of this issue of the **Federal Register**. All comments received will be available for public inspection during regular business hours at the same address.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

Dated: July 22, 1997.

Robert C. Keeney,

Director, Fruit and Vegetable Division.

[FR Doc. 97–19704 Filed 7–25–97; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Forest Service

Intergovernmental Advisory Committee Subcommittee Meeting

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Intergovernmental Advisory Committee will meet on August 7, 1997, at the Double Tree Hotel in Port Angeles, Washington. The purpose of the meeting is to continue discussions on the implementation of the Northwest Forest Plan. The meeting will begin at 8:00 a.m. and continue until 3:00 p.m. Agenda items to be discussed include, but are not limited to: effectiveness monitoring and a series of informational presentations on activities on the Olympic Peninsula. The IAC meeting will be open to the public and is fully accessible for people with disabilities. Interpreters are available upon request in advance. Written comments may be submitted for the record at the meeting. Time will also be scheduled for oral public comments. Interested persons are encouraged to attend.

FOR FURTHER INFORMATION CONTACT: Questions regarding this meeting may be directed to Don Knowles, Executive Director, Regional Ecosystem Office, 333 SW 1st Avenue, P.O. Box 3623, Portland, OR 97208 (Phone: 503–808–2180).

Dated: July 21, 1997.

Donald R. Knowles,

Designated Federal Official.

[FR Doc. 97–19726 Filed 7–25–97; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Decision and Order

On April 29, 1993, 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 William A. Roessl, individually and formerly doing business as Enigma Industries (hereinafter collectively referred to as ''Roessl''). The charging letter alleged that Roessl committed three violations of the Export Administration Regulations (currently codified at 15 CFR Parts 730–774 (1997)),[1] issued pursuant to the Export Administration Act of 1979, as amended (50 U.S.C. app. §§ 2401–2420 (1994)) (hereinafter the ''Act'').[2]

Specifically, the charging letter alleged that, on or about June 28, 1989, Roessl exported a U.S.-origin Floating Point Systems model 164 Array Processor from the United States through Canada to the Federal Republic of Germany without the validated license that Roessl knew or had reason to know was required by Section 772.1(b) of the former Regulations. BXA alleged that, by exporting commodities to any person or destination in violation of or contrary to the terms of the Act, or any regulation, order or license issued under the Act, Roessl violated Section 787.6 of the former Regulations. BXA also alleged that, by selling, transferring, or forwarding commodities to be exported from the United States with knowledge or reason to know that a violation of the Act or any regulation, order, or license issued thereunder occurred, was about to occur, or was intended to occur, Roessl violated Section 787.4(a) of the former Regulations.

Furthermore, the charging letter also alleged that, in connection with the shipment described above, Roessl filed, directly or indirectly, with the U.S. Customs Service a Shipper's Export Declaration (SED) on which it was represented that the goods described thereon were being exported from the United States for ultimate destination in Canada when, in fact, as Roessl knew, the goods were not intended for ultimate destination in Canada. BXA alleged that, by making or causing the making of a false or misleading statement of material fact, directly or indirectly, to a United States agency in connection with the preparation, submission, or use of an SED, an export control document, Roessl violated Section 787.5(a) of the former Regulations.

BXA has presented evidence that the charging letter was served on Roessl on February 23, 1996.[3] After he was finally served, the parties agreed, by stipulation dated March 22, 1996, to an extension of time, until May 24, 1996, for Roessl to answer the charging letter. Roessl 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 three violations of the former Regulations by Roessl, 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 ten years, of all of Roessl'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. As the ALJ noted, Roessl has been difficult to locate and has not cooperated with the resolution of this matter—even after agency counsel agreed to an extension of time to file his answer to the charging letter. A civil monetary penalty would not likely be collected. Accordingly, a period of denial of Roessl's export privileges is a more effective and appropriate penalty.

Additionally, I agree with the ALJ that the period of denial of export privileges should be substantial. This case is aggravated both by Roessl's failure to participate in the administrative enforcement process and by the fact that the case involves an exportation through

[1] The alleged violations occurred in 1989. The Regulations governing the violations at issue are found in the 1989 version of the Code of Federal Regulations (15 CFR parts 768–799 (1989)). Those Regulations define the violations that BXA alleges occurred, and are referred to hereinafter as the former Regulations. Since that time, the Regulations have been reorganized and restructured; the restructured Regulations establish the procedures that apply to the matters set forth in this decision and order.

[2] The Act expired on August 20, 1994. Executive Order 12924 (3 CFR, 1994 Comp. 917 (1995)), extended by Presidential Notices of August 15, 1995 (3 CFR, 1995 Comp. 501 (1996)) and August 14, 1996 (3 CFR, 1996 Comp. 298 (1997)), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C.A. §§ 1701–1706 (1991 & Supp. 1997)).

[3] The Recommended Decision and Order represents that BXA served the charging letter on April 29, 1993, when in fact, the charging letter was issued on that date and then served on February 23, 1996.

Canada. Under U.S. export control law, exports to Canada rarely require an export license. This important rule facilitates the substantial trade between the closely connected U.S. and Canadian economies. The license exception for Canada applies, however, only to goods intended for use in Canada. In this case, Rossel abused this exception. To abuse this exception is to risk losing it. A violation such as this is a serious matter and should receive a penalty that demonstrates that fact. The ALJ was correct in recommending the imposition of a ten-year period of denial of export privileges.

Accordingly, it is therefore ordered, First, that, for a period of ten years from the date of this Order, William A. Roessl, individually and formerly doing business as Enigma Industries, 145–B Crescent, Beverly Hills, California 90202, and all his successors, assignees, officers, representatives, agents and employees, whenever acting within the scope of their employment with Roessl, 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 Untied 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 Roessl 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: July 22, 1997.

William A. Reinsch,

Under Secretary for Export Administration.

[FR Doc. 97–19816 Filed 7–25–97; 8:45 am]

BILLING CODE 3510–DT–M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 61–97]

Proposed Foreign-Trade Zone, Charleston, West Virginia Area; Application and Public Hearing

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the West Virginia Economic Development Authority (a West Virginia public corporation), to establish a general-purpose foreign-trade zone in the Charleston, West Virginia area, within the Charleston, West Virginia port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on July 22, 1997. The applicant is authorized to apply for foreign-trade zone authority under West Virginia Code § 31–15–6.

Presently pending with the Board is a separate application for a general-purpose zone in Wood and Jackson Counties (filed 5/23/97, Doc. 43–97). Thus, the zone project proposed in this application would become the second one in the Charleston, West Virginia, Customs port of entry area. A related application for FTZ subzone status at the Toyota Motor Manufacturing West Virginia, Inc. plant in Buffalo, West Virginia is being filed simultaneously with this one (Doc. 62–97).

The proposed new zone would encompass three warehouse buildings (24 acres) located at the Charleston Ordnance Center (78 acres), 3100 MacCorkle Avenue S.W., South Charleston. The application contains evidence of the need for general-purpose zone services at the proposed site. Several firms have indicated an interest in using zone procedures at the on-site facilities for warehousing/distribution activity. Specific manufacturing approvals are not being sought at this time. Requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

As part of the investigation, the Commerce examiner will hold a public hearing on September 11, 1997, at 9:00 a.m., West Virginia House of Delegates, Public Hearing Room, Building One, Room 215-E, State Capitol Complex, 1900 Kanawha Boulevard East, Charleston, West Virginia 25311.