

pertinent data concerning the Fremont and Titus official agencies including information concerning the timeliness, cost, quality and scope of services provided. All comments must be submitted to the Compliance Division at the above address.

Applications, comments, and other available information will be considered in determining which applicant will be designated.

**Authority:** Pub. L. 94-582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*).

Dated: February 23, 1998.

**Neil E. Porter,**

*Director, Compliance Division.*

[FR Doc. 98-5082 Filed 2-27-98; 8:45 am]

BILLING CODE 3410-EN-P

## DEPARTMENT OF AGRICULTURE

### Natural Resources Conservation Service

#### Notice of Proposed Change to Section IV of the Field Office Technical Guide (FOTG) of the Natural Resources Conservation Service in Florida

**AGENCY:** Natural Resources Conservation Service (NRCS) in Florida, U.S. Department of Agriculture.

**ACTION:** Notice of availability of proposed changes in Section IV of the FOTG of the NRCS in Florida for review and comment.

**SUMMARY:** It is the intention of NRCS in Florida to issue the following revised conservation practice standards for Florida: Conservation Cover (Code 327); Heavy Use Area Protection, (Code 561); Regulating Water in Drainage Systems, (Code 554); Structure for Water Control, (Code 587); Terrace, (Code 600); and Wildlife Watering Facility, (Code 648) in Section IV of the FOTG.

**DATES:** Comments will be received for a 30-day period commencing with the date of this publication.

**FOR FURTHER INFORMATION CONTACT:** Inquire in writing to T. Niles Glasgow, State Conservationist, Natural Resources Conservation Service (NRCS), P.O. Box 141510, Gainesville, Florida 32614-1510. Copies of the practice standards will be made available upon written request.

**SUPPLEMENTARY INFORMATION:** Section 343 of the Federal Agriculture Improvement and Reform Act of 1996 states that revisions made after enactment of the law to NRCS State technical guides used to carry out highly erodible land and wetland provisions of the law shall be made available for public review and

comment. For the next 30 days the NRCS in Florida will receive comments relative to the proposed changes. Following that period a determination will be made by the NRCS in Florida regarding disposition of those comments and a final determination of change will be made.

Dated: September 3, 1997.

**R.A. Balduzzi**

*Acting State Conservationist, Natural Resources Conservation Service, Gainesville, Florida.*

[FR Doc. 98-4923 Filed 2-27-98; 8:45 am]

BILLING CODE 3410-16-M

## DEPARTMENT OF COMMERCE

### Export Administration

#### Essam Alkadi; Export Privileges

In the matter of: Essam Alkadi (also known as Essam Al-Kadi), P.O. Box 201, Damman 31411, Saudi Arabia; Respondent.

#### Decision and Order

On May 16, 1997, the Office of Export Enforcement, Bureau of Export Administration, United States Department of Commerce (hereinafter "BXA"), issued a charging letter initiating an administrative proceeding against Essam Alkadi, also known as Essam Al-Kadi (hereinafter collectively referred to as "Alkadi"). The charging letter alleged that Alkadi committed one violation of the Export Administration Regulations (currently codified at 15 C.F.R. Parts 730-774 (1997)) (hereinafter the "Regulations"),<sup>1</sup> issued pursuant to the Export Administration Act of 1979, as amended (50 U.S.C.A. app. §§ 2401-2420 (1991 & Supp. 1997)) (hereinafter the "Act").<sup>2</sup> Specifically, the charging letter alleged that, on or about December 17, 1993, Alkadi attempted to export a U.S.-origin shotgun from the United States to Saudi Arabia without obtaining from BXA the validated export license required by Section 772.1(b) of the

<sup>1</sup> The alleged violation occurred in 1993. The Regulations governing the violation at issue are found in the 1993 version of the Code of Federal Regulations (15 C.F.R. Parts 768-799 (1993)). Those Regulations define the violation that BXA alleges occurred, and are referred to hereinafter as the former Regulations. Since that time, the Regulations have been reorganized and restructured; the restructure Regulations, establish the procedures that apply to the matters set forth in this decisions and order.

<sup>2</sup> The Act expired on August 20, 1994. Executive Order 12924 (3 C.F.R., 1994 Comp. 917 (1995)), extended by Presidential Notices of August 15, 1995 (3 C.F.R., 1995 Comp. 501 (1996)), August 14, 1996 (3 C.F.R., 1996 Comp. 298 (1997)), and August 13, 1997 (62 Fed. Reg. 43629, August 15, 1997), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C.A. §§ 1701-1706 (1991 & Supp. 1997)).

former Regulations, in violation of Section 787.3(b) of the former Regulations.

BXA presented evidence that it received a signed return receipt on August 19, 1997 indicating that the charging letter had been delivered. Because the receipt was returned from Saudi Arabia undated, however, BXA does not know the exact date of service. Under these circumstances, BXA designated August 19, 1997, the day BXA received the return receipt, as the date of service. Alkadi has failed to file an answer to the charging letter, as required by Section 766.7 of the Regulations, and is therefore in default. Thus, pursuant to Section 766.7 of the Regulations, BXA moved that the Administrative Law Judge (hereinafter the "ALJ") find the facts to be as alleged in the charging letter and render a Recommended Decision and Order.

Following BXA's motion, the ALJ issued a Recommended Decision and Order in which he found the facts to be as alleged in the charging letter, and concluded that those facts constitute one violation of the former Regulations by Alkadi, as BXA alleged. The ALJ also agreed with BXA's recommendation that the appropriate penalty to be imposed for that violation is a denial, for a period of three years, of all of Alkadi's export privileges. As provided by Section 766.22 of the Regulations, the Recommended Decision and Order has been referred to me for final action.

Based on my review of the entire record, I affirm the findings of fact and conclusions of law in the Recommended Decision and Order of the ALJ.

*Accordingly, it is therefore ordered,*

*First*, that, for a period of three years from the date of this Order, Essam Alkadi, also known as Essam Al-Kadi, P.O. Box 201 Damman 31411, Saudi Arabia, 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. Benefiting 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.

*Second*, that 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 that 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.

*Third*, that, after notice and opportunity for comment as provided in Section 766.23 of the Regulations, any person, firm, corporation, or business organization related to the denied person 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.

*Fourth*, that 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.

*Fifth*, that this Order shall be served on Alkadi and on BXA, and shall be published in the **Federal Register**.

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

Dated: February 20, 1998.

**William A. Reinsch,**

*Under Secretary for Export Administration.*

[FR Doc. 98-5261 Filed 2-27-98; 8:45 am]

BILLING CODE 3510-DT-M

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

[Order No. 957]

#### Grant of Authority for Subzone Status the Gymboree Corporation; Apparel and Toys Warehousing/Distribution Dixon, CA

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*, by an Act of Congress approved June 18, 1934, an Act "To provide 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," as amended (19 U.S.C. 81a-81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs 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;

*Whereas*, an application from the Sacramento-Yolo Port District (the Port of Sacramento), grantee of Foreign-Trade Zone 143, for authority to establish special-purpose subzone status at the warehousing/distribution (non-manufacturing) facility of The Gymboree Corporation, located in Dixon, California, was filed by the Board on October 24, 1997, and notice inviting public comment was given in the **Federal Register** (FTZ Docket 76-97, 62 FR 58939, 10-31-97); and,

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

*Now, therefore*, the Board hereby authorizes the establishment of a

subzone (Subzone 143C) at the Gymboree Corporation facility in Dixon, California, at the location described in the application, subject to the FTZ Act and the Board's regulations, including § 400.28. All quota merchandise shipped to the U.S. market from the subzone shall be subject to U.S. visa and quota requirements, as indicated in the application record.

Signed at Washington, DC, this 19th day of February 1998.

**Robert S. LaRussa,**

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

**Dennis Puccinelli,**

*Acting Executive Secretary.*

[FR Doc. 98-5311 Filed 2-27-98; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

[Order No. 958]

#### Grant of Authority for Subzone Status; Bayer Corporation (Rubber Chemicals); Goose Creek, SC

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*, by an Act of Congress approved June 18, 1934, an Act "To provide 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," as amended (19 U.S.C. 81a-81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs 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;

*Whereas*, an application from the South Carolina State Ports Authority, grantee of Foreign-Trade Zone 21, for authority to establish special-purpose subzone status at the rubber chemicals manufacturing plant of Bayer Corporation, in Goose Creek, South Carolina, was filed by the Board on February 18, 1997, and notice inviting public comment was given in the **Federal Register** (FTZ Docket 9-97, 62 FR 9159, 2/28/97; amended, 62 FR 26773, 5/15/97); and,

*Whereas*, the Board adopts the findings and recommendations of the