

176 Corn petition for nonregulated status or endorsed the concept of an insect-resistant corn variety without specific reference to the petition. Two of the 37 commenters expressed reservations about a determination in favor of the subject petition based on their concerns about resistance management. APHIS has provided a summary and discussion of the comments in the determination document, which is available upon request from the individual listed under **FOR FURTHER INFORMATION CONTACT**.

#### Analysis

Ciba Seeds' Event 176 Corn has been genetically engineered to express an insect control protein representing a truncated form of the CryIA(b) protein that occurs naturally in *Bacillus thuringiensis* subsp. *kurstaki* (*Btk*), a common gram-positive soil bacterium. *Btk* proteins are very effective against certain lepidopteran insects, including European corn borer (ECB). Event 176 Corn has been modified to produce the CryIA(b) protein in green tissues and pollen cells. During field tests of Event 176 Corn, ECB infestations were significantly reduced as compared to the nontransgenic control plants.

The subject corn has been considered a regulated article under APHIS' regulations in 7 CFR part 340 because it contains certain gene sequences derived from plant-pathogenic sources. However, evaluation of field data reports from field tests of the subject corn conducted since 1992 indicates that there were no deleterious effects on plants, nontarget organisms, or the environment as a result of the subject corn plants' release into the environment.

#### Determination

Based on its analysis of the data submitted by Ciba Seeds and a review of other scientific data, comments received from the public, and field tests of the subject corn, APHIS has determined that Event 176 Corn: (1) Exhibits no plant pathogenic properties; (2) is no more likely to become a weed than lepidopteran-insect-resistant corn developed through traditional breeding techniques; (3) is unlikely to increase the weediness potential of any other cultivated plant or native wild species with which it can interbreed; (4) should not cause damage to raw or processed agricultural commodities; (5) is unlikely to harm organisms beneficial to the agricultural ecosystem; and (6) when cultivated, should not reduce the ability to control insects in corn and other crops. APHIS has also concluded that there is a reasonable certainty that new

varieties developed from Event 176 Corn will not exhibit new plant pest properties, i.e., properties substantially different from any observed in the field tested Event 176 Corn, or those observed in corn in traditional breeding programs.

The effect of this determination is that insect-resistant corn designated as Event 176 Corn is no longer considered a regulated article under APHIS' regulations in 7 CFR part 340. Therefore, the permit and notification requirements pertaining to regulated articles under those regulations no longer apply to the field testing, importation, or interstate movement of the subject corn or its progeny. However, the importation of the subject corn or seeds capable of propagation is still subject to the restrictions found in APHIS' foreign quarantine notices in 7 CFR part 319.

#### National Environmental Policy Act

An environmental assessment (EA) has been prepared to examine the potential environmental impacts associated with this determination. The EA was prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), (2) Regulations of the Council on Environmental Quality for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500–1508), (3) USDA Regulations Implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372). Based on that EA, APHIS has reached a finding of no significant impact (FONSI) with regard to its determination that the subject corn and lines developed from it are no longer regulated articles under its regulations in 7 CFR part 340. Copies of the EA and the FONSI are available upon request from the individual listed under **FOR FURTHER INFORMATION CONTACT**.

Done in Washington, DC, this 13th day of June 1995.

**Lonnie J. King**

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

[FR Doc. 95-15112 Filed 6-20-95; 8:45 am]

BILLING CODE 3410-34-P

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#### DEPARTMENT OF COMMERCE

#### Bureau of Export Administration

[Docket Nos. 5103-01; 5104-01; 5105-01]

#### Decision and Order

In the matter of: Waldemar Znamierowski, Krzwińska Str., 16/1, 03-324, Warsaw, Poland; Paul A. Prandecki a/k/a Paul Prand,

3178 El Centro Circle, Las Vegas, Nevada 89121 and Beta Computer Trading Pte. Limited, One Rockor Canal Road, Sim Lin Square #06-67, Singapore 0718; Respondents.

On May 31, 1995, the Administrative Law Judge (ALJ) entered his Recommended Decision and Order in the above-referenced matters. 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 Respondents Znamierowski and Prandecki had violated Section 787.2 of the Export Administration Regulations (EAR) by causing, aiding and abetting the export of three U.S.-origin Apollo computer workstations from the United States through Singapore to Poland without obtaining the validated export licenses required by Section 772.1 of the EAR. The ALJ also found that the Respondent Beta Computer Trading PTE, Limited reexported three U.S.-origin Apollo computer workstations from Singapore to Poland without obtaining from the Department of Commerce the reexport authorization required by Section 774.1 of the EAR.

The ALJ found that the appropriate penalty for the violations should be that the Respondents 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 manner or capacity, 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 13, 1995.

**William A. Reinsch**,

*Under Secretary for Export Administration.*

#### Recommended Decision and Order

On December 9, 1993, the Office of Export Enforcement, Bureau of Export Administration, U.S. Department of Commerce (Department), issued separate charging letters against Paul A. Prandecki, also known as Paul Prand (Prandecki); Beta Computer Trading Pte. Limited (Beta Computer); and Waldemar Znamierowski (Znamierowski) (hereinafter collectively referred to as respondents). None of the respondents

answered or otherwise responded to the charging letters.

On April 17, 1995, I issued an Order finding that Znamierowski was in default for failing to file an answer to the charging letter and directing the Department to make the submission required by Section 788.8 of the Export Administration Regulations (currently codified at 15 C.F.R. Parts 768-799 (1995)) (the Regulations), by May 17, 1995. On April 18, 1995, I issued separate Orders against Prandecki and Beta Computer, finding both of them in default for failing to answer the charging letters issued against them and directing the Department to make the submission required by Section 788.8 of the Regulations by May 18, 1995. On April 19, 1995, I issued Corrected Orders in Prandecki and Beta Computer directing the Department to make its submissions by May 19, 1995.

On May 5, 1995, the Department filed a motion to consolidate these matters and requested that it be provided to May 19, 1995 to file a single default submission addressing the allegations against all three respondents in a single pleading. On May 8, 1995, I granted the Department's motion. In accordance with that Order, on May 19, 1995, the Department submitted its Default Submission, together with supporting evidence.

## Background

In the December 9, 1993 charging letters, the Department alleged that Prandecki and Znamierowski caused, aided, and abetted the export of three U.S.-origin Apollo computer workstations from the United States through Singapore to Poland without obtaining from the Department the validated export license required by Section 772.1(b) of the Regulations. The Department charged that, by causing, aiding, and abetting the doing of an act prohibited by the Export Administration Act of 1979, as amended (50 U.S.C.A. app. §§ 2401-2420 (1991, Supp. 1993, and Pub. L. No. 103-277, July 5, 1994)) (the Act),<sup>1</sup> or any regulation, order, or license issued under the Act, Prandecki and Znamierowski each committed one violation of Section 787.2 of the Regulations, involving commodities controlled for reasons of national security under Section 5 of the Act.

In the December 9, 1993 charging letter issued against Beta Computer, the Department alleged that Beta Computer reexported three U.S.-origin Apollo

computer workstations from Singapore to Poland without obtaining from the Department the reexport authorization required by Section 774.1 of the Regulations. The Department charged that, by reexporting 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, Beta Computer committed one violation of Section 787.6 of the Regulations, involving commodities controlled for reasons of national security under Section 5 of the Act.

On the basis of the Department's submission and all of the supporting evidence presented, I have determined that Prandecki, Znamierowski, and Beta Computer committed the violations alleged in the separate charging letters issued against them.

For those violations, the Department urged as a sanction that the export privileges of Prandecki, Znamierowski, and Beta Computer 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 Waldemar Znamierowski, Krzwska Str., 16.1, 03-32, Warsaw, Poland; Paul A. Prandecki, a/k/a Paul Prand, 3178 El Centro Circle, Las Vegas, Nevada 89121; and Beta Computer Trading Pte. Limited, One Rockor Canal Road, Sim Lim Square #06-67, Singapore 0718, appear or participate, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Exporter Services for cancellation. Further, all of the privileges of Prandecki, Znamierowski, and Beta Computer to participate, in any manner or capacity, in any special licensing procedure, including, but not limited to, distribution licenses, are hereby revoked.

*Second*, that Waldemar Znamierowski, Krzwska Str., 16/1, 03-32, Warsaw, Poland; Paul A. Prandecki, a/k/a Paul Prand, 3178 El Centro Circle, Las Vegas, Nevada 89121; and Beta Computer Trading Pte. Limited, One Rockor Canal Road, Sim Lim Square #06-67, Singapore 0718 (collectively referred to as respondents), and all of their 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 any of the respondents by affiliation, ownership, control, or position of responsibility in the conduct of trade 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.

<sup>1</sup> The Act expired on August 20, 1994. Executive Order No. 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)).

*Third*, that a copy of this Order shall be served on each of the respondents 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).

Dated: May 31, 1995.

Edward J. Kuhlmann,  
*Administrative Law Judge.*

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 & 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.

#### **Certificate of Mailing**

I certify that I have sent the attached document by first class U.S. mail, postage prepaid, to the following persons:

By Registered Mail to:

#### **R 861 601 782**

Waldemar Znamierowski, Krzwińska Str., 16/1, 03-324, Warsaw, Poland  
By Registered Mail to:

#### **R 861 601 783**

Beta Computer Trading Pte. Limited, One Rockor Canal Road, Sim Lim Square #06-67, Singapore 0718, attn: Kelvin C.S. Teo, Managing Director  
By Certified Mail to:

#### **P 067 861 636**

Paul A. Prandecki a/k/a Paul Prand, 3178 El Centro Circle, Las Vegas, Nevada 89121  
By Certified Mail to:

#### **P 067 861 637**

Thomas C. Barbour, Senior Trial Attorney, Office of Chief Counsel for Export Administration, U.S. Department of Commerce, Room H-3839, 14th & Constitution Avenue NW., Washington, D.C. 20230.  
Dated: May 31, 1995.

**Williema Waddell,**

*Support Services Assistant.*

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BILLING CODE 3510-DT-M

#### **International Trade Administration**

[A-570-835]

#### **Notice of Antidumping Duty Order: Furfuryl Alcohol From the People's Republic of China (PRC)**

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

**EFFECTIVE DATE:** June 21, 1995.

**FOR FURTHER INFORMATION CONTACT:** John Brinkmann or Donna Berg, Office of Antidumping Duty Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482-5288 or (202) 482-0114, respectively.

#### **Scope of Order**

The merchandise covered by this order is furfuryl alcohol ( $C_4H_3OCH_2OH$ ). Furfuryl alcohol is a primary alcohol, and is colorless or pale yellow in appearance. It is used in the manufacture of resins and as a wetting agent and solvent for coating resins, nitrocellulose, cellulose acetate, and other soluble dyes.

The product subject to this order is classifiable under subheading 2932.13.00 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheading is provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

#### **Antidumping Duty Order**

On June 14, 1995, in accordance with section 735(d) of the Act, the U.S. International Trade Commission (ITC) notified the Department that imports of furfuryl alcohol from the PRC materially injure a U.S. industry. Therefore, in accordance with section 736 of the Act, the Department will direct United States Customs officers to assess, upon further advice by the administering authority pursuant to section 736(a)(1) of the Act, antidumping duties equal to the amount by which the foreign market value of the merchandise exceeds the United States price for all entries of furfuryl alcohol from the PRC. These antidumping duties will be assessed on all unliquidated entries of furfuryl alcohol from the PRC entered, or withdrawn from warehouse, for consumption on or after December 16, 1994, the date on which the Department published its preliminary determination notice in the **Federal Register** (59 FR 65009).

On or after the date of publication of this notice in the **Federal Register**, U.S. Customs officers must require, at the same time as importers would normally

deposit estimated duties, the following cash deposits for the subject merchandise:

Manufacturer/producer/exporter	Weighted-average margin percentage
Qingdao Chemicals & Medicines Import and Export Corporation ..	50.43
Sinochem Shandong Import and Export Group Corporation .....	43.54
China-Wide .....	45.27

This notice constitutes the antidumping duty order with respect to furfuryl alcohol from the PRC, pursuant to section 736(a) of the Act. Interested parties may contact the Central Records Unit, Room B-099 of the Main Commerce Building, for copies of an updated list of antidumping duty orders currently in effect.

This order is published in accordance with section 736(a) of the Act and 19 CFR 353.21.

Dated: June 14, 1995.

**Susan G. Esserman,**  
*Assistant Secretary for Import Administration.*

[FR Doc. 95-15222 Filed 6-20-95; 8:45 am]

BILLING CODE 3510-DS-P

[A-791-802]

#### **Notice of Amended Final Antidumping Duty Determination and Order: Furfuryl Alcohol From South Africa.**

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

**ACTION:** Notice.

**EFFECTIVE DATE:** June 21, 1995.

**FOR FURTHER INFORMATION CONTACT:** John Brinkmann or Donna Berg, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-5288 or (202) 482-0114, respectively.

#### **Amended Final Determination**

We presented counsel for the respondent, Illovo Sugar Limited, and counsel for the petitioner, QO Chemicals, with the calculations and disclosure materials concerning the final determination on May 4, and 8, 1995, respectively.

The respondent and the petitioner filed timely submissions alleging ministerial errors in the Department of Commerce's (Department) final determination calculations. On May 5,