

DEPARTMENT OF AGRICULTURE**Rural Housing Service****Notice of Request for Extension of a Currently Approved Information Collection**

AGENCY: The Rural Housing Service, USDA.

ACTION: Proposed collection; comments request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Rural Housing Service's (RHS) intention to request an extension for a currently approved information collection in support of the program for Rural Housing Site Loans Policies, Procedures and Authorizations.

DATES: Comments on this notice must be received by January 5, 1998 to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: Carrie Schmidt, Loan Specialist, Single Family Housing Processing Division, RHS, U.S. Department of Agriculture, STOP 0783, 1400 Independence Ave., S.W., Washington, DC 20250-0783, Telephone (202) 690-0510.

SUPPLEMENTARY INFORMATION:

Title: 7 CFR 1822-G, Rural Housing Site Loans, Policies, Procedures and Authorizations.

OMB Number: 0575-0071.

Expiration Date of Approval: March 31, 1998.

Type of Request: Extension of currently approved information collection.

Abstract: Section 523 of the Housing Act of 1949 as amended (Public Law 90-448) authorizes the Secretary of Agriculture to establish the Self-Help Land Development Fund to be used by the Secretary as a revolving fund for making loans on such terms and conditions and in such amounts as deemed necessary to public or private nonprofit organizations for the acquisition and development of the land as building sites to be subdivided and sold to families, nonprofit organizations and cooperatives eligible for assistance.

Section 524 authorizes the Secretary to make loans on such terms and conditions and in such amounts as deemed necessary to public or private nonprofit organizations for the acquisition and development of land as building sites to be subdivided and sold to families, nonprofit organizations, public agencies and cooperatives eligible for assistance under any section of this title, or under any other law which provides financial assistance for

housing low and moderate income families.

RHS will be collecting information from participating organizations to insure they are program eligible entities. This information will be collected at the RHS field office. If not collected, RHS would be unable to determine if the organization would qualify for loan assistance.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 6 hours per response.

Respondents: Public or private nonprofit organizations, State, Local or Tribal Governments.

Estimated Number of Respondents: 6.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 36.

Copies of this information collection can be obtained from the Barbara Williams, Regulations and Paperwork Management Branch, Support Services Division at (202) 720-9734.

Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of RHS, including whether the information will have practical utility; (b) the accuracy of RHS's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to Barbara Williams, Regulations and Paperwork Management Branch, Support Services Division, U.S. Department of Agriculture, Rural Development, STOP 0743, Washington, DC 20250-0743. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: October 25, 1997.

Jan E. Shadburn,

Administrator, Rural Housing Service.

[FR Doc. 97-29323 Filed 11-5-97; 8:45 am]

BILLING CODE 3410-XV-U

COMMISSION ON CIVIL RIGHTS**Sunshine Act Notice**

AGENCY: U.S. Commission on Civil Rights.

DATE AND TIME: Friday, November 14, 1997, 9:30 a.m.

PLACE: U.S. Commission on Civil Rights, 624 Ninth Street, N.W., Room 540, Washington, DC 20425.

STATUS:*Agenda*

- I. Approval of Agenda
- II. Approval of Minutes of October 10, 1997 Meeting
- III. Announcements
- IV. Staff Director's Report
- V. Regional Director's Discussion
- VI. Future Agenda Items

CONTACT PERSON FOR FURTHER

INFORMATION: Barbara Brooks, Press and Communications (202) 376-8312.

Stephanie Y. Moore,

General Counsel.

[FR Doc. 97-29485 Filed 11-4-97; 12:23 pm]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE**Bureau of Export Administration**

[No. 97-BXA-9]

Decision and Order on Renewal of Temporary Denial Order

In the Matters of: Thane-Coat, Inc. 12725 Royal Drive, Stafford, Texas 77477; Jerry Vernon Ford, President, Thane-Coat, Inc., 12725 Royal Drive, Stafford, Texas 77477; and with an address at 7707 Augustine Drive, Houston, Texas 77036; Preston John Engebretson, Vice-President, Thane-Coat, Inc., 12725 Royal Drive, Stafford, Texas 77477; and with an address at 8903 Bonhomme Road, Houston, Texas 77074; Export Materials, Inc., 3727 Greenbrier Drive, No. 108, Stafford, Texas 77477; and Thane-Coat International, LTD., Suite C, Regent Centre, Explorers Way, P.O. Box F-40775, Freeport, The Bahamas, Respondents.

Background

On May 5, 1997, I entered an Order temporarily denying all United States export privileges to Thane-Coat, Inc.; Jerry Vernon Ford, president, Thane-Coat, Inc.; Preston John Engebretson, vice-president, Thane-Coat, Inc. (hereinafter collectively referred to as "T-CF&E"), located in the State of Texas; Export Materials, Inc. (hereinafter referred to as "EMI"), located in the State of Texas; and Thane-Coat International, Ltd. (hereinafter referred to as "TCIL"), located in Freeport, the Bahamas.

T-CF&E, EMI and TCIL appealed the Temporary Denial Order hereinafter "TDO") to an Administrative Law Judge (hereinafter the "ALJ"). On June 11, 1997, the ALJ recommended to the Under Secretary for Export Administration that the TDO be affirmed. The Under Secretary affirmed the TDO on June 20, 1997. T-CF&E, EMI and TCIL appealed the issuance of the TDO in the U.S. District Court in the Southern District of Texas.

The TDO will expire on November 1, 1997. Pursuant to Section 766.24 of the Export Administration Regulations (15 C.F.R. parts 730-774 (1997)) (hereinafter the "Regulations"), 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"),¹ the Office of Export Enforcement, Bureau of Export Administration, United States Department of Commerce (hereinafter "BXA") has requested that I renew the TDO against T-CF&E, EMI and TCIL for an additional 180 days.

T-CF&E, through its attorneys, opposed the Department's request and sought a hearing as authorized by Section 766.24(d)(3)(i) of the Regulations. The hearing was held on October 28, 1997.

Neither EMI nor TCIL filed written submissions opposing renewal of the TDO.

Discussion

The sole issue presented is whether the TDO should be renewed to prevent an imminent violation of the Regulations. A violation may be "imminent" either in time or likelihood. To establish grounds for a temporary denial order, BXA may show either that a violation is about to occur or that the general circumstances of the matter under investigation demonstrate a likelihood of future violations. BXA may show that the violation under investigation or charges is significant, deliberate, covert and/or likely to occur again, rather than technical or negligent. BXA may show that it is appropriate to give notice to companies in the United States and abroad to cease dealing with the persons in U.S.-origin goods and technology in order to reduce the likelihood that the persons under investigation or charges continue to export or acquire abroad such goods and

technology, risking subsequent disposition contrary to export control requirements. Lack of information establishing the precise time a violation may occur does not preclude a finding that a violation is imminent, so long as there is sufficient reason to believe the likelihood of a violation. BXA may request renewal of a TDO if BXA believes the TDO is necessary in the public interest to prevent an imminent violation. 15 CFR 766.24.

In its request, BXA states that, as a result of an ongoing investigation, it has reason to believe that, during the period from approximately June 1994 through approximately July 1996, Thane-Coat, Inc., through Ford and Engebretson, and using its affiliated companies, TCIL and EMI, made approximately 100 shipments of U.S.-origin pipe coating materials, machines and parts to the Dong Ah Consortium in Benghazi, Libya. BXA asserts the approximate value of these shipments was \$35 million. These items were used in coating the internal surface of prestressed concrete cylinder pipe for the Government of Libya's Great Man-Made River Project, which is ongoing. BXA's investigation gives it reason to believe that T-CF&E, EMI and TCIL employed a scheme to export U.S.-origin products from the United States, through the United Kingdom or Italy, to Libya, a country subject to a comprehensive economic sanctions program, without the authorizations required under U.S. law and regulations, including the Regulations.

BXA believes that the violations T-CF&E, EMI and TCIL are suspected of having committed were significant, deliberate, covert and/or likely to occur again unless a temporary denial order naming T-CF&E, EMI and TCIL is issued. Additionally, BXA believes that a temporary denial order is necessary to give notice to companies in the United States and abroad that they should cease dealing with T-CF&E, EMI and TCIL in export-related transactions involving U.S.-origin goods.

Counsel for T-CF&E argues that BXA has not shown that a TDO is needed to prevent an imminent violation of law and that evidence of past alleged violations of the Act do not show that a future violation is imminent.² Counsel's arguments are not persuasive.

Counsel argues that the TDO is void and should not be renewed because the Act has expired. I do not accept Counsel's argument.

Counsel argues that evidence of the violations upon which BXA bases its request is contained in privileged communications. Counsel further argues that privileged communications may not be considered in deciding whether to renew the TDO. The showing by BXA, that renewal of the TDO is appropriate, is compelling even without the communications to which counsel claims privilege. I do not concur in Counsel's argument.

Counsel argues that the TDO is over-broad and, if renewed, should be narrowed. In its showing, BXA described an elaborate international scheme put in place by T-CF&E, EMI and TCIL. BXA argues that, if the TDO is not renewed, T-CF&E can establish a similar scheme and commit additional violations. Based on the showing by BXA, the scope of the TDO is in the public interest to prevent additional violations. BXA's argument is persuasive.

Counsel offers declarations by Jerry Vernon Ford, president of Thane-Coat, Inc., and Preston John Engebretson, vice-president of Thane-Coat, Inc. Each certified, under penalty of perjury, that neither he nor Thane-Coat, Inc. will enter into any contract, agreement, understanding, or arrangement with any other party to sell, export, ship or transmit any coating products, of any kind, to any entity in any country subject to a general embargo, as indicated in Section 746.1(a) of the Regulations. Messrs. Ford and Engebretson, on behalf of themselves and Thane-Coat, Inc., also consent to pre-export and post-export monitoring by BXA of all export transactions entered into by Thane-Coat.

The pledge by Messrs. Ford and Engebretson, to comply with Section 746.1(a) of the Regulations, is not persuasive in light of the showing by BXA.

Counsel requests that BXA produce documents related to the matters associated with transactions to Libya involving T-CF&E, EMI and TCIL. At this point, this matter is not ripe for discovery.

Findings

Based on the record in this matter, including the submissions of the parties and the oral arguments at the hearing held on October 28, 1997, I find that it is necessary to renew the order temporarily denying the export privileges of Thane-Coat, Inc.; Jerry Vernon Ford; Preston John Engebretson; Export Materials, Inc.; and Thane-Coat International, Ltd. I find such renewal is in the public interest to prevent an imminent violation of the Regulations

¹ 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., 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)).

² "Opposition To Request for Renewal of Order Temporarily Denying Export Privileges", dated October 24, 1997.

and to give notice to companies in the United States and abroad to cease dealing with these entities in goods and technical data subject to the Regulations. I find such renewal is in the public interest in order to reduce the substantial likelihood that they will engage in activities which are in violation of the Regulations.

Order

Accordingly, it is hereby ordered that:

All outstanding validated export licenses in which Thane-Coat, Inc., 12725 Royal Drive, Stafford, Texas; Jerry Vernon Ford, president, Thane-Coat, Inc., 12725 Royal Drive, Stafford, Texas 77477, with an address at 7707 Augustine Drive, Houston, Texas 77036; Preston John Engebretson, vice-president, Thane-Coat, Inc., 12725 Royal Drive, Stafford, Texas 77477, with an address at 8903 Bonhomme Road, Houston, Texas 77074; Export Materials, Inc., 3727 Greenbrier Drive, No. 108, Stafford, Texas 77477; and/or Thane-Coat International, Ltd., Suite C, Regent Center, Explorers Way, P.O. Box F-40775, Freeport, The Bahamas, appear or participate, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Export Licensing for cancellation. Further, all privileges of T-CF&E, EMI and TCIL of participating, in any manner or capacity, in any special licensing procedure, including, but not limited to, distribution licenses, are hereby revoked.

Thane-Coat, Inc., and all of its successors or assigns, officers, representatives, agents, and employees when acting on its behalf; Jerry Vernon Ford; Preston John Engebretson; Export Materials, Inc., and all of its successors or assigns, officers, representatives, agents, and employees when acting on its behalf; and Thane-Coat International, Ltd., and all of its successors or assigns, officers, representatives, agents, and employees when acting on its behalf, 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 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.

No person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of any of the denied persons any item subject to the Regulations;

B. Take any action that facilitates the acquisition, or attempted acquisition, by any of the denied persons 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 any of the denied persons 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, any of the denied persons of any item subject to the Regulations that has been exported from the United States;

D. Obtain from any of the denied persons 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;

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 which is owned, possessed or controlled by any of the denied persons, or service any item, of whatever origin, that is owned, possessed or controlled by any of the denied persons 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.

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

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.

In accordance with the provisions of Section 766.24(e) of the Regulations, T-CF&E, EMI, and/or TCIL may, at any time, appeal this Order by filing a full written statement in support of the appeal with the Office of the Administrative Law Judge, U.S. Coast Guard ALJ Docketing Center, 40 South Gay Street, Baltimore, Maryland 21202-4022.

This order is effective immediately and shall remain in effect for 180 days.

In accordance with Section 766.24 of the Regulations, the Department may seek renewal of this TDO by filing a written request not later than 20 days before the expiration date. Any respondent may oppose a request to renew this TDO by filing a written submission with the Assistant Secretary for Export Enforcement, which must be received no later than seven days before the expiration of this order.

A copy of this order shall be served on each respondent and this order shall be published in the **Federal Register**.

Entered this 31st day of October 1997.

Frank W. Deliberti,

Acting Assistant Secretary for Export Enforcement.

[FR Doc. 97-29377 Filed 11-5-95; 8:45 am]

BILLING CODE 3510-DT-M

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Visiting Committee on Advanced Technology

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of partially closed meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, 5 U.S.C. app. 2, notice is hereby given that the Visiting Committee on Advanced Technology, National Institute of Standards and Technology (NIST), will meet on Tuesday, December 2 from 8:30 a.m. to 5:00 p.m. The Visiting Committee on Advanced Technology is composed of fifteen members appointed by the Director of NIST who are eminent in such fields as business, research, new product development, engineering, labor, education, management consulting, environment, and international relations. The purpose of this meeting is to review and make recommendations regarding general policy for the Institute, its organization,