 1982, as amended (31 U.S.C.A. §§ 3701-3720E (1983 and Supp. 1998)), and the Federal Claims Collection Standards (4 CFR parts 101-105 (1997)), interest accrues on any and all civil monetary penalties owed and unpaid under the Order, from the date of the Order until paid in full. The rate of interest assessed respondent is the rate of the current value of funds to the U.S. Treasury on the date that the Order was entered. However, interest is waived on any portion paid within 30 days of the date of the Order. See 31 U.S.C.A. § 3717 and 4 CFR 102.13.

The civil monetary penalty will be delinquent if not paid by the due date specified in the Order. If the penalty becomes delinquent, interest will continue to accrue on the balance remaining due and unpaid, and respondent will also be assessed both an administrative charge to cover the cost of processing and handling the delinquent claim and a penalty charge of six percent per year. However, although the penalty charge will be computed from the date that the civil penalty becomes delinquent, it will be assessed only on sums due and unpaid for over 90 days after that date. See 31 U.S.C.A. § 3717 and 4 CFR 102.13.

The foregoing constitutes the initial written notice and demand to respondent in accordance with section

102.2(b) of the Federal Claims Collection Standards (4 CFR 102.2(b)).

[FR Doc. 99-4758 Filed 2-25-99; 8:45 am]

BILLING CODE 3510-DT-M

## DEPARTMENT OF COMMERCE

### Bureau of Export Administration

#### Materials Technical Advisory Committee; Notice of Open Meeting

The Materials Technical Advisory Committee (MTAC) will meet on March 11, 1999, 10:30 a.m., in the Herbert C. Hoover Building, Room 3884, 14th Street between Constitution & Pennsylvania Avenues, N.W., Washington, D.C. The Committee advises the Office of the Assistant Secretary for Export Administration with respect to technical questions that affect the level of export controls applicable to advanced materials and related technology.

#### Agenda

1. Opening remarks.
2. Discussion of the Biological Weapons Convention (BWC) implementation protocol.
3. Discussion of 01/19/99 BWC Ad Hoc Group Working Paper.
4. Presentation of papers or comments by the public.

The meeting will be open to the public and a limited number of seats will be available. Reservations are not required. To the extent that time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to Committee members, the Committee suggests that presenters forward the public presentation materials to the following address: Ms. Lee Ann Carpenter, Advisory Committees MS: 3886C, 15th St. & Pennsylvania Ave., N.W., U.S. Department of Commerce, Washington, D.C. 20230.

For more information contact Lee Ann Carpenter on (202) 482-2583.

Dated: February 19, 1999.

**Lee Ann Carpenter,**

*Committee Liaison Officer.*

[FR Doc. 99-4756 Filed 2-25-99; 8:45 am]

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