

of this issue of the **Federal Register**. All comments received will be available for public inspection during regular business hours at the same address.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

Dated: July 22, 1997.

**Robert C. Keeney,**

*Director, Fruit and Vegetable Division.*

[FR Doc. 97-19704 Filed 7-25-97; 8:45 am]

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## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Intergovernmental Advisory Committee Subcommittee Meeting

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of meeting.

**SUMMARY:** The Intergovernmental Advisory Committee will meet on August 7, 1997, at the Double Tree Hotel in Port Angeles, Washington. The purpose of the meeting is to continue discussions on the implementation of the Northwest Forest Plan. The meeting will begin at 8:00 a.m. and continue until 3:00 p.m. Agenda items to be discussed include, but are not limited to: effectiveness monitoring and a series of informational presentations on activities on the Olympic Peninsula. The IAC meeting will be open to the public and is fully accessible for people with disabilities. Interpreters are available upon request in advance. Written comments may be submitted for the record at the meeting. Time will also be scheduled for oral public comments. Interested persons are encouraged to attend.

#### FOR FURTHER INFORMATION CONTACT:

Questions regarding this meeting may be directed to Don Knowles, Executive Director, Regional Ecosystem Office, 333 SW 1st Avenue, P.O. Box 3623, Portland, OR 97208 (Phone: 503-808-2180).

Dated: July 21, 1997.

**Donald R. Knowles,**

*Designated Federal Official.*

[FR Doc. 97-19726 Filed 7-25-97; 8:45 am]

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## DEPARTMENT OF COMMERCE

### Bureau of Export Administration

#### Decision and Order

On April 29, 1993, 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 William A. Roessl, individually and formerly doing business as Enigma Industries (hereinafter collectively referred to as "Roessl"). The charging letter alleged that Roessl committed three violations of the Export Administration Regulations (currently codified at 15 CFR Parts 730-774 (1997)),<sup>1</sup> issued pursuant to the Export Administration Act of 1979, as amended (50 U.S.C. app. §§ 2401-2420 (1994)) (hereinafter the "Act").<sup>2</sup>

Specifically, the charging letter alleged that, on or about June 28, 1989, Roessl exported a U.S.-origin Floating Point Systems model 164 Array Processor from the United States through Canada to the Federal Republic of Germany without the validated license that Roessl knew or had reason to know was required by Section 772.1(b) of the former Regulations. BXA alleged that, by exporting 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, Roessl violated Section 787.6 of the former Regulations. BXA also alleged that, by selling, transferring, or forwarding commodities to be exported from the United States with knowledge or reason to know that a violation of the Act or any regulation, order, or license issued thereunder occurred, was about to occur, or was intended to occur, Roessl violated Section 787.4(a) of the former Regulations.

Furthermore, the charging letter also alleged that, in connection with the shipment described above, Roessl filed, directly or indirectly, with the U.S. Customs Service a Shipper's Export Declaration (SED) on which it was represented that the goods described thereon were being exported from the United States for ultimate destination in Canada when, in fact, as Roessl knew,

<sup>1</sup>The alleged violations occurred in 1989. The Regulations governing the violations at issue are found in the 1989 version of the Code of Federal Regulations (15 CFR parts 768-799 (1989)). Those Regulations define the violations that BXA alleges occurred, and are referred to hereinafter as the former Regulations. Since that time, the Regulations have been reorganized and restructured; the restructured Regulations establish the procedures that apply to the matters set forth in this decision and order.

<sup>2</sup>The Act expired on August 20, 1994. Executive Order 12924 (3 CFR, 1994 Comp. 917 (1995)), extended by Presidential Notices of August 15, 1995 (3 CFR, 1995 Comp. 501 (1996)) and August 14, 1996 (3 CFR, 1996 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)).

the goods were not intended for ultimate destination in Canada. BXA alleged that, by making or causing the making of a false or misleading statement of material fact, directly or indirectly, to a United States agency in connection with the preparation, submission, or use of an SED, an export control document, Roessl violated Section 787.5(a) of the former Regulations.

BXA has presented evidence that the charging letter was served on Roessl on February 23, 1996.<sup>3</sup> After he was finally served, the parties agreed, by stipulation dated March 22, 1996, to an extension of time, until May 24, 1996, for Roessl to answer the charging letter. Roessl has failed to file an answer to the charging letter, as required by Section 766.7 of the Regulations, and is therefore in default. Thus, pursuant to Section 766.7 of the Regulations, BXA moved that the Administrative Law Judge (hereinafter the "ALJ") find the facts to be as alleged in the charging letter and render a Recommended Decision and Order.

Following BXA's motion, the ALJ issued a Recommended Decision and Order in which he found the facts to be as alleged in the charging letter, and concluded that those facts constitute three violations of the former Regulations by Roessl, as BXA alleged. The ALJ also agreed with BXA's recommendation that the appropriate penalty to be imposed for that violation is a denial, for a period of ten years, of all of Roessl's export privileges. As provided by Section 766.22 of the Regulations, the Recommended Decision and Order has been referred 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 ALJ. As the ALJ noted, Roessl has been difficult to locate and has not cooperated with the resolution of this matter—even after agency counsel agreed to an extension of time to file his answer to the charging letter. A civil monetary penalty would not likely be collected. Accordingly, a period of denial of Roessl's export privileges is a more effective and appropriate penalty.

Additionally, I agree with the ALJ that the period of denial of export privileges should be substantial. This case is aggravated both by Roessl's failure to participate in the administrative enforcement process and by the fact that the case involves an exportation through

<sup>3</sup>The Recommended Decision and Order represents that BXA served the charging letter on April 29, 1993, when in fact, the charging letter was issued on that date and then served on February 23, 1996.