



CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Nelson G. Dong, Esq.  
Dorsey & Whitney  
U.S. Bank Centre  
1420 Fifth Avenue  
Seattle, WA 98101

Re: *Entegris, Inc.*

Dear Mr. Dong:

The Bureau of Export Administration, United States Department of Commerce (BXA), has reason to believe that your client, Entegris, Inc., as successor of the business of Fluoroware, (Entegris), has violated the Export Administration Regulations (currently codified at 15 C.F.R. Parts 730-774 (2000)) (the Regulations),<sup>1</sup> issued pursuant to the Export Administration Act of 1979, as amended (50 U.S.C. app. §§ 2401-2420 (1994 & Supp. IV 1998) and Pub. L. No. 106-508, 114 Stat. 2360) (the Act).<sup>2</sup> The basis for BXA's belief is set forth in the enclosed proposed Charging Letter.

Prior to issuing the Charging Letter, BXA is prepared to consider any evidence that Entegris deems appropriate to refute these allegations. BXA is also prepared to discuss the

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<sup>1</sup>The violations at issue occurred from 1996 through 1998. The Regulations governing the violations at issue are found in the 1996 through 1998 versions of the Code of Federal Regulations (15 C.F.R. Parts 768-799 (1996), as amended (61 *Fed. Reg.* 12714, March 25, 1996)) (former Regulations), and 15 C.F.R. Parts 730-774 (1997-1998)). The March 25, 1996 *Federal Register* publication redesignated, but did not republish, the then-existing Regulations as 15 C.F.R. Parts 768A-799A. In addition, the March 25, 1996 *Federal Register* publication restructured and reorganized the Regulations, designating them as an interim rule at 15 C.F.R. Parts 730-774, effective April 24, 1996. The former Regulations define the various violations that BXA alleges occurred during 1996. The Regulations define the various violations that BXA alleges occurred on or after January 1, 1997 and establish the procedures that apply to this matter.

<sup>2</sup> The Act expired on August 20, 1994. Executive Order 12924 (3 C.F.R., 1994 Comp. 917 (1995)), which had been extended by successive Presidential Notices, the most recent being that of August 3, 2000 (65 *Fed Reg.* 48347, August 8, 2000), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. §§ 1701-1706 (1994 & Supp. IV 1998)) until November 13, 2000 when the Act was reauthorized. See Pub. L. No. 106-508, 114 Stat. 2360.



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possibility of reaching a settlement before issuing formal charges. If you do not contact us within 30 days of your receipt of this letter, BXA will issue the Charging Letter, thereby initiating a formal administrative proceeding against Entegris.

The Office of Chief Counsel for Export Administration is in receipt of your notice of appearance on behalf of Entegris and your authority to accept service on its behalf if a settlement is not reached and a Charging Letter is issued. If a Charging Letter is issued, you must file a separate notice of appearance with the Administrative Law Judge in accordance with the requirements of Sections 766.4 and 766.5 of the Regulations.

Please contact Melissa B. Mannino at (202) 482-5304 or at the mailing address below, should you have questions concerning this matter.

Sincerely,

Mark D. Menefee  
Director  
Office of Export Enforcement

Enclosures

Mailing address for Ms. Mannino

Office of Chief Counsel  
for Export Administration  
United States Department of Commerce  
Room H-3839  
14th Street and Constitution Avenue, N.W.  
Washington, D.C. 20230



CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Entegris, Inc.  
3500 Lyman Boulevard  
Chaska, MN. 553 18

Attn: *Jim Dauwalter*  
*President and Chief Executive Officer*

Dear Mr. Dauwalter:

The Bureau of Export Administration, United States Department of Commerce (BXA), hereby charges that, as described in detail below, Entegris, Inc., as successor of the business of Fluoroware, (Entegris) has violated the Export Administration Regulations (currently codified at 15 C.F.R. Parts 730-774 (2000)) (the Regulations),<sup>1</sup> issued under the Export Administration Act of 1979, as amended (50 U.S.C. app. §§ 2401-2420 (1994 & Supp. IV 1998) and Pub. L. No. 106-508, 114 Stat. 2360) (the Act).\*

Facts constituting violations:

Charges 1-124

As described in greater detail in Schedule A, which is enclosed herewith and incorporated herein by reference, BXA alleges that on 124 separate occasions from on or about February 27, 1996 through on or about December 18, 1998, Entegris exported various valves, including diaphragm valves, items subject to the former Regulations and Regulations, from the United States to Taiwan, Israel and the People's Republic of China without obtaining Department of Commerce licenses as required by Section 778.8 of

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<sup>1</sup> The violations at issue occurred from 1996 through 1998. The Regulations governing the violations at issue are found in the 1996 through 1998 versions of the Code of Federal Regulations (15 C.F.R. Parts 768-799 (1996), as amended (61 *Fed Reg.* 12714, March 25, 1996)) (former Regulations), and 15 C.F.R. Parts 730-774 (1997-1998)). The March 25, 1996 *Federal Register* publication redesignated, but did not republish, the then-existing Regulations as 15 C.F.R. Parts 768A-799A. In addition, the March 25, 1996 *Federal Register* publication restructured and reorganized the Regulations, designating them as an interim rule at 15 C.F.R. Parts 730-774, effective April 24, 1996. The former Regulations define the various violations that BXA alleges occurred during 1996. The Regulations define the various violations that BXA alleges occurred during 1997 and 1998 and establish the procedures that apply to this matter.

<sup>2</sup> The Act expired on August 20, 1994. Executive Order 12924 (3 C.F.R., 1994 Comp. 917 (1995)), which had been extended by successive Presidential Notices, the most recent being that of August 3, 2000 (65 *Fed. Reg.* 48347, August 8, 2000), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. §§ 1701-1706 (1994 & Supp. IV 1998)) until November 13, 2000 when the Act was reauthorized. See Pub. L. No. 106-508, 114 Stat. 2360.



the former Regulations and Section 742.2 of the Regulations. BXA alleges that by exporting the valves to any person or to any destination in violation of or contrary to the provisions of the Act or any regulation, order or license issued thereunder, Entegris committed 7 violations of Section 787.6 and 14 violations of Section 787A.6 of the former Regulations, and 103 violations of Section 764.2(a) of the Regulations, for a total of 124 violations.

Accordingly, Entegris is hereby notified that an administrative proceeding is instituted against it pursuant to Section 13(c) of the Act and Part 766 of the Regulations for the purpose of obtaining an order imposing administrative sanctions, including any or all of the following:

The maximum civil penalty allowed by law is \$10,000 per violation, subject to the inflation adjustment;<sup>3</sup>

Denial of export privileges; and/or

Exclusion from practice before BXA.

If Entegris fails to answer the charges contained in this letter within 30 days after being served with notice of issuance of this letter as provided in Section 766.6 of the Regulations, that failure will be treated as a default under Section 766.7 of the Regulations.

Entegris is further notified that it is entitled to an agency hearing on the record as provided by Section 13(c) of the Act and Section 766.6 of the Regulations, if a written demand for one is filed with its answer. Further, Entegris is entitled to be represented by counsel or other authorized representative who has power of attorney to represent it. Entegris may also seek a consent settlement. See Sections 766.3 and 766.4 of the Regulations.

The U.S. Coast Guard is providing administrative law judge services in connection with the matters set forth in this letter. Entegris' answer should be filed with the U.S. Coast Guard ALJ Docketing Center, 40 S. Gay Street, Baltimore, Maryland 21202-4022, in accordance with the instructions in Section 766.5(a) of the Regulations. In addition, a copy of Entegris' answer should be served on BXA at the following address:

Melissa B. Mannino, Esq.  
Office of Chief Counsel  
for Export Administration  
United States Department of Commerce  
Room H-3839  
14th Street and Constitution Avenue, N.W.  
Washington, D.C. 20230

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<sup>3</sup> The maximum civil penalty for any violation committed after October 23, 1996 and prior to November 1, 2000 is \$11,000 per violation. See 15 C.F.R. § 6.4(a)(3) (2000).

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Melissa B. Mannino is the attorney representing BXA in this case. She may be contacted by telephone at (202) 482-5304.

Sincerely,

Mark D. Menefee  
Director  
Office of Export Enforcement

Enclosure

Schedule A

ENTEGRIS  
SCHEDULE OF VIOLATIONS

Export Number	Date of Export	Commodities	Entegris Invoice Number	Destination	Violation
1	02/27/96	72 - CIC1M Valve Pilot ½ 2-way NC	496213	Taiwan	15 CFR 787.6
2	03/05/96	15 - CIC1B Valve 1/4", 2wy 12 - CIC1D, Valve Pneu ½" NC 15 - CIC1A Valve 1/4", 2wy 1/4 man	496759	Taiwan	15 CFR 787.6
3	03/07/96	1 - CIC1J Vlv pilot 1/4 2-Way NC 10 - CIC1S, RPR Pts, ½", Pne NC G2 4- CIC1J Valve Pilot 1/4" 3 Way HD	498283 498284	Taiwan	15 CFR 787.6
4	03/08/96	2 - CIC1J Vlv Pilot, 1/4" 2way NC HP 1 - NNC1J lvl Pilot 1/4 3way NC HP	498285	Taiwan	15 CFR 787.6
5	03/12/96	6 - CIC1C21 Vlv ½", Multi-Trn 3/4" ft	499036	Taiwan	15 CFR 787.6
6	03/15/96	15 - CIC1B Valve 1/4" 2wy NC PNEU 25 - CIC1D Valve Pneu ½" 3 - CIC1D Valve Pneu ½" 25 - CIC1C Valve Manual ½" 1 - CIC6X Vlv Check, 1/4" Klrz 3/8 15 - CIC6W Valve Check ½ Viton 25 - CIC1C Vlv Manual ½" 1/4" trn	499334 489261 499333	Taiwan	15 CFR 787.6
7	03/21/96	5 - CIC1J Valve Pilot 1/4 3way HD	501342	Taiwan	15 CFR 787.6
8	03/27/96	2 - CIC1K Valve Solenoid 1/4 2 way	502538	Taiwan	15 CFR 787A.6
9	04/02/96	20 - CLC2F33 Vlv-Weir PN NC 3/4"	503536	Taiwan	15 CFR 787A.6

10	04/02/96	15 - CIC1B, Valve 1/4" 2 way NC PNEU 25 - CIC1C, Vlv Mnl 1/2" 1/4" trn	503854	Taiwan	15 CFR 787A.6
11	04/24/96	5 - CIC1J Vlv Pilot 1/4" 2 way NC	508157	Taiwan	15 CFR 787A.6
12	05/14/96	13 - CIC1N Vlv 1" Man 316SS 1" ft 2 - CIC6W Valve Check 1/2 Kalrez	511808	Taiwan	15 CFR 787A.6
13	05/20/96	15 - CIC10, Valve Pneu 1" N/C Flared	513178	Taiwan	15 CFR 787A.6
14	05/20/96	6 - NNC1J Vlv Pneu 1/4 Sampling 10 - CLC2F33, Vlv-Weir, PN NC 1"	513189 513190	Taiwan	15 CFR 787A.6
15	05/23/96	2 - CLE1M, Purebond Valve 2 - CIC1B, Valve 1/4", 2 way, No Pneu 2 - CIC10, Valve Pneu, 1/2" NC	514071	Taiwan	15 CFR 787A.6
16	05/28/96	1 - CIC1J, Vlv Pilot, 1/4 2 - way ND 1 - CIC1J Vlv, Pilot, 1/4 2-way NC	514721	Taiwan	15 CFR 787A.6
17	06/05/96	4 - CIC1A, Vlv, 1/4" 2way 1/4" Man	515809	Taiwan	15 CFR 787A.6
18	06/12/96	10 - CLC2E Vlv-Weir Man 3/4" PB	516849	Taiwan	15 CFR 787A.6
19	06/18/96	6 - CIC6X, Valve Check, 1/4 Kalrez 2 - CIC1B23, Vlv, PNE 1/4" HP1/4FNPT	518840	Taiwan	15 CFR 787A.6
20	07/02/96	24 - NNE1J Vlv, Pneu 1/4 2Wy, No Spel 24 - NNC1J Vlv, Pneu, 1/4 2Way, NC HP 12 - NNC1J Valve, non-standard 24 - NNC1L Vlv. Pneu. 1/4 Sampling HP	521760	Taiwan	15 CFR 787A.6

21	07/03/96	5 - CIC1N, Vlv 1" man 316SS, 1" ft. 25 - CIC1C Vlv, Mnl ½" 1/4" trn 2 - CIC1B Valve 1/4" 2wy, NC Pneu 30 - CIC1D, Valve Pneu ½" NC	522019	Taiwan	15 CFR 787A.6
22	02/20/97	6 - CI21B62, Vlv, 1/4", PN HP 1/4"	561286	Taiwan	15 CFR 764.2(a)
23	02/22/97	4 - CIC1D, Valve Pneu, ½"	561600	Taiwan	15 CFR 764.2(a)
24	02/22/97	6- CI21C62 Vlv, ½" Man, 3/4"ft	561611	Taiwan	15 CFR 764.2(a)
25	03/06/97	1 - CIC1J, Vlv, Pilot, 1/4 2-way, NO 1 - CIC1J, Vlv Pilot, 1/4 2-way, NC 2 - CIC1J Valve Pilot, 1/4 3-way HD	563650	Taiwan	15 CFR 764.2(a)
26	03/10/97	20- CIB6W63 Vlv, Check 3/4 Flr, Kalrz	564419	Taiwan	15 CFR 764.2(a)
27	03/31/97	6- CIE10 Vlv, Pneu 1" N/O Flared 6- CIC1N Viv. 1" 31688 1" ft.	568756	Taiwan	15 CFR 764.2(a)
28	04/7/97	6-CI21C62 Vlv ½" Man 3/4" Ft	570222	Taiwan	15 CFR 764.2(a)
29	04/29/97	3- CI21B62, Vlv, 1/4" Penu, 3/8" ft	574782	Taiwan	15 CFR 764.2(a)
30	05/9/97	45- CI21C62 Vlv, ½" man, ½" ft.	577083	Israel	15 CFR 764.2(a)
31	05/14/97	1- CIC2E33, Vlv- Weir, Man, 3/4" Ft. 2W	577907	Israel	15 CFR 764.2(a)
32	05/15/97	25 - CI21C62 Vlv, ½" Man 3/4"ft. 10 - CI21C62 Vlv, ½" Man ½" Ft. 19 - CIC6X Valve Check 1/4 Viton 6 - CIE10, Vlv. Pneu. 1" N/O Flared 20 - CI21C62, Vlv. ½" Pneu. ½" FT	578093 578094 578109	Taiwan	15 CFR 764.2(a)
33	05/21/97	2 - CIC1L Valve Manual ½ 2-Way	579228	Taiwan	15 CFR 764.2(a)

34	05/21/97	10 - NNC1J Vlv, Pneu, 1/4 2way NC HP 10 - NNC1J Vlv Pneu 1/4 Sampling HP 5 - NNC1J Lvl Pilot 1/4 3Way NC HP	579210	Taiwan	15 CFR 764.2(a)
35	05/23/97	2 - CI21C62, Vlv 1/2" N/O 3/4" Ft.	579211	Taiwan	15 CFR 764.2(a)
36	05/27/97	2 - CI21B62 Vlv 1/4" NPT	580096	Taiwan	15 CFR 764.2(a)
37	06/03/97	10 - NNE1J Vlv, Pneu, 1/4 2WY NO Spcl 10 - NNC1J, Vlv Pilot 1/4 2way NC HP	581440	Taiwan	15 CFR 764.2(a)
38	06/03/97	6 - CI21C62, Vlv 1/2" Pneu 1/2" Ft.	581559	Taiwan	15 CFR 764.2(a)
39	06/04/97	2 - CI21C62 Vlv, 1/2" Man 1/2" ft. 2 - CI21B62 Vlv, 1/4" man 1/4"NPT LD 2 - CI21B62 Vlv, 1/4" Pneu 3/8" ft. 2 - CIC1J, Vlv, Pilot 1/4 2-way NO 2 - CIC1J, Vlv, Pilot 1/4 2-way NC 2 - CI21C62 Vlv 1/2" Man 3/4" Ft. 2 - CI21C62 Vlv, 1/2" Pneu 3/4" ft. 2 - CI21B62 Vlv 1/4" N/O 1/4" NPT 2 - CI21B62 Vlv 1/4" PN 3way 1/2" ft.	581672	Taiwan	15 CFR 764.2(a)
40	06/04/97	9 - CI21B62 Vlv, 1/4" PN 3 Way 1/2"ft. 9 - CIC6W Valve check 1/2 Vitron 28 - CIC6W valve check 1/2 Kalrez	581673	Taiwan	15 CFR 764.2(a)

41	06/06/97	2 - CI21C62 Vlv, 1/2" Adj 3/4" ft. 2 - CI21C62 1/2" Pneu 1/2" ft. 2 - CI21C62 Vlv, 1/2" Man 3/4" Pb 2 - CI21C62 Vlv, 1/2" Adj 3/4" PB 2 - CI21B62 Vlv, 1/4" Pneu 1/4" Pb 2 - CI21C62 Vlv, 1/2" Man 1/2" Pb 2 - CI21C62 Vlv, 1/2" Pneu, 1/2" Pb 2 - CI21C62 Vlv, 1/2" Man 1/2" Pb 2 - CI21B62, Vlv, 1/4" Pneu 1/4" FT 2 - CI21D62 Vlv, 1/2" N/O 3/4" FT 2 - CI21C62 Vlv, 1/2" Man 1/2" Ft. 2 - CI21B62 Vlv, 1/4" 3-way 1/4" PB	582228	Taiwan	15 CFR 764.2(a)
42	6/9/97	7- CI21C62 Vlv, 1/2" Pneu 1/2" ft 10 - CI21C62 Vlv, 1/2" Man 1/2"ft. 4 - CI21B62 Vlv 1/4" Man 3/8" ft. LD 8 - CIC2F33 Vlv, Weir PN NC 3/4" ft. 24 - CIC2E33 Vlv-Weir Man 1" ft. 2W 12 - CIC2E33 Vlv-Weir man 3/4Ft. 2W	582501	Taiwan	15 CFR 764.2(a)
43	6/20/97	2 - NNC1J Lvl Pilot, 1/4 , 3 Way NC HP	585032	Israel	15 CFR 764.2(a)
44	6/24/97	9- CIB6W63 Vlv Check 3/4 Flr Kalrz	585555	Taiwan	15 CFR 764.2(a)
45	06/27/97	20 - NNC1J Vlv Pneu 1/4 2way NC HP 2 - CI21C62 Vlv 1/2" Pneu 3/4" Ft	585345	Israel	15 CFR 764.2(a)

46	07/01/97	10 - CI21C62 Vlv, ½" Man ¾" Ft. 15 - CI21C62 Vlv, ½" Man ½" Ft. 10 - CI21B62 Vlv, ¼" Man ¾" ft. Ld 2 - CIC1A Vlv, ¼" Samp ¼" Man 3 - CIC1N Vlv 1" Man 316SS 1" ft. 5 - CI21C62 Vlv, ½" Pneu ¾" Ft. 10 - CIC6W Valve Check ½ Viton	587029	Taiwan	15 CFR 764.2(a)
47	07/09/97	2 - CIC1L valve manual ½ 2-way 1 - CIC6W valve check ½ Viton 6 - CI21C62 Vlv ½" Pneu ½"ft.	588442	Taiwan	15 CFR 764.2(a)
48	07/23/97	6 - CI21B62 Vlv, ¼" Pneu, ¾" ft. 6 - CI21B62 Vlv, ¼" N/O ¾" KT 2 - CI21B62 Vlv ¼" Pneu ¼" NPT 36 - CI21C62 Vlv, ½" man ¾" ft. 36 - CI21C62 Vlv, ½" Man ½" ft. 6 - CNE6X22 Ck Vlv, ¾ ft Viton	591201	Taiwan	15 CFR 764.2(a)
49	08/01/97	1 - NN34D74 Manifold Vlv ½"	593014	Israel	15 CFR 764.2(a)
50	08/04/97	2 - CI21D62 Vlv, ½" N/O ½" Apt.	593209	Taiwan	15 CFR 764.2(a)
51	08/08/97	5 - CI21C62 Vlv, ½" Pneu ¾" FT. 18 - CI21B62 Vlv, ¼" Pneu ¼" NPT	594156	Taiwan	15 CFR 764.2(a)
52	08/08/97	1 - CI21C62 Vlv, ½" Man ¾" Ft.	594197	Taiwan	15 CFR 764.2(a)
53	08/11/97	8 - CIC6W Valve Check ½ Kalrez	594514	Taiwan	15 CFR 764.2(a)
54	08/12/97	7 - CIC2F33 Vlv-Weir PN NC 1" FT	594729	Taiwan	15 CFR 764.2(a)

55	08/13/97	2 - CI21C62 Vlv ½" Man ½" ft. 4 - CI21B62 Vlv 1/4" Pneu HP 3/8" ft. 4 - CI21B62 Vlv 1/4" Pneu ½" ft. 6 - CI21B62 Vlv 1/4 NO 3/8" KT 6 - CI21B62 Vlv 1/4" NO ½" ft 2 - CIC6X Valve Check 1/4 Kalrez 4 - CIE6X Vlv Check 1/4 2 - CIC6X Vlv Check 1/4 Viton 2 - CIC6X Vlv Check 1/4 Klrz 3/8" ft.	594716	Taiwan	15 CFR 764.2(a)
56	08/13/97	2 - CLC10 Valve, 1" Pnue 1 Fuse	594954	Taiwan	15 CFR 764.2(a)
57	08/19/97	30 - CI21C62 Vlv ½" Pneu 3/4" ft. 6 - CI21B62 Vlv 1/4" Pneu 1/4" Npt	595972	Taiwan	15 CFR 764.2(a)
58	08/20/97	1 - NNC1J Lvl Pilot 1/4 3way NC HP	596408	Israel	15 CFR 764.2(a)
59	08/20/97	7 - CIC2F33 Vlv-Weir PN NC 1" Ft.	596412	Taiwan	15 CFR 764.2(a)
60	08/27/97	10 - CIE2H71, Plug Valve 3/8" 1/2ft. 20 - CI21C62, Vlv, ½" Pneu ½" ft. 6 - CIE1F71 Plug Vlv 1/4" 3/8 ft. 5 - CLC10 Valve 1" Pnue NC 1 fuse 20 - CLC10 Valve Pneu ½" NC 20 - CIC1C62, Vlv ½" man 3/4" PB	597925	Taiwan	15 CFR 764.2(a)
61	09/09/97	10 - CNE6X22 Ck Vlv - 3/8 Ft. Viton 10 - CIB6W63 Vlv Check 3/4 Flr Kalrz 12 - CI21B62 Vlv. 1/4"PN 3wav ½"ft.	599847	Taiwan	15 CFR 764.2(a)

62	09/10/97	4 - CI21B62 Vlv 1/4" 3 way 1/4" NPT 10 - CI21B62 Vlv 1/4" Pneu 1/4" NPT 10 - CI21B62 Vlv 1/4" N/O 1/4" NPT 10 - CI21C62 Vlv 1/2" Pneu 1/2" ft. 10 - CI21C62 Vlv 1/2" Pneu 3/4" ft 10 - CI21C62 Vlv 1/2" Man 1/2" ft.	600050	Taiwan	15 CFR 764.2(a)
63	09/10/97	10 - CI21C62 Vlv 1/2" Pneu 3/4 ft. 6 - CIC10 Valve Pneu 1" N/C Flared 10 - CI21C62 Vlv 1/2" Man 3/4" ft. 6 - CIC1N Vlv 1" Man 316SS 1" ft.	600048	Taiwan	15 CFR 764.2(a)
64	09/12/97	4 - CI21B62 Vlv, 1/4" Pneu HP 1/2"ft	600563	Taiwan	5 CFR 764.2(a)
65	09/17/97	6 - CIC11 Valve Manual 1/4 2 Way	601515	Taiwan	15 CFR 764.2(a)
66	09/19/97	2 - CI21B62, Vlv, 1/4" PN HP 1/4" NPT	602058	Taiwan	15 CFR 764.2(a)
67	09/26/97	8 - CI21B62 Vlv, 1/4" PN SP 1/4" NPT 2 - NNC1J LVL Pilot 1/4 3way NC HP 6 - CI21B62 Vlv 1/4" Man 3/8" Ft. Ld	603298 603295 603301	Israel	15 CFR 764.2(a)
68	10/01/97	50 - CI21C62 Vlv, 1/2" Man 1/2" FT 25 - CI21C62 Vlv, 1/2" Pneu 1/2" FT	604095	Taiwan	15 CFR 764.2(a)
69	10/14/97	1 - CLC10 Valve 1" Pnue NC 1 Fuse	606501	Taiwan	15 CFR 764.2(a)
70	10/15/97	25 - CIC6X Vlv Check 1/4 Klrz 3/8 Fl	606851	Taiwan	15 CFR 764.2(a)
71	10/17/97	15 - CI21C62 Vlv 1/2" Man 1/2" ft. 10 - CI21C62 Vlv 1/2" Pneu 1/2" ft. 20 - CIC6W Valve Check 1/2 Kalrez 3 - CI21B62 Vlv 1/4" Pn 3 Way 1/2' ft. 12 - CIC1A Vlv 1/4" Samp 1/4" Man	607431	Taiwan	15 CFR 764.2(a)

72	10/17/97	4 - CI21B62 Vlv, 1/4" Pneu 3/8" Ft.	607448	Taiwan	15 CFR 764.2(a)
73	10/22/97	3 - CI21C62 Vlv, 1/2" Man 3/4" ft.	608295	Taiwan	15 CFR 764.2(a)
74	10/23/97	17 - CI21B62 Vlv, 1/4" Man, 1/4"NPT LD	608584	Taiwan	15 CFR 764.2(a)
75	11/03/97	2 - CLC10, Valve 1" Pnue NC 1 Fuse 5 - CIC10 Valve, Pneu 1" N/C Flared	610475	Taiwan	15 CFR 764.2(a)
76	11/06/97	5 - CI21B62 Vlv, 1/4" PN 3way 1/2"ft.	611286	Taiwan	15 CFR 764.2(a)
77	11/11/97	5 - CIC1N Vlv, 1" Man 316SS 1" Ft. 11 - CI21C62 Vlv., 1/2" Man 3/4" ft. 3 - CI21C62 Vlv, 1/2" Man 1/2" Ft.	611951 611952	Taiwan	15 CFR 764.2(a)
78	11/20/97	2 - CLE1K Valve Solenod 1/4 2wy NC 1 - CIC1J, Valve Pilot 1/4 3way HD	613589	Peoples Republic of China	15 CFR 764.2(a)
79	11/21/97	140 - CI21B62 Vlv, 1/4" Pneu 1/4" NPT	613810	Israel	15 CFR 764.2(a)
80	11/25/97	6 - CI21D62 Vlv, 1/2" N/O 3/4" Ft.	614325 614326	Taiwan	15 CFR 764.2(a)
81	12/18/97	23 - CLC2F74 Vlv, HF, NC 3/4" PB	618190	Taiwan	15 CFR 764.2(a)
82	12/23/97	8 - CLC2F74 Vlv HF NC 3/4" PB 8 - CI21B62 Vlv 1/4" Pneu 1/4" PB 8 - CI21C62 Vlv 1/2" Pneu 3/4" PB 4 - CI21C62 Vlv 1/2" Man 3/4" PB 4 - CLC2E74 Vlv HF Man 3/4" PB 8 - CI21B62 Vlv 1/4" 3 Way 1/4" PB	618885	Taiwan	15 CFR 764.2(a)
83	12/30/97	1 - CLC10 Vlv 1" Pnue NC 1" Fuse	619268	Taiwan	15 CFR 764.2(a)

84	01/07/98	3 - CI21C62 Vlv, 1/2" Man, 1/2" ft. 3 - CI21B62 Vlv, 1/4" Pneu 1/4" PB 10 - CI21C62 Vlv, 1/2" Pneu 1/2" Ft. 6 - CIC6X Valve check 1/4 Kalrez 1 - CIC6X Valve Check 1/4 Kalrez 32 - CI21C62 Vlv 1/2" man 3/4" PB 32 - CI21C62 Vlv 1/2" pneu 3/4" PB 32 - CLC2E74 Vlv HF Man 3/4" PB	620164 620165	Taiwan	15 CFR 764.2(a)
85	01/09/98	4 - CI21C62 Vlv, 1/2" Pneu 1/2" PB	621005	Taiwan	15 CFR 764.2(a)
86	01/12/98	2 - CIC1J Vlv pilot, 1/4 2-way, NO 2 - CIC1J Vlv Pilot 1/4 2-way NC 2 - CIC1J Valve Pilot 1/4 3way HD 2 - NNC1J Vlv Pneu 1/4 sampling HP	621141	Taiwan	15 CFR 764.2(a)
87	01/28/98	1 - CLC10 Valve 1" Pneu NC 1 Fuse	623802	Taiwan	15 CFR 764.2(a)
88	01/28/98	10 - CI21C62 Vlv 1/2" Pneu 3/4" ft. 20 - CI21D62 Vlv 1/2" N/O 3/4" Ft. 5 - CI21C62 Vlv 1/2" Man 1/2" PB 20 - CI21C62 Vlv, 1/2" Man 3/4" ft. 30 - CI21B62 Vlv 1/4" Man 1/4" PB LD 30 - CIC6X Valve Check 1/4 Kalrez	624358 624360 624365	Taiwan	15 CFR 764.2(a)
89	01/28/98	20 - CI21C62 Vlv, 1/2" Man 3/4" PB 20 - CI21C62 Vlv, 1/2" Pneu 3/4" PB 20 - CLC2E74 Vlv HF Man 3/4" PB	624386	Taiwan	15 CFR 764.2(a)
90	02/10/98	12 - CIB6W63 Vlv Check 3/4 Flr. Kalrz	626454	Taiwan	15 CFR 764.2(a)
91	02/13/98	10 - CI21B62 Vlv, 1/4" PN 3way 1/2"PT	627643	Taiwan	15 CFR 764.2(a)
92	03/02/98	10 - CIC6X Valve Check 1/4 Kalrez	630357	Taiwan	15 CFR 764.2(a)

93	03/06/98	1 - CIC1K Vlv, Solenoid 1/4 2way NC 10 - CI21C62 Vlv, 1/2" Pneu 1/2" ft.	631478 631480	Taiwan	15 CFR 764.2(a)
94	03/19/98	8 - CIC1I, Vlv, Manual 1/4 3way	633734	Taiwan	15 CFR 764.2(a)
95	04/06/98	2 - CIC1I Vlv Manual 1/4 3way 2 - CIC1J Valve, Pilot 1/4 3way HD	636678 636682	Taiwan	15 CFR 764.2(a)
96	04/15/98	10 - CIC1I, Valve Manual, 1/4 2-way	638180	Taiwan	15 CFR 764.2(a)
97	04/17/98	1 - CIC1I Valve Manual, 1/4 3way	638606	Israel	15 CFR 764.2(a)
98	04/17/98	15 - CI21C62 Vlv, 1/2" Man 3/4" Ft.	638615	Taiwan	15 CFR 764.2(a)
99	05/05/98	10 - CI21C62 Vlv, 1/2" Man, 3/4" Ft. 95 - Valves, various models	641215 641236	Taiwan	15 CFR 764.2(a)
100	05/14/98	8 - CI21B62 Vlv, 1/4" Pneu 3/8" Ft.	642744	Taiwan	15 CFR 764.2(a)
101	05/26/98	1 - CLC10 Valve 1" Pneu NC 1 Fuse	650423	Taiwan	15 CFR 764.2(a)
102	05/29/98	15 - CI21C62 Vlv, 1/2" Man, 3/4" PB	650697	Taiwan	15 CFR 764.2(a)
103	06/08/98	15 - CI21C62 Vlv, 1/2" Pneu 3/4" Ft. 15 - CI21C62 Vlv, 1/2" Pneu 1/2" Ft.	652296	Taiwan	15 CFR 764.2(a)
104	06/18/98	10 - CI21C62 Vlv, 1/2" Man, 3/4" PB	654052	Taiwan	15 CFR 764.2(a)
105	06/26/98	27 - CLC2F74, Vlv HF NC 3/4" PB 4 - CLC2F74, Vlv HF NC 1" PB 2 - CLC2E74, Vlv, HF Man 1" PB	655407	Taiwan	15 CFR 764.2(a)
106	06/29/98	2 - CI21C62 Vlv, 1/2" Man 1/2" Ft. 30 - CI21C62 Vlv, 1/2" Pneu 1/2" Ft.	655569 655571	Taiwan	15 CFR 764.2(a)

107	07/01/98	5 - CI21B62 Vlv, 1/4" Pneu 3/8" ft. 4 - CI21C62, Vlv, 1/2" Man, 1/2" Ft.	655930	Taiwan	15 CFR 764.2(a)
108	07/13/98	5 - CI21C62 Vlv, 1/2" Man., 1/2" Ft.	657135	Taiwan	15 CFR 764.2(a)
109	07/15/98	2 - NNC1J Vlv, Pneu 1/4" Sampling HP	657558	Taiwan	15 CFR 764.2(a)
110	07/28/98	2 - CI21C62 Vlv 1/2" Man 1/2" ft. 2 - CI21C62 Vlv 1/2" Pneu 3/4" ft. 2 - CI21B62 Vlv 1/4" Pneu 1/4" NPT 2 - CI21C62 Vlv 1/2" Pneu 1/2" Ft. 2 - CI21C62 1/2" Man 3/4 Ft. 2 - CI21C62 1/2" Man 1/2" ft.	659602	Taiwan	15 CFR 764.2(a)
111	07/28/98	2 - NNC1J Vlv, Pneu 1/4 Sampling HP	659608	Taiwan	15 CFR 764.2(a)
112	08/11/98	5 - CI21C62 Vlv, 1/2" Pneu 1/2" Npt 5 - CI21C62 Vlv, 1/2" Man 1/2" PB	661783	Taiwan	15 CFR 764.2(a)
113	08/18/98	1 - CIF1D Vlv, 1/2 3way, Pneu 1/2ft.	662938	Taiwan	15 CFR 764.2(a)
114	08/21/98	6 - CI21C62 Vlv 1/2" Man 3 - CIC2E74 Vlv HF Man 1" Ft. 1 - CIC2F74 VLV HF No 1" FT.	663042	Israel	15 CFR 764.2(a)
115	08/21/98	2 - CIC1J Valve Pilot 1/4 3way HD 1 - CIE1D71 Pnch Vlv 3/4 ft. Man. 3 - CIF18 Vlv, 1/4 Pneu NC 1/4Ft. 15 - CIF1A Vlv, 1/4 1/4T 1/4Ft. 2 - CIC2E74 Vlv HF Man 1" Ft.	663519 663522 663523 663524	Taiwan	15 CFR 764.2(a)

116	08/26/98	6 - CI21C62 Vlv ½" Man ½" PB 3 - CI21B62 Vlv 1/4" Man 3/8" Ft LD 3 - CI21B62 Vlv 1/4" Man ½ Ft. LD 3 - CI21D62 Vlv ½" N/O ½" PB 2 - CI21D62 Vlv ½" N/O 3/4" PB 3 - CI21D62 Vlv ½" N/O 3/4" FT 2 - CI21D62 Vlv ½" N/O ½" FT 3 - CIE6X22 Chk Vlv 3/8" ft Viton 3 - CIE2A71 Pnch Vlv ½ Ft N/O 3 - CIE2D71 Pnch Vlv 3/4 Ft N/O 3 - CIE3A71 Pnch Vlv ½ Ft N/O 3 - CIE3D71 Pnch Vlv 3/4 Ft N/O 3 - CIE3A71 Pnch Vlv ½ Ft Man 3 - CIE1D71 Pnch Vlv 3/4 Ft Man 1 - CIC1K Vlv, Solenoid 1/4 2way NC	664347 664349	Taiwan	15 CFR 764.2(a)
117	08/27/98	5 - CI21C62 Vlv, ½" Pneu ½" PB	664600	Taiwan	15 CFR 764.2(a)
118	10/09/98	4 - Valves - NC 3Gen 2W ½" 1/2ft.	90005349	Israel	15 CFR 764.2(a)
119	10/09/98	6 - Valves, Chk 3/4" Flr., Kalrez	90005368	Israel	15 CFR 764.2(a)
120	10/12/98	3 - Valves, ½" 3Way Ft. ½"	90006488	Israel	15 CFR 764.2(a)
121	11/25/98	13 - Valves, MT 3Gen 2W ½" 3/4FT.	90012192	Israel	15 CFR 764.2(a)
122	12/08/98	1 - Valve, HF Man. Ft. 1".	90015835	Israel	15 CFR 764.2(a)
123	12/11/98	10 - Valves Mt. 3Gen 2W ½" 3/4Ft.	90014541	Israel	15 CFR 764.2(a)
124	12/18/98	5 - Vlv-1/4T M 3Gen 2W ½" 1/2Ft.	90015830	Israel	15 CFR 764.2(a)

UNITED STATES DEPARTMENT OF COMMERCE  
BUREAU OF EXPORT ADMINISTRATION  
WASHINGTON, D.C. 20230

\_\_\_\_\_  
In the Matter of: )  
 )  
ENTEGRIS, INC., on its own behalf and )  
as successor to Fluoroware, Inc. )  
3500 Lyman Boulevard )  
Chaska, Minnesota 553 18, )  
 )  
 )  
\_\_\_\_\_  
Respondent

SETTLEMENT AGREEMENT

This Settlement Agreement (Agreement) is made by and between Entegris, Inc., on its own behalf and as successor to Fluoroware, Inc. (Entegris), and the Bureau of Export Administration, United States Department of Commerce (BXA), pursuant to Section 766.1 S(a) of the Export Administration Regulations (15 C.F.R. Parts 730-774 (200 1)) (the Regulations),<sup>1</sup> issued pursuant to the Export Administration Act of 1979, as amended (50 U.S.C. app. §§ 2401-2420 (1994 & Supp. V 1999)) (Act),<sup>2</sup> and which are currently maintained in force under the

<sup>1</sup>The violations at issue occurred from 1996 through 1998. The Regulations governing the violations at issue are found in the 1996 through 1998 versions of the Code of Federal Regulations (15 C.F.R. Parts 768-799 (1996), as amended (61 *Fed. Reg.* 12714, March 25, 1996) (hereinafter referred to as the former regulations), and 15 C.F.R. Parts 730-774 (1997-1998)). The March 25, 1996 *Federal Register* publication redesignated, but did not republish, the then-existing Regulations as 15 C.F.R. Parts 768A-799A. In addition, the March 25, 1996 *Federal Register* publication restructured and reorganized the Regulations, designating them as an interim rule at 15 C.F.R. Parts 730-774, effective April 24, 1996. The former regulations and the Regulations define the various violations that BXA alleges occurred; the 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 August 3, 2000 (3 C.F.R., 2000 Comp. 397 (2001)), continued the Regulations in effect under the International Emergency Economic Powers Act (50

International Emergency Economic Powers Act (50 U.S.C. §§ 1701 - 1706 (1994 & Supp. V 1999)).

WHEREAS, BXA has notified Entegris of its intention to initiate an administrative proceeding against Entegris pursuant to the Act and the Regulations, based on allegations that on 124 separate occasions from on or about February 27, 1996 through on or about December 18, 1998, Entegris exported from the United States diaphragm valves and components, items subject to the former regulations and Regulations, to Israel, Taiwan, and the People's Republic of China without obtaining Department of Commerce licenses as required by Section 778.8 of the former regulations and Section 742.2 of the Regulations;

WHEREAS, Entegris has reviewed a proposed charging letter and is aware of the allegations made against it and the administrative sanctions which could be imposed against it if the allegations are found to be true; it fully understands the terms of this Agreement and the appropriate Order; it enters into this Agreement voluntarily and with full knowledge of its rights, and it states that no promises or representations have been made to it other than the agreements and considerations herein expressed;

WHEREAS, Entegris neither admits nor denies the allegations contained in the proposed charging letter;

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U.S.C. § 3 170 1 - 1706 (1994 & Supp. V 1999)) (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 (66 *Fed. Reg.* 44025 (August 22, 2001)), has continued the Regulations in effect under IEEPA.

WHEREAS, Entegris wishes to settle and dispose of all matters alleged in the proposed charging letter by entering into this Agreement; and

WHEREAS, Entegris agrees to be bound by the appropriate Order giving effect to the terms of this Settlement Agreement, when entered;

NOW THEREFORE, Entegris and BXA agree as follows:

1. BXA has jurisdiction over Entegris, under the Regulations, in connection with the matters alleged in the proposed charging letter.

2. BXA and Entegris agree that the following sanctions shall be imposed against Entegris in complete settlement of the alleged violations of the Regulations set forth in the proposed charging letter:

- a. Entegris shall be assessed a civil penalty in the amount of \$496,000, \$400,000 of which shall be paid to the U.S. Department of Commerce within thirty days from the date of entry of the appropriate Order. Payment of the remaining \$96,000 shall be suspended for a period of one year from the date of entry of the appropriate Order and thereafter shall be waived, provided that during the period of suspension, Entegris has committed no violation of the Act, or any regulation, order or license issued thereunder; and provided further that Entegris has made timely payment of the \$400,000.
- b. The timely payment of the civil penalty agreed to in paragraph 2a. is hereby made a condition to the granting, restoration, or continuing validity of any export license, permission, or privilege granted, or to be granted, to Entegris. Failure to

make timely payment of the civil penalty set forth above shall result in the denial of all of Entegris's export privileges for a period of one year from the date of entry of the appropriate Order imposing the civil penalty.

3. Entegris agrees that, subject to the approval of this Agreement pursuant to paragraph 8 hereof, it hereby waives all rights to further procedural steps in this matter (except with respect to any alleged violations of this Agreement or the appropriate Order, when entered), including, without limitation, any right: (a) to an administrative hearing regarding the allegations in the proposed charging letter; (b) to request a refund of any civil penalty paid pursuant to this Agreement and the appropriate Order, when entered; and (c) to seek judicial review or otherwise to contest the validity of this Agreement or the appropriate Order, when entered.

4. BXA agrees that, upon entry of the appropriate Order, it will not initiate any administrative proceeding against Entegris in connection with any violation of the Act or the Regulations arising out the transactions identified in the proposed charging letter.

5. Entegris understands that BXA will make the proposed charging letter, this Agreement, and the appropriate Order, when entered, available to the public.

6. BXA and Entegris agree that this Agreement is for settlement purposes only. Therefore, if this Agreement is not accepted and the appropriate Order is not issued by the Assistant Secretary for Export Enforcement pursuant to Section 766.18(a) of the Regulations, BXA and Entegris agree that they may not use this Agreement in any administrative or judicial proceeding and that the parties shall not be bound by the terms contained in this Agreement in any subsequent administrative or judicial proceeding.

7. No agreement, understanding, representation or interpretation not contained in this Agreement may be used to vary or otherwise affect the terms of this Agreement or the appropriate Order, when entered, nor shall this Agreement serve to bind, constrain, or otherwise limit any action by any other agency or department of the United States Government with respect to the facts and circumstances addressed herein.

8. This Agreement, which memorializes the parties' oral agreement of August 23, 2001, shall become binding on BXA only when the Assistant Secretary for Export Enforcement approves it by entering the appropriate Order, which will have the same force and effect as a decision and order issued after a full administrative hearing on the record.

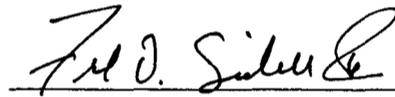
9. Each signatory affirms that he has authority to enter into this Settlement Agreement and to bind his respective party to the terms and conditions set forth herein.

BUREAU OF EXPORT ADMINISTRATION  
U.S. DEPARTMENT OF COMMERCE

ENTEGRIS, INC.



Mark Menefee  
Director  
Office of Export Enforcement



Frank D. Sidell, II  
President - Fluid Handling Group

Date: 9/27/01

Date: 9/18/01

UNITED STATES DEPARTMENT OF COMMERCE  
BUREAU OF EXPORT ADMINISTRATION  
WASHINGTON, D.C. 20230

\_\_\_\_\_  
In the Matter of: )  
)  
ENTEGRIS, INC., on its own behalf and )  
as successor to Fluoroware, Inc., )  
3 500 Lyman Boulevard )  
Chaska, Minnesota 553 18, )  
)  
Respondent

ORDER

The Bureau of Export Administration, United States Department of Commerce (BXA), having notified Entegris, Inc., on its own behalf and as successor to Fluoroware, Inc. (Entegris), of its intention to initiate an administrative proceeding against it pursuant to Section 13(c) of the Export Administration Act of 1979, as amended (50 U.S.C. app. §§ 2401-2420 (1994 & Supp. V 1999)) (Act),<sup>1</sup> and the Export Administration Regulations (currently codified at 15 C.F.R. Parts 730-774 (2001)) (Regulations),<sup>2</sup> based on allegations that on 124 separate occasions from on or

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<sup>1</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 August 3, 2000 (3 C.F.R., 2000 Comp. 397 (2001)), continued the Regulations then in effect under the International Emergency Economic Powers Act (50 U.S.C. §§1701 - 1706 (1994 & Supp. V 1999)) (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 (66 *Fed Reg.* 44025 (August 22, 2001)), has continued the Regulations in effect under IEEPA.

<sup>2</sup> The violations at issue occurred from 1996 through 1998. The Regulations governing these violations at issue are found in the 1996 through 1998 versions of the Code of Federal Regulations (15 C.F.R. Parts 768-799 (1996), as amended (61 *Fed. Reg.* 12714, March 25, 1996) (hereinafter referred to as the former regulations), and 15 C.F.R. Parts 730-774 (1997-1998)). The March 25, 1996 *Federal Register* publication redesignated, but did not republish, the then-existing Regulations as 15 C.F.R. Parts 768A-799A. In addition, the March 25, 1996 *Federal Register* publication restructured and reorganized the Regulations, designating them as an interim

about February 27, 1996 through on or about December 18, 1998, Entegris exported from the United States diaphragm valves and components, items subject to the former regulations and Regulations, to Israel, Taiwan, and the People's Republic of China without obtaining Department of Commerce licenses as required by Section 778.8 of the former regulations and Section 742.2 of the Regulations, and;

BXA and Entegris having entered into a Settlement Agreement pursuant to Section 766.18(a) 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 \$496,000 is assessed against Entegris, \$400,000 of which shall be paid to the U.S. Department of Commerce within thirty days from the date of entry of this Order. Payment shall be made in the manner specified in the attached instructions. Payment of the remaining \$96,000 shall be suspended for one year from the date of entry of this Order and shall thereafter be waived, provided that, during the period of suspension, Entegris has committed no violation of the Act, or any regulation, license or order issued thereunder; and provided further that Entegris has made timely payment of the \$400,000.

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rule at 15 C.F.R. Parts 730-774, effective April 24, 1996. The former regulations and the Regulations define the various violations that BXA alleges occurred; the Regulations establish the procedures that apply to this matter.

SECOND, that, pursuant to the Debt Collection Act of 1982, as amended (31 U.S.C. §§3701-3720E (1983 and Supp. 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, Entegris 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, that the timely payment of the civil penalty set forth above is hereby made a condition to the granting, restoration, or continuing validity of any export license, license exception, permission, or privilege granted, or to be granted, to Entegris. Accordingly, if Entegris should fail to pay the civil penalty in a timely manner, the undersigned will enter an Order denying all of Entegris's export privileges for a period of one year from the date of entry of this Order.

FOURTH, that the proposed Charging Letter, the Settlement Agreement, and this Order shall be made available to the public.

This Order, which constitutes the final agency action in this matter, is effective immediately.

  
\_\_\_\_\_  
Michael J. Garcia  
Assistant Secretary  
for Export Enforcement

Entered this 22<sup>nd</sup> day of October, 2001.



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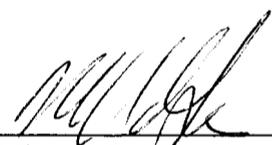
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Michael J. Garcia  
Assistant Secretary  
for Export Enforcement

Entered this 22<sup>nd</sup> day of October, 2001.