

Notices

Federal Register

Vol. 62, No. 157

Thursday, August 14, 1997

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Control Lake Timber Harvest

AGENCY: Forest Service, USDA.

ACTION: Notice of Intent to prepare a Supplement to the Draft Environmental Impact Statement.

SUMMARY: The Tongass National Forest-Ketchikan Area will prepare a Supplement to the Control Lake Draft Environmental Impact Statement (DEIS). The Supplement will address several changed conditions including: a) the closure of the Ketchikan Pulp Mill, b) that timber would no longer be offered to Ketchikan Pulp Company under its long term timber sale contract with the Forest Service, and c) issuance of the Revised Tongass National Forest Land Management Plan. The Supplement will also address public comments received on the Control Lake DEIS.

FOR FURTHER INFORMATION CONTACT: Questions about the project can be directed to: Forest Supervisor, Tongass NF-Ketchikan Area, Attn: Control Lake SDEIS, Federal Building, Ketchikan, AK 99901.

SUPPLEMENTARY INFORMATION: The Supplemental DEIS is expected to be available to the public during the Fall of 1997. The comment period on the Supplement will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register**.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp. v.*

NRDC, 435 U.S. 519, 553, (1978).

Environmental objections that could have been raised at the draft environmental impact statement stage may be waived or dismissed by the courts. *City of Angoon v. Hodel*, 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc. v. Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns of the proposed action, comments on the Supplement to the Draft Environmental Impact Statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the environmental impact statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

Comments received in response to this solicitation, including names and addresses of those who comment, will be considered part of the public record on this proposed action and will be available for public inspection. Comments submitted anonymously will be accepted and considered; however, those who submit anonymous comments will not have standing to appeal the subsequent decision under 36 CFR Parts 215 or 217. Additionally, pursuant to 7 CFR 1.27(d), any person may request the agency to withhold a submission from the public record by showing how the Freedom of Information Act (FOIA) permits such confidentiality. Requesters should be aware that, under FOIA, confidentiality may be granted in only very limited circumstances, such as to protect trade secrets. The Forest Service will inform the requester of the agency's decision regarding the request for confidentiality, and where the request is denied, the

agency will return the submission and notify the requester that the comments may be resubmitted with or without name and address within 7 days.

Permits: Permits required for implementation include the following:

1. U.S. Army Corp of Engineers
 - Approval of discharge of dredged or fill material into the waters of the United States under Section 404 of the Clean Water Act;
 - Approval of the construction of structures or work in navigable waters of the United States under Section 10 of the Rivers and Harbors Act of 1899;
2. Environmental Protection Agency
 - National Pollutant Discharge Elimination System (402) Permit;
 - Review Spill Prevention Control and Countermeasure Plan;
3. State of Alaska, Department of Natural Resources
 - Tideland Permit and Lease or Easement;
4. State of Alaska, Department of Environmental Conservation
 - Solid Waste Disposal Permit;
 - Certification of Compliance with Alaska Water Quality Standards (401 Certification)

RESPONSIBLE OFFICIAL: Bradley E. Powell, Forest Supervisor, Ketchikan Area, Tongass National Forest, Federal Building, Ketchikan, Alaska 99901, is the responsible official. The responsible official will consider the comments, response, disclosure of environmental consequences, and applicable laws, regulations, and policies in making the decision and stating the rationale in the Record of Decision.

Dated: July 25, 1997.

Bradley E. Powell,

Forest Supervisor.

[FR Doc. 97-21544 Filed 8-13-97; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF AGRICULTURE

Forest Service

Sand Ecosystem Restoration, Wenatchee National Forest, Chelan County, Washington

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Forest Service, USDA, will prepare an environmental impact statement (EIS) to analyze and disclose the environmental impacts of a site specific proposal for the Sand Ecosystem Restoration. The proposed action is 7 miles south of the town of Cashmere, Washington on approximately 6,000 acres of National Forest System Land in the Slawson, Sherman, Sand, Little Camas, Poison, Mission, Bear Gulch, and Fairview Canyon drainages on the Leavenworth Ranger District of the Wenatchee National Forest. It is partially located within the Devil's Gulch Roadless Area. The purpose of the EIS will be to develop and evaluate a range of alternatives for ecosystem restoration activities within the Sand Planning Area. The objectives include: (1) Reducing the number of trees in dense stands and (2) reducing fuel loading. To achieve these objectives the alternatives may include the following actions: timber harvest; yarding tops; pruning; slash piling; prescribed burning; pre-commercial thinning; reforestation; seeding; road construction; and road decommissioning.

The alternatives will include a no action alternative, and at least one alternative that proposes no action in the Devil's Gulch Roadless Area. The proposed project will be consistent with direction given in the Wenatchee National Forest Land and Resource Management Plan, as amended by the April 13, 1994, Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl. This Forest Service proposal is scheduled for implementation in 1998–2003. The agency invites written comments on the scope of this project. In addition, the agency gives notice of this analysis so that interested and affected people are aware of how they may participate and contribute to the final decision.

DATES: Comments concerning the scope and analysis of this proposal must be received by October 1, 1997.

ADDRESSES: Submit written comments and suggestions concerning the scope of the analysis to Rebecca Heath, District Ranger, Leavenworth Ranger District, 600 Sherbourne, Leavenworth, Washington 98826.

FOR FURTHER INFORMATION CONTACT: Questions and comments about this EIS should be directed to Bob Stoehr, Interdisciplinary Team Leader, Leavenworth Ranger District, 600 Sherbourne, Leavenworth, Washington 98826; phone 509–548–6977, extension 226.

SUPPLEMENTARY INFORMATION: This analysis was prompted by the Mission Creek Watershed Analysis. This study found that fire exclusion and other management over the last 90 years have changed many dry forests from open, parklike stands to very dense and stagnated stands which are now susceptible to large, intense wildfires as well as bark beetle infestations. The environmental analysis will look at different ways to move this part of the Mission Creek Watershed toward a more healthy, sustainable condition.

The proposed action is to treat approximately 6,000 acres. Treatments would be made through a combination of activities including: (1) Thinning of dense stands, and (2) pruning and fuel reduction through the use of prescribed fire. This proposal will include helicopter yarding as the primary method of tree removal, and may require the construction of approximately 4 miles of access roads.

To date, the following key issues have been identified: Remnant stands of old ponderosa pine; dry forest ecosystem sustainability; threatened and endangered wildlife species; fire risk; inventoried roadless area; and economic viability.

The decision to be made through this analysis is where, how, and to what extent should the various vegetation management and fuels reduction treatments be implemented within the Sand Planning Area, and what roading, if any, should occur.

A range of alternatives will be considered, including a no action alternative, and an alternative that proposes no actions in the Devil's Gulch Roadless Area. Other alternatives will be developed in response to relevant issues received during scoping. All alternatives will need to respond to specific conditions in the Sand Planning Area.

Public participation will be especially important at several points during the analysis. The Forest Service will be seeking information, comments, and assistance from Federal, State, tribes, and local agencies, as well as individuals or organizations who may be interested in or affected by the proposed actions. This information will be used in preparation of the draft EIS. The scoping process includes:

1. Identifying potential issues.
2. Identifying issues to be analyzed in depth.
3. Eliminating non-significant issues or those which have been covered by a relevant previous environmental process.
4. Exploring additional alternatives.

5. Identifying potential environmental effects of the proposed action and alternatives (i.e. direct, indirect, and cumulative effects and connected actions).

6. Determining potential cooperating agencies and task assignments.

The draft EIS is expected to be filed with the Environmental Protection Agency (EPA) and to be available for public review in June, 1998. EPA will publish a notice of availability of the draft EIS in the **Federal Register**. The comment period on the draft EIS will be 45 days from the date the EPA notice appears in the **Federal Register**. Copies of the draft EIS will be distributed to interested and affected agencies, organizations, tribes, and members of the public for their review and comment. It is very important that those interested in the management of the Wenatchee National Forest participate at that time.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft EIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft EIS. Comments may also address the adequacy of the draft EIS or the merits of the alternatives formulated and discussed in the statement. (Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points).

At this early stage, the Forest Service believes it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of a draft EIS must structure their participation in the environmental review of their proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions, (*Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519, 553 (1978)). Also, environmental objections that could be raised at the draft EIS stage but that are not raised until after completion of the final EIS may be waived or dismissed by the courts. (*City of Angoon v. Hodel*, 803 F.2d 1016, 1022 (9th Cir. 1986)) and (*Wisconsin Heritages, Inc. v. Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980)). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final EIS.

The final EIS is scheduled to be completed in August 1998. In the final EIS, the Forest Service is required to respond to comments and responses received during the comment period that pertain to the environmental consequences discussed in the draft EIS and applicable laws, regulations, and policies considered in making the decision regarding this proposal. Sonny O'Neal, Forest Supervisor, Wenatchee National Forest, is the responsible official. As the responsible official he will document the decision and reasons for the decision in the Record of Decision. That decision will be subject to Forest Service Appeal Regulations 36 CFR Part 215.

Dated: July 28, 1997.

Elton Thomas,

Natural Resources Group Leaders.

[FR Doc. 97-21543 Filed 8-13-97; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Decision and Order

In the Matter of: Ian Ace, with addresses at 4 Mimosa Way, Pinelands, South Africa, A. Rosenthal (PTY) Ltd., P.O. Box 3721, 13 Loop Street, Cape Town, South Africa, and A. Rosenthal (PTY) Ltd., P.O. Box 44198, 65 7th Street, Denmyr Building, 2104 Linden, South Africa, Respondent.

Decision and Order

On November 27, 1995, 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 Ian Ace. The charging letter alleged that Ian Ace committed seven violations of the Export Administration Regulations (currently codified at 15 C.F.R. parts 730-774 (1997)) (hereinafter the "Regulations"),¹ issued pursuant to the Export Administration Act of 1979, as amended (50 U.S.C. app. sections 2401-2420) (hereinafter the "Act").²

¹ The violations at issue occurred between mid-1990 and early 1992. The Regulations governing those violations are found in the 1990, 1991, and 1992 versions of the Code of Federal Regulations (15 C.F.R. parts 768-799 (1990, 1991, and 1992)) and are referred to hereinafter as the former Regulations. Since that time, the Regulations have been reorganized and restructured; the restructured Regulations, currently codified at 15 C.F.R. Parts 730-774 (1997), 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 C.F.R. 1994 Comp. 917 (1995)), extended by Presidential Notices of August 15, 1995 (3 C.F.R. 1995 Comp. 501 (1996)) and August 14, 1996 (3 C.F.R., 1996 Comp. 298 (1997)), continued

Specifically, the charging letter alleged that, between mid-1990 and early 1992, Ace, manager of A. Rosenthal (PTY) Ltd., Cape Town, South Africa, conspired with James L. Stephens, president and co-owner of Weisser's Sporting Goods, National City, California, and Karl Cording, co-owner and managing director of A. Rosenthal (PTY) Ltd., Windhoek, Namibia, to export and, on two separate occasions, actually exported U.S.-origin shotguns, with barrel lengths of 18 inches and over, to Namibia and South Africa, without applying for and obtaining from the U.S. Department of Commerce the validated export licenses Ace knew or had reason to know were required under the Act and Regulations. In addition, BXA alleged that, in furtherance of the conspiracy, and in connection with each of those exports, Ace made false or misleading representations of material fact to a U.S. Government Agency in connection with the preparation, submission, or use of export control documents. BXA alleged that, in so doing, Ace committed one violation of Section 787.3(b), two violations of Section 787.4(a), two violations of Section 787.5(a), and two violations of Section 787.6 of the former Regulations, for a total of seven violations of the former Regulations.

BXA issued a charging letter to Ace at his residential address in Pinelands, South Africa, and at his business address in Linden, South Africa. BXA has presented evidence that Ace was served with notice of issuance of the charging letter at his Linden, South Africa, business address on December 9, 1995.³ Ace failed to answer the charging letter. Thus, on June 26, 1997, pursuant to Section 766.7 of the Regulations, BXA moved that the Administrative Law Judge find that facts to be as alleged in the charging letter and render a Recommended Decision and Order.

Following BXA's motion, on July 8, 1997, Chief Administrative Law Judge Joseph A. Angel issued a Recommended Decision and Default Order in which he found the facts to be as alleged in the charging letter. He concluded that those facts constituted violations of the Act and Regulations. The Administrative Law Judge also concurred with BXA's recommendation that the appropriate

the Regulations in effect under the International Emergency Economic Powers Act (currently codified at 50 U.S.C. 1701-1706).

³ The copy of the charging letter addressed to Ace at his residential address was returned to BXA during April 1996. (It had been marked by South African postal authorities as "Unclaimed".) On April 24, 1996, BXA sent a copy of the November 27, 1995 charging letter to Ace at a second business address in Cape Town, South Africa. Ace received this copy of the charging letter on June 13, 1996.

penalty to be imposed for these violations is a denial, for a period of 20 years, of all of Act's export privileges. As provided by Section 766.22(a) of the Regulations, the Administrative Law Judge referred the Recommended Decision and Order 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 Administrative Law Judge. I believe that the Administrative Law Judge's recommended denial of export privileges for 20 years is appropriate. This case is aggravated by the fact that Ace violated export controls that were designed to express U.S. abhorrence with apartheid as then practiced in South Africa. These violations were serious and undetermined important U.S. foreign policy interests. A lengthy period of denial will help keep U.S.-origin items out of his hands and make future violations less likely. Finally, this penalty is, as the Administrative Law Judge explained, consistent with the penalties received by the other participants in these violations.

Accordingly, it is therefore ordered, First, that for a period of 20 years from the date of this Order, Ian Ace, with the following addresses, 4 Mimosa Way, Pinelands, South Africa; A. Rosenthal (PTY) Ltd., P.O. Box 3721, 13 Loop Street, Cape Town, South Africa; and A. Rosenthal (PTY) Ltd., P.O. Box 44198, 65 7th Street, Denmyr Building, 2104 Linden, South Africa, 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.