

**DEPARTMENT OF AGRICULTURE****Grain Inspection, Packers and Stockyards Administration****Opportunity for Designation in the Fremont (NE) and Titus (IN) Areas and Request for Comments on the Fremont and Titus Agencies**

**AGENCY:** Grain Inspection, Packers and Stockyards Administration (GIPSA), USDA.

**ACTION:** Notice.

**SUMMARY:** The United States Grain Standards Act, as amended (Act), provides that official agency designations will end not later than triennially and may be renewed. The designation of Fremont Grain Inspection Department, Inc. (Fremont), and Titus Grain Inspection, Inc. (Titus), will end August 31, 1998, according to the Act. GIPSA is asking persons interested in providing official services in the Fremont and Titus areas to submit an application for designation. GIPSA is also asking for comments on the services provided by Fremont and Titus.

**DATES:** Applications must be postmarked or sent by telecopier (FAX) on or before March 31, 1998. Comments are due by May 31, 1998.

**ADDRESSES:** Applications and comments must be submitted to USDA, GIPSA, Janet M. Hart, Chief, Review Branch, Compliance Division, STOP 3604, Room 1647-S, 1400 Independence Avenue, SW., Washington, DC 20250-3604. Applications and comments may be submitted by FAX on 202-690-2755. If an application is submitted by FAX, GIPSA reserves the right to request an original application. All applications and comments will be made available for public inspection at this address located at 1400 Independence Avenue, SW., during regular business hours.

**FOR FURTHER INFORMATION CONTACT:** Janet M. Hart, at 202-720-8525.

**SUPPLEMENTARY INFORMATION:** This Action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12866 and Departmental Regulation 1512-1; therefore, the Executive Order and Departmental Regulation do not apply to this Action.

Section 7(f)(1) of the Act authorizes GIPSA's Administrator to designate a qualified applicant to provide official services in a specified area after determining that the applicant is better able than any other applicant to provide such official services. GIPSA designated Fremont, main office located in Fremont, Nebraska, and Titus, main office located in West Lafayette,

Indiana, to provide official inspection services under the Act on September 1, 1995.

Section 7(g)(1) of the Act provides that designations of official agencies shall end not later than triennially and may be renewed according to the criteria and procedures prescribed in Section 7(f) of the Act. The designations of Fremont and Titus end on August 31, 1998, according to the Act.

Pursuant to Section 7(f)(2) of the Act, the following geographic area, in the States of Iowa and Nebraska, is assigned to Fremont.

Carroll (west of U.S. Route 71); Clay (west of U.S. Route 71); Crawford; Dickinson (west of U. S. Route 71); Harrison (east of State Route 183); O'Brien (north of B24 and east of U.S. Route 59); Osceola (east of U.S. Route 59); and Shelby Counties, Iowa.

In Nebraska:

Bounded on the North by U.S. Route 20 east to the Pierce County line; the eastern Pierce County line; the northern Wayne, Cuming, and Burt County lines east to the Missouri River;

Bounded on the East by the Missouri River south-southeast to State Route 91; State Route 91 west to the Dodge County line; the eastern and southern Dodge County lines west to U.S. Route 77; U.S. Route 77 south to the Saunders County line;

Bounded on the South by the southern Saunders, Butler, and Polk County lines; and

Bounded on the West by the western Polk County line north to the Platte River; the Platte River northeast to the western Platte County line; the western and northern Platte County lines east to U.S. Route 81; U.S. Route 81 north to U.S. Route 20.

The following grain elevators, located outside of the above contiguous geographic area, are part of this geographic area assignment: Farmers Cooperative, and Krumel Grain and Storage, both in Wahoo, Saunders County, Nebraska (located inside Omaha Grain Inspection Service, Inc.'s, area).

Fremont's assigned geographic area does not include the following grain elevators inside Fremont's area which have been and will continue to be serviced by the following official agencies:

1. Hastings Grain Inspection, Inc.: Farmers Cooperative Grain Company, Columbus, Platte County, Nebraska; and
2. Omaha Grain Inspection Service, Inc.: Farmers Coop Business Association, Rising City, Butler County, Nebraska; and Farmers Coop Business Association (2 elevators), Shelby, Polk County, Nebraska.

Pursuant to Section 7(f)(2) of the Act, the following geographic area, in the State of Indiana, is assigned to Titus.

Bounded on the North by the northern Pulaski County line;

Bounded on the East by the eastern and southern Pulaski County lines; the eastern White County line; the eastern Carroll County line south to State Route 25; State Route 25 southwest to Tippecanoe County; the eastern Tippecanoe County line;

Bounded on the South by the southern Tippecanoe County line; the eastern and southern Fountain County lines west to U.S. Route 41; and Bounded on the West by U.S. Route 41 north to the northern Benton County line; the northern Benton County line east to State Route 55; State Route 55 north to U.S. Route 24; U.S. Route 24 east to the White County line; the western White and Pulaski County lines.

The following grain elevators, located outside of the above contiguous geographic area, are part of this geographic area assignment: Kentland Elevator & Supply, Inc., Boswell, Benton County; Dunn Grain, Dunn, Benton County; Kentland Elevator & Supply, Inc., Earl Park, Benton County; Demeter, Inc., Raub, Benton County (located inside Champaign-Danville Grain Inspection Departments, Inc.'s, area); and The Andersons, Delphi, Carroll County; Frick Services, Inc., Leiters Ford, Fulton County; and Cargill, Inc., Linden, Montgomery County (located inside Frankfort Grain Inspection, Inc.'s, area).

Titus' assigned geographic area does not include the following grain elevators inside Titus' area which have been and will continue to be serviced by the following official agency: Schneider Inspection Service, Inc.; Frick Services, Inc., and Farmers Grain, both in Winamac, Pulaski County.

Interested persons, including Fremont and Titus, are hereby given the opportunity to apply for designation to provide official services in the geographic areas specified above under the provisions of Section 7(f) of the Act and § 800.196(d) of the regulations issued thereunder. Designation in the Fremont and Titus areas is for the period beginning September 1, 1998, and ending August 31, 2001. Persons wishing to apply for designation should contact the Compliance Division at the address listed above for forms and information.

GIPSA also is publishing this notice to provide interested persons the opportunity to present comments on the Fremont and Titus official agencies. Commentors are encouraged to submit

pertinent data concerning the Fremont and Titus official agencies including information concerning the timeliness, cost, quality and scope of services provided. All comments must be submitted to the Compliance Division at the above address.

Applications, comments, and other available information will be considered in determining which applicant will be designated.

**Authority:** Pub. L. 94-582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*).

Dated: February 23, 1998.

**Neil E. Porter,**

*Director, Compliance Division.*

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## DEPARTMENT OF AGRICULTURE

### Natural Resources Conservation Service

#### Notice of Proposed Change to Section IV of the Field Office Technical Guide (FOTG) of the Natural Resources Conservation Service in Florida

**AGENCY:** Natural Resources Conservation Service (NRCS) in Florida, U.S. Department of Agriculture.

**ACTION:** Notice of availability of proposed changes in Section IV of the FOTG of the NRCS in Florida for review and comment.

**SUMMARY:** It is the intention of NRCS in Florida to issue the following revised conservation practice standards for Florida: Conservation Cover (Code 327); Heavy Use Area Protection, (Code 561); Regulating Water in Drainage Systems, (Code 554); Structure for Water Control, (Code 587); Terrace, (Code 600); and Wildlife Watering Facility, (Code 648) in Section IV of the FOTG.

**DATES:** Comments will be received for a 30-day period commencing with the date of this publication.

**FOR FURTHER INFORMATION CONTACT:** Inquire in writing to T. Niles Glasgow, State Conservationist, Natural Resources Conservation Service (NRCS), P.O. Box 141510, Gainesville, Florida 32614-1510. Copies of the practice standards will be made available upon written request.

**SUPPLEMENTARY INFORMATION:** Section 343 of the Federal Agriculture Improvement and Reform Act of 1996 states that revisions made after enactment of the law to NRCS State technical guides used to carry out highly erodible land and wetland provisions of the law shall be made available for public review and

comment For the next 30 days the NRCS in Florida will receive comments relative to the proposed changes. Following that period a determination will be made by the NRCS in Florida regarding disposition of those comments and a final determination of change will be made.

Dated: September 3, 1997.

**R.A. Balduzzi**

*Acting State Conservationist, Natural Resources Conservation Service, Gainesville, Florida.*

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## DEPARTMENT OF COMMERCE

### Export Administration

#### Essam Alkadi; Export Privileges

In the matter of: Essam Alkadi (also known as Essam Al-Kadi), P.O. Box 201, Damman 31411, Saudi Arabia; Respondent.

#### Decision and Order

On May 16, 1997, 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 Essam Alkadi, also known as Essam Al-Kadi (hereinafter collectively referred to as "Alkadi"). The charging letter alleged that Alkadi committed one violation of the Export Administration Regulations (currently codified at 15 C.F.R. Parts 730-774 (1997)) (hereinafter the "Regulations"),<sup>1</sup> 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").<sup>2</sup> Specifically, the charging letter alleged that, on or about December 17, 1993, Alkadi attempted to export a U.S.-origin shotgun from the United States to Saudi Arabia without obtaining from BXA the validated export license required by Section 772.1(b) of the

<sup>1</sup> The alleged violation occurred in 1993. The Regulations governing the violation at issue are found in the 1993 version of the Code of Federal Regulations (15 C.F.R. Parts 768-799 (1993)). Those Regulations define the violation that BXA alleges occurred, and are referred to hereinafter as the former Regulations. Since that time, the Regulations have been reorganized and restructured; the restructure Regulations, establish the procedures that apply to the matters set forth in this decisions and order.

<sup>2</sup> 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)), August 14, 1996 (3 C.F.R., 1996 Comp. 298 (1997)), and August 13, 1997 (62 Fed. Reg. 43629, August 15, 1997), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C.A. §§ 1701-1706 (1991 & Supp. 1997)).

former Regulations, in violation of Section 787.3(b) of the former Regulations.

BXA presented evidence that it received a signed return receipt on August 19, 1997 indicating that the charging letter had been delivered. Because the receipt was returned from Saudi Arabia undated, however, BXA does not know the exact date of service. Under these circumstances, BXA designated August 19, 1997, the day BXA received the return receipt, as the date of service. Alkadi 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 one violation of the former Regulations by Alkadi, 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 three years, of all of Alkadi'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.

*Accordingly, it is therefore ordered,*

*First,* that, for a period of three years from the date of this Order, Essam Alkadi, also known as Essam Al-Kadi, P.O. Box 201 Damman 31411, Saudi Arabia, 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 or to be 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