

firm, corporation, or business organization related to Samata 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 the Charging Letter, the Answer, the Consent Agreement, and this Order shall be made available to the public. A copy of this Order shall be served on the Department and Samata and published in the **Federal Register**.

This Order, which constitutes the final agency action in this matter, is effective immediately.

Entered this 26th day of June, 1995.

William A. Reinsch,
Under Secretary for Export Administration.
[FR Doc. 95-16222 Filed 6-30-95; 8:45 am]
BILLING CODE 3510-DT-M

[Docket No. 1107-02]

Decision and Order

In the Matter of: Robert J. Wheeler, 97 Templar Place, Oakland, California 94618, Respondent.

On August 27, 1991, the Office of Export Enforcement, Bureau of Export Administration, United States Department of Commerce (Department), issued a Charging Letter against Robert J. Wheeler (Wheeler) alleging that Wheeler violated Sections 787.4(a), 787.5(a)(1)(ii), and 787.6 of the Export Administration Regulations (currently

codified at 15 CFR Parts 768-799 (1995)) (the Regulations), issued pursuant to Section 13(c) of 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).¹ The Charging Letter alleged that:

(1) On 15 separate occasions between on or about August 27, 1986 through on or about July 29, 1987, Wheeler exported U.S.-origin commodities contrary to the terms of distribution license, in violation of Section 787.6 of the Regulations;

(2) In connection with the 15 exports described above, Wheeler made false statements of material fact to a U.S. agency in connection with the preparation, submission, or use of an export control document, in violation of Section 787.5(a)(1)(ii) of the Regulations; and

(3) With respect to each of the 15 exports described above, Wheeler made the exports with knowledge or reason to know that the exports were being made contrary to a prior representation Wheeler made to the Department, in violation of Section 787.4(a) of the Regulations.

Wheeler answered the Charging Letter, denying the allegations set forth therein. After the Answer was filed, the Department and Wheeler entered into a Consent Agreement pursuant to Section 787.17(a) of the Regulations whereby they agreed to settle this matter in accordance with the terms and conditions set forth therein;

The Administration Law Judge having recommended that I approve the terms of the Consent Agreement; and

After reading and approving those terms;

It is therefore ordered,

First, all outstanding individual validated licenses in which Robert J. Wheeler 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 Wheeler'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, Robert J. Wheeler, 97 Templar Place, Oakland, California 94618, shall, for a period of ten years from the date of this Order, 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 Wheeler 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

¹ 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)).

in, directly or indirectly, any of these transactions.

D. As authorized by Sections 788.16 and 788.17 of the Regulations, the denial period shall be suspended for a period of five years beginning five years from the date of entry of this Order, and shall thereafter be waived, provided that, during the period of suspension, Wheeler commits no violation of the Act or any regulation, order or license issued thereunder.

Third, that the Charging Letter, the Answer, the Consent Agreement, and this Order shall be made available to the public. A copy of this Order shall be served on the Department and Wheeler and published in the **Federal Register**.

This Order, which constitutes the final agency action in this matter, is effective immediately.

Entered this 26th day of June, 1995.

William A. Reinsch,

Under Secretary for Export Administration.

[FR Doc. 95-16223 Filed 6-30-95; 8:45 am]

BILLING CODE 3510-DT-M

Foreign-Trade Zones Board

[Docket 6-94]

Foreign-Trade Zone 114—Peoria, Illinois Withdrawal of Application for Subzone Status for Revere Ware Corporation Plant

Notice is hereby given of the withdrawal of the application submitted by the Economic Development Council for the Peoria Area, grantee of FTZ 114, requesting special-purpose subzone status for the stainless steel and aluminum household cookware manufacturing plant of the Revere Ware Corporation, Clinton, Illinois. The application was filed on February 15, 1994 (59 FR 10782, 3/8/94).

The withdrawal was requested by the applicant because of changed circumstances, and the case has been closed without prejudice.

Dated: June 26, 1995.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 95-16307 Filed 6-30-95; 8:45 am]

BILLING CODE 3510-DS-P

[Docket 33-95]

Foreign-Trade Zone 61—San Juan, Puerto Rico Application for Subzone Ohmeda Caribe Inc./Ohmeda Pharmaceutical Manufacturing Inc. (Pharmaceutical Products) Guayama, Puerto Rico

An application has been submitted to the Foreign-Trade Zones Board (the

Board) by the Commercial and Farm Credit and Development Corporation of Puerto Rico, grantee of FTZ 61, requesting special-purpose subzone status for the pharmaceutical manufacturing plant (210 employees) of Ohmeda Caribe Inc./Ohmeda Pharmaceutical Manufacturing Inc. (Ohmeda), in Guayama, Puerto Rico (San Juan area). 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 June 22, 1995.

Ohmeda is a wholly-owned subsidiary of BOC Group plc (U.K.), which comprises three global businesses—industrial and specialty gases, health care products, and vacuum technology and distribution services.

Ohmeda's Guayama plant (23 bldgs./176,000 sq. ft. on 38 acres) is located at Route 3, KM 142.5, Guayama, Puerto Rico, some 45 miles south of San Juan. The facility produces finished pharmaceutical products, primarily inhalation anesthetics for hospital and critical care therapy (e.g., FORANE®, SUPRANE®, and AERRANE®).

Currently, foreign-sourced materials account for, on average, 90 percent of materials value, and include the following specific items: trifluoroethanol, chlorodifluoromethane, and a plastic valve assembly used to administer the anesthetics. The company may also purchase from abroad other ingredients and materials in the following general categories: gums, starches, waxes, vegetable extracts, mineral oils, sugars, empty capsules, protein concentrates, prepared animal feed, mineral products, inorganic acids, chlorides, chlorates, sulfites, sulfates, phosphates, cyanides, silicates, radioactive chemicals, rare-earth metal compounds, hydroxides, hydrazine and hydroxylamine, chlorides, phosphates, carbonates, hydrocarbons, alcohols, phenols, ethers, epoxides, acetals, aldehydes, ketone function compounds, mono- and polycarboxylic acids, phosphoric esters, amine-, carboxymide, nitrile- and oxygen-function compounds, heterocyclic compounds, sulfonamides, insecticides, rodenticides, fungicides and herbicides, fertilizers, vitamins, hormones, antibiotics, gelatins, enzymes, pharmaceutical glaze, essential oils, albumins, gelatins, activated carbon, residual lyes, acrylic polymers, color lakes, soaps and detergents, various packaging and printing materials, medicaments, pharmaceutical products, and instruments and appliances used in

medical sciences. Some 10 percent of production is exported.

Zone procedures would exempt Ohmeda from Customs duty payments on foreign materials used in production for export. On domestic sales, the company 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 on SUPRANE®, FORANE® and AERRANE® (duty-free), rather than the rates for their foreign components: trifluoroethanol (HTSUS #2905.50.1000, duty rate—5.5%), chlorodifluoromethane (HTSUS #2903.40.4010—3.7%), and a plastic valve assembly (HTSUS #8481.80.5090—4.1%). 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 September 1, 1995. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to September 18, 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, Room G-55, Federal Building, Chardon Avenue, San Juan (Hato Rey), Puerto Rico 00918

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 3716, 14th & Pennsylvania Avenue, NW., Washington, DC 20230.

Dated: June 26, 1995.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 95-16310 Filed 6-30-95; 8:45 am]

BILLING CODE 3510-DS-P