

regulation by the Food and Drug Administration (FDA) under the authority of the Federal Food, Drug, and Cosmetic Act (FFDCA) (21 U.S.C. 301 *et seq.*). The FDA published a statement of policy on foods derived from new plant varieties in the **Federal Register** on May 29, 1992 (57 FR 22984-23005). The FDA statement of policy includes a discussion of the FDA's authority for ensuring food safety under the FFDCA, and provides guidance to industry on the scientific considerations associated with the development of foods derived from new plant varieties, including those plants developed through the techniques of genetic engineering. Monsanto has completed its consultation with the FDA on the food safety of the subject tomato line.

In accordance with § 340.6(d) of the regulations, we are publishing this notice to inform the public that APHIS will accept written comments regarding the Petition for Determination of Nonregulated Status from any interested person for a period of 60 days from the date of this notice. The petition and any comments received are available for public review, and copies of the petition may be ordered (see the **ADDRESSES** section of this notice).

After the comment period closes, APHIS will review the data submitted by the petitioner, all written comments received during the comment period, and any other relevant information. Based on the available information, APHIS will furnish a response to the petitioner, either approving the petition in whole or in part, or denying the petition. APHIS will then publish a notice in the **Federal Register** announcing the regulatory status of Monsanto's tomato line 8338 and the availability of APHIS' written decision.

**Authority:** 7 U.S.C. 150aa-150jj, 151-167, and 1622n; 31 U.S.C. 9701; 7 CFR 2.17, 2.51, and 371.2(c).

Done in Washington, DC, this 5th day of June 1995.

**Terry L. Medley,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 95-14382 Filed 6-12-95; 8:45 am]

**BILLING CODE 3410-34-M**

## Forest Service

### **Bennett-Cottonwood Oil and Gas Development EIS; Custer National Forest, McKenzie County, ND**

**AGENCY:** Forest Service, USDA.

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

**SUMMARY:** A Notice of Intent was published in the **Federal Register** [60 FR 1765] on Thursday, January 5, 1995, indicating that an environmental impact statement (EIS) would be prepared on the proposal to develop thirteen additional oil wells in the Bennett-Cottonwood area by Meridian Oil, Inc. and Apache Corporation. That Notice of Intent is hereby withdrawn.

The development of the thirteen proposed wells was contingent upon the successful production of oil from approved wells approved and drilled since 1993. In March 1995, Meridian Oil, Inc. and Apache Corporation withdrew their proposals because of four unsuccessful wells drilled in the area the last two years and for other corporate reasons.

Originally the draft environmental impact statement was scheduled to be released to the public on May 1, 1995 with the final statement to be filed by July 1, 1995. A letter was mailed on March 24, 1995 to all who commented during the scoping period, as well as all other individuals or groups on the project scoping mailing list, notifying them of the withdrawal of this project.

**DATES:** This action is effective on June 13, 1995.

**ADDRESSES:** Lesley W. Thompson, District Ranger, McKenzie Ranger District, Little Missouri National Grassland, Custer National Forest, HC02 Box 8, Watford City, ND 58854.

**FOR FURTHER INFORMATION CONTACT:** Lesley W. Thompson, District Ranger, McKenzie Ranger District. Telephone number: (406) 657-6361.

Dated: June 2, 1995.

**Lesley W. Thompson,**

*Acting Forest Supervisor.*

[FR Doc. 95-14418 Filed 6-12-95; 8:45 am]

**BILLING CODE 3410-11-M**

## DEPARTMENT OF COMMERCE

### **Agency Form Under Review by the Office of Management and Budget**

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

**Agency:** Bureau of the Census.

**Title:** Current Population Survey—October 1995 School Enrollment Supplement.

**Agency Approval Number:** 0607-0464.

**Type of Request:** Reinstatement, without change.

**Burden:** 7,200 hours.

**Number of Respondents:** 54,000.

**Avg Hours Per Response:** 8 minutes.

**Needs and Uses:** The School

Enrollment Supplement is the only source of data on enrollment in all schools by demographic, social, and economic characteristics. This annual supplement to the Current Population Survey provides school enrollment data for persons 3 years old or older who are enrolled in elementary school, high school, college, and vocational/technical schools, as well as for children enrolled in nursery schools and kindergarten. It also provides higher education data for adults and computer usage data for adults and children. The data are used by Federal agencies; state, county, and city governments; and private organizations responsible for education to formulate and implement education policy. They are also used by employers and analysts to anticipate the composition of the labor force in the future.

**Affected Public:** Individuals or households.

**Frequency:** Annually.

**Respondent's Obligation:** Voluntary.

**OMB Desk Officer:** Maria Gonzalez, (202) 395-7313.

Copies of the above information collection proposal can be obtained by calling or writing Gerald Taché, DOC Forms Clearance Officer, (202) 482-3271, Department of Commerce, room 5312, 14th and Constitution Avenue NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Maria Gonzalez, OMB Desk Officer, room 10201, New Executive Office Building, Washington, DC 20503.

Dated: June 8, 1995.

**Gerald Taché,**

*Departmental Forms Clearance Officer, Office of Management and Organization.*

[FR Doc. 95-14455 Filed 6-12-95; 8:45 am]

**BILLING CODE 3510-07-F**

## Bureau of Export Administration

[Docket Nos. 3108-01, 3108-02]

### **Amancio J. Abelairas, et al.; Decision and Order**

In the Matter of: Amancio J. Abelairas, also known as Jesus Gonzalez, individually with an address at 6486 S.W. 9th Street, Miami, Florida 33144, and doing business as Estrella Del Caribe Import and Export Inc., with an address at 5529 S.W. 9th Street, Miami, Florida 33144, Respondents.

On May 17, 1995, the Administrative Law Judge (ALJ) entered his Recommended Decision and Order in

the above-referenced matter. The Recommended Decision and Order, a copy of which is attached hereto and made a part hereof, has been referred to me for final action. After describing the facts of the case and his findings based on those facts, the ALJ found that the respondent had violated Sections 787.2 and 787.4(a) of the Export Administration Regulations by causing, aiding or abetting the export of U.S.-origin microelectronic and fingerprint equipment from the United States to Cuba without obtaining from the Department of Commerce the validated export license that the Respondent knew, or had reason to know, was required by Section 772.1(b) of the Regulations. The ALJ also found that the appropriate penalty for the violations should be that Respondent, Amancio J. Abelairas, also known as Jesus Gonzalez, individually and doing business as Estrella Del Caribe Import and Export, Inc., and all successors, assignees, officers, representatives, agents and employees be denied for a period of ten years from this date all privileges of participating, directly or indirectly, in any transaction in the United States or abroad involving commodities or technical data exported or to be exported from the United States and subject to the Export Administration Regulations.

Based on my review of the entire record, I affirm the Recommended Decision and Order of the Administrative Law Judge.

This constitutes final agency action in this matter.

Dated: June 5, 1995.

**William A. Reinsch,**  
*Under Secretary for Export Administration.*

### Recommended Decision and Order

On September 21, 1993, the Office of Export Enforcement, Bureau of Export Administration, United States Department of Commerce (Department), issued a charging letter against Amancio J. Abelairas, also known as Jesus Gonzalez, individually, and doing business as Esrella del Caribe Import and Export, Inc. (hereinafter collectively referred to as Abelairas). The charging letter alleged that Belairas committed two violations of the Export Administration Regulations (currently codified at 15 C.F.R. Parts 768-799 (1994)) (the Regulations),<sup>1</sup> issued

<sup>1</sup> The alleged violations occurred during 1988. The Regulations governing the violations are found in the 1988 version of the Code of Federal Regulations, codified at 15 CFR Parts 368-399 (1988). Effective October 1, 1988, the Export Administration Regulations were redesignated as 15

pursuant to the Export Administration Act of 1979, as amended (currently codified at 50 U.S.C.A. app. §§ 2401-2420 (1991, Supp. 1993, and Pub. L. No. 103-277, July 5, 1994)) (the Act).<sup>2</sup>

The charging letter alleged that, on September 30, 1988, Abelairas caused, aided or abetted the export of U.S.-origin microelectronic and fingerprint identification equipment from the United States to Cuba without obtaining from the Department the validated export license Abelairas knew or had reason to know was required by Section 772.1(b) of the Regulations. Accordingly, the Department charged that Abelairas violated Section 787.2 and Section 787.4(a) of the Regulations, for a total of two violations.

Upon receiving the Department's charging letter, Abelairas sent a letter indicating why he believed that he had not violated the Regulations. However, that letter did not constitute an "answer" to the charging letter in accordance with the requirements of Section 788.7 of the Regulations governing answers to charging letters. After Abelairas failed to perfect his filing, the Department, on May 3, 1995, filed supporting evidence for a default judgment against Abelairas.

On the basis of the Department's submission and all of the supporting evidence presented, I have determined that Abelairas violated Sections 787.2 and 787.4(a) of the Export Administration Regulations by causing, aiding or abetting the export of U.S.-origin microelectronic and fingerprint equipment from the United States to Cuba without obtaining from the Department the validated export license Abelairas knew or had reason to know was required by Section 772.1(b) of the Regulations.

For those violations, the Department urged as a sanction that Abelairas's export privileges be denied for 10 years. In light of the nature of the violations, I concur in the Department's recommendation.

Accordingly, it is therefore ordered,

First, that all outstanding individual validated licenses in which Amancio Abelairas, also known as Jesus Gonzalez, individually with an address at 6486 S.W. 9th Street, Miami, Florida 33144, and doing business as Estrella

CFR Parts 768-799 (53 FR 37751, September 28, 1988). The transfer merely changed the first number of each Part from "3" to "7". To the degree to which the 1988 version of the Regulations pertains to this matter, it is substantially the same as the 1994 version.

<sup>2</sup> The Act expired on August 20, 1994. Executive Order 12924 (59 FR 43437, August 23, 1994) continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C.A. §§ 1701-1706 (1991)).

del Caribe Import and Export, Inc., with an address at 5529 S.W. 8th Street, Miami, Florida 33144, appears or participates, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Exporter Services for cancellation. Further, all of Abelairas's privileges of participating, in any manner or capacity, in any special licensing procedure, including, but not limited to, distribution licenses, are hereby revoked.

Second, that Amancio Abelairas, also known as Jesus Gonzales, individually with an address at 6486 S.W. 9th Street, Miami, Florida 33144, and doing business as Estrella del Caribe Import and Export, Inc., with an address at 5529 S.W. 8th Street, Miami, Florida 33144 (collectively referred to as Abelairas), and all successors, assigns, officers, representatives, agents, and employees, shall, for a period of 10 years from the date of final agency action, be denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction in the United States or abroad involving any commodity or technical data exported or to be exported from the United States, and subject to the Regulations.

A. Without limiting the generality of the foregoing, participation, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (i) As a party or as a representative of a party to any export license application submitted to the Department; (ii) in preparing or filing with the Department any export license application or request for reexport authorization, or any document to be submitted therewith; (iii) in obtaining from the Department or using any validated or general export license, reexport authorization, or other export control document; (iv) in carrying on negotiations with respect to, or in receiving, ordering, buying, selling, delivering, storing, using, or disposing of, in whole or in part, any commodities or technical data exported or to be exported from the United States and subject to the Regulations; and (v) in financing, forwarding, transporting, or other servicing of such commodities or technical data.

B. After notice and opportunity for comment as provided in Section 788.3(c) of the Regulations, any person, firm, corporation, or business organization related to Abelairas by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be subject to the provisions of this Order.

C. As provided by Section 787.12(a) of the Regulations, without prior disclosure of the facts to and specific authorization of the Office of Exporter Services, in consultation with the Office of Export Enforcement, no person may directly or indirectly, in any manner or capacity: (i) Apply for, obtain, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to an export or reexport of commodities or technical data by, to, or for another person then subject to an order revoking or denying his export privileges or then excluded from practice before the Bureau of Export Administration; or (ii) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate: (a) in any transaction which may involve any commodity or technical data exported or to be exported from the United States; (b) in any reexport thereof; or (c) in any other transaction which is subject to the Export Administration Regulations, if the person denied export privileges may obtain any benefit or have any interest in, directly or indirectly, any of these transactions.

Third, that a copy of this Order shall be served on Abelairas and on the Department.

Fourth, that this Order, as affirmed or modified, shall become effective upon entry of the final action by the Under Secretary for Export Administration, in accordance with the Act (50 U.S.C.A. app. § 2412(c)(1)) and the Regulations (15 CFR 788.23).

Edward J. Kuhlmann,  
*Administrative Law Judge.*

Entered this 17th day of May, 1995.

To be considered in the 30 day statutory review process which is mandated by Section 13(c) of the Act, submissions must be received in the Office of the Under Secretary for Export Administration, U.S. Department of Commerce, 14th and Constitution Ave., N.W., Room 3898B, Washington, D.C., 20230, within 12 days. Replies to the other party's submission are to be made within the following 8 days. 15 CFR 788.23(b), 50 FR 53134 (1985). Pursuant to Section 13 (c)(3) of the Act, the order of the final order of the Under Secretary may be appealed to the U.S. Court of Appeals for the District of Columbia within 15 days of its issuance.

[FR Doc. 95-14396 Filed 6-12-95; 8:45 am]

BILLING CODE 3510-DT-M

## Foreign-Trade Zones Board

[Docket 29-95]

### Foreign-Trade Zone 40—Cleveland, OH, Application for Subzone, Ben Venue Laboratories (Pharmaceutical Products) Bedford, OH

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Cleveland-Cuyahoga County Port Authority, grantee of FTZ 40, requesting special-purpose subzone status for the pharmaceutical manufacturing facility of Ben Venue Laboratories, Inc. (BVL), in Bedford, Ohio. 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 May 31, 1995.

BVL is a privately-owned company whose primary business is the contract manufacture of sterile, injectable pharmaceutical products for major U.S. and foreign pharmaceutical companies. BVL also develops and manufactures products for many small, primarily biotechnology-based firms, and manufactures its own line of generic oncology products and injectable pharmaceuticals.

BVL's plant (7 bldgs. totalling 200,000 sq. ft. on 10 acres) is located at 300 Northfield Road, Bedford, Ohio, some 17 miles south of Cleveland. The facility is primarily used to produce sterile, injectable pharmaceutical products, such as antibiotics, antivirals, biologicals, cardiovasculars, diagnostics and oncologics. Bulk active ingredients for certain oncologic products are sourced abroad. The company may also purchase from abroad other bulk, active ingredients and materials in the following general categories: hydrocarbons and derivatives, alcohols and derivatives, phenols, ethers, acetals, aldehydes and derivatives, ketones, quinones, mono- and polycarboxylic acids and derivatives, amine-function compounds, oxygen function compounds, ammonium salts, carboxyimide-function compounds, nitrile-function compounds, hydrazine/hydroxylamine derivatives, nitrogen function compounds, organo-sulfur compounds, heterocyclic compounds, sulfonamides, vitamins, hormones, glycosides, vegetable alkaloids, sugars, antibiotics, and other organic compounds. Some 10 percent of production is exported.

Zone procedures would exempt BVL from Customs duty payments on foreign materials used in production for export. On domestic shipments, the company or its customers (in the case of sales to

plants operating under zone procedures) would be able to choose the duty rates that apply to the finished products (duty-free). The duty rates on foreign-sourced items range from duty-free to 18.6 percent. At the outset, zone savings would primarily involve choosing the finished product duty rate (duty-free) for a customer's product (HTSUS 3004.90.9015), instead of the rate (6.8%) otherwise applicable to the foreign active ingredient (HTSUS 2934.90.3000). The application indicates that the savings from zone procedures will help improve the plant's international competitiveness.

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.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is August 14, 1995. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to August 28, 1995).

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce District Office, Bank One Center, Suite 700, 600 Superior Avenue, Cleveland, Ohio 44114  
Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 3716, 14th and Pennsylvania Avenue, NW., Washington, DC 20230

Dated: June 5, 1995.

**John J. Da Ponte, Jr.,**

*Executive Secretary.*

[FR Doc. 95-14460 Filed 6-12-95; 8:45 am]

BILLING CODE 3510-DS-P

## International Trade Administration

[A-428-801, A-475-801]

### Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From Germany and Italy; Amended Final Results of Antidumping Duty Administrative Reviews

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**ACTION:** Notice of amended final results of antidumping duty administrative reviews.