

discussed in it. For comments of this nature, reviewers may choose to refer to CEQ regulations at 40 CFR 1503.3.

Comments received, including the names and addresses of those who comment, will be considered part of the public record of this NEPA review and will be available or public inspection (Authority: 40 CFR 1501.7 and 1508.22; FSF 1909.15, Section 21).

**Authorization:** National Environmental Policy Act of 1969 as amended (42 U.S.C. 4321–4346); Council on Environmental Quality Regulations (40 CFR parts 1500–1508); U.S. Department of Agriculture NEPA Policies and Procedures (7 CFR part 1b).

Dated: March 1, 2006.

**Jeanine A. Derby,**  
Forest Supervisor.

[FR Doc. 06–2202 Filed 3–8–06; 8:45 am]

**BILLING CODE 3410-11-M**

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### California Coast Provincial Advisory Committee

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of meeting.

**SUMMARY:** The California Coast Provincial Advisory Committee (CCPAC) will meet on March 29–30, 2006, in Ukiah, California. The purpose of the meeting is to discuss issues relating to implementing the Northwest Forest Plan (NWFP).

**DATES:** The meeting will be held from 10 a.m. to 5 p.m. on March 29 and 8 a.m. to 1:45 p.m. on March 30, 2006.

**ADDRESSES:** The meeting will be held at the Discovery Inn (Landmark Conference Room), 1340 North State Street, Ukiah California.

#### FOR FURTHER INFORMATION CONTACT:

Kathy Allen, Committee Coordinator, USDA, Six Rivers National Forest, 1330 Bayshore Way, Eureka, CA 95501; (707) 441–3557; [kmallen@fs.fed.us](mailto:kmallen@fs.fed.us).

**SUPPLEMENTARY INFORMATION:** On March 29, the meeting agenda items to be covered include: (1) Survey and Manage Update; (2) Aquatic Conservation Committee Update; (3) NWFP 10-year Monitoring Report; (4) Douglas Timber Operations Settlement Agreement—Implications on NWFP and Northern Province Forests; (5) 5-Year Planning Process and Stewardship Firedash Assessment Process; (6) Regional Interagency Ecosystem Committee (RIEC) Meeting Update; (7) Update on Critical Habitat; and (8) Public comment.

On March 30, the meeting agenda items to be covered include: (1) Viewing of the Forest Service “Greatest Good” Video; (2) Agency Updates; and (3) Public comment.

The meeting is open to the public. Public input opportunity will be provided and individuals will have the opportunity to address the Committee at that time.

Dated: March 1, 2006.

**William D. Metz,**

*Acting Designated Federal Official.*

[FR Doc. 06–2243 Filed 3–8–06; 8:45am]

**BILLING CODE 3410-11-M**

## DEPARTMENT OF AGRICULTURE

### Natural Resources Conservation Service

#### Environmental Assessment; Midlands Creek, Papillion Creek Watershed, NE

**AGENCY:** Natural Resources Conservation Service, USDA.

**ACTION:** Notice of availability, Finding of No Significant Impact.

**SUMMARY:** The Natural Resources Conservation Service (NRCS) has prepared an Environmental Assessment in compliance with the National Environmental Policy Act (NEPA), as amended. Pursuant to the implementing regulations for NEPA (40 CFR parts 1500–1508); the USDA Departmental Policy for the NEPA (7 CFR part 1b); the Natural Resources Conservation Service Regulations (7 CFR part 650); and the Natural Resources Conservation Service policy (General Manual Title 190, Part 410); the Natural Resources Conservation Service gives notice that an environmental impact statement is not being prepared for the grade stabilization of Midlands Creek, Papillion Creek Watershed, Sarpy County Nebraska. The Environmental Assessment was developed in coordination with the Papio-Missouri River Natural Resources District for a federally assisted action authorized as a congressional earmark for a compacted earthen fill dam grade stabilization structure. Upon consideration of the affected environment, alternatives, environmental consequences, and comments and coordination with concerned public and agencies, the State Conservationist for NRCS, Nebraska found that based on the significance and context and intensity that the proposed action is not a major federal action significantly affecting the quality of the human environment. Thus, a Finding of No Significant Impact (FONSI) was made.

#### FOR FURTHER INFORMATION, CONTACT:

Stephen K. Chick, State Conservationist, U.S. Department of Agriculture, Natural Resources Conservation Service, Federal Building, Room 152, 100 Centennial Mall North, Lincoln, Nebraska 68508–3866; telephone (402) 437–5300.

**SUPPLEMENTARY INFORMATION:** The sponsoring local organization (Papio-Missouri River Natural Resources District) concurs with this

determination and agrees with carrying forward the proposed project. The objective of the sponsoring local organization is to install a project that would reduce flood damage to urban areas; state, county and city roads and bridges; and other properties. The proposed action is to utilize an earthen dam on Midlands Creek at the identified S–30 site to provide grade stabilization as identified by the allocation of a congressional earmark.

Information regarding this finding may be obtained at the contact information listed above. No administrative action on implementation of the proposed funding action will be taken until 30 days after the date of this publication in the **Federal Register**.

**Stephen K. Chick,**

*State Conservationist.*

[FR Doc. E6–3311 Filed 3–8–06; 8:45 am]

**BILLING CODE 3410-16-P**

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

#### Action Affecting Export Privileges; Dolphin International, Ltd., In the Matter of: Dolphin International, Ltd., 21 Commercial Complex, Gulboker Park Extension, New Delhi 110049, India; Respondent

#### Order

The Bureau of Industry and Security, U.S. Department of Commerce (“BIS”) has notified Dolphin International, Ltd. (hereinafter referred to as “Dolphin”) of its intention to initiate an administrative proceeding against Dolphin pursuant to § 766.3 of the Export Administration Regulations (currently codified at 15 CFR parts 730–774 (2005)) (“Regulations”)<sup>1</sup> and Section 13(c) of the Export Administration Act of 1979, as amended (50 U.S.C. app. §§ 2401–

<sup>1</sup> The violations charged occurred in 2000 through 2002. The Regulations governing the violations at issue are found in the 2000 through 2002 versions of the Code of Federal Regulations (15 CFR Parts 730–774 (2000–2002)). The 2005 Regulations establish the procedures that apply to this matter.

2420 (2000))("Act"),<sup>2</sup> by issuing a proposed charging letter to Dolphin that alleged that Dolphin committed two violations of the Regulations. Specifically, the charges are:

1. *One Violation of 15 CFR 764.2(d)—Conspiracy to Export Toxins to North Korea Without the Required License:* Beginning in or about late 2000 and continuing into September 2002, Dolphin conspired and acted in concert with others, known and unknown, to export toxins from the United States to North Korea without the required Department of Commerce license. The goal of the conspiracy was to obtain certain toxins, including Aflatoxin (M1, P1, Q1) and Staphylococcal Enterotoxin (A and B), items subject to the Regulations and classified under export control classification number ("ECCN") 1C351, on behalf of a North Korean end-user and to export those toxins to North Korea. In furtherance of the conspiracy, Dolphin negotiated with individuals from North Korea end-user and to export those toxins to North Korea. In furtherance of the conspiracy, Dolphin negotiated with individuals from North Korea to acquire the toxins and developed a plan to deliver the toxins from the United States to North Korea. Contrary to Section 742.2 of the Regulations, no Department of Commerce license was obtained for the export of toxins from the United States to North Korea.

2. *One Violation of 15 CFR 764.2(c)—Soliciting an Export of Toxins Without the Required License:* In or about late 2000 through in or about September 2002, Dolphin solicited a violation of the Regulations by enlisting others to acquire toxins, including Aflatoxin (M1, P1, Q1) and Staphylococcal Enterotoxin (A and B), items subject to the Regulations and classified under ECCN 1C351, for export from the United States to North Korea without the required Department of Commerce license. Specifically, Dolphin asked a co-conspirator in the United States to acquire the toxins from the U.S.

<sup>2</sup> From August 21, 1994 through November 12, 2000, the Act was in lapse. During that period, the President, through Executive Order 12924, which has been extended by successive Presidential Notices, the last of which was August 3, 2000 (3 CFR, 2000 Comp. 397 (2001)), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701-1706 (2000)) ("IEEPA"). On November 13, 2000, the Act was reauthorized and it remained in effect through August 20, 2001. Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 CFR 2001 Comp. 783 (2002)), which has been extended by successive presidential notices, the most recent being that of August 2, 2005 (70 FR 45273 (August 5, 2005)), has continued the Regulations in effect under the IEEPA.

manufacturer and then ship the toxins to a co-conspirator in the Netherlands, who would forward the toxins to North Korea. Contrary to Section 742.2 of the Regulations, no Department of Commerce license was obtained for the export of toxins from the United States to North Korea.

Whereas, BIS and Dolphin have entered into a Settlement Agreement pursuant to Section 766.18(a) of the Regulations whereby they agreed to settle this matter in accordance with the terms and conditions set forth therein, and

Whereas, I have approved the terms of such Settlement Agreement;  
It is therefore ordered:

First, that a civil penalty of \$22,000 is assessed against Dolphin, which shall be paid to the U.S. Department of Commerce no later than 30 days from the date of entry of this Order. Payment shall be made in the manner specified in the attached instructions.

Second, that, pursuant to the Debt Collection Act of 1982, as amended (31 U.S.C. 3701-3702E (2000)), the civil penalty owed under this Order accrues interest as more fully described in the attached Notice, and, if payment is not made by the due date specified herein, Dolphin will be assessed, in addition to the full amount of the civil penalty and interest, a penalty charge and an administrative charge, as more fully described in the attached Notice.

Third, that the timely payment of the civil penalty set forth above is hereby made a condition to the granting, restoration, or continuing validity of any export license, License Exception, permission, or privilege granted, or to be granted, to Dolphin. Accordingly, if Dolphin should fail to pay the civil penalty in a timely manner, the undersigned may enter an Order denying all of Dolphin's export privileges under the Regulations for a period of one year from the date of entry of this Order. The payment of the civil penalty is guaranteed by Mr. Vishwanath Kakade Rao (hereinafter referred to as "K.V. Rao"), in his individual capacity, and K.V. Rao and Dolphin, are jointly and severally liable for the payment of the penalty.

Fourth, that for a period of four years from the date of entry of this Order, Dolphin International, Ltd., 21 Commercial Complex, Gulboker Park Extension, New Delhi 110049, India, its successors or assigns, and when acting for or on behalf of Dolphin, its officers, representatives, agents, or employees ("Denied Person") 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 other activity subject to the Regulations;

C. Benefiting in any way from any transaction involving any 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.

Fifth, that no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States.

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

*Sixth*, that, after notice and opportunity for comment as provided in Section 766.23 of the Regulations, any person, firm, corporation, or business organization related to Dolphin by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be made subject to the provisions of the Order.

*Seventh*, that this Order does not prohibit any export, reexport, or other transaction subject to the Regulations where the only items involved that are subject to the Regulations are the foreign-produced direct product of U.S.-origin technology.

*Eighth*, that the proposed charging letter, the Settlement Agreement, and this Order shall be made available to the public.

*Ninth*, that this Order shall be served on the Denied Person and on BIS, and shall be published in the **Federal Register**.

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

Entered this 2nd day of March, 2006.

**Darryl W. Jackson,**

*Assistant Secretary of Commerce for Export Enforcement.*

[FR Doc. 06-2242 Filed 3-8-06; 8:45 am]

**BILLING CODE 3510-DT-M**

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

#### Action Affecting Export Privileges; Erik Kyriacou; In the Matter of: Erik Kyriacou, 50 Park Drive, Rocky Point, NY 11778

#### Order Denying Export Privileges

##### *A. Denial of Export Privileges of Erik Kyriacou*

On July 19, 2004, in the U.S. District Court in the Eastern District of Pennsylvania, Erik Kyriacou (“Kyriacou”) pleaded guilty to four charges, including two violations of the International Emergency Economic Powers Act (50 U.S.C. 1701–1706 (2000)) (“IEEPA”). As to the IEEPA counts, Kyriacou pleaded guilty of knowingly and willfully having exported and caused to be exported from the United States to the Islamic Republic of Iran, four electrophysics astroscope lenses, Model 9300XL-3N, which were Commerce Control List items, without obtaining the required licenses from the Department of Commerce. These items were controlled for national security reasons for export to Iran. Kyriacou was sentenced to five

years probation with the first four months to be spent in home confinement.

Section 11(h) of the Export Administration Act of 1979, as amended (currently codified at 50 U.S.C. app. §§ 2401–2420 (2000)) (“Act”)<sup>1</sup> and Section 766.25 of the Export Administration Regulations<sup>2</sup> (“Regulations”) provide, in pertinent part, that “[t]he Director of Exporter Services, in consultation with the Director of the Office of Export Enforcement, may deny export privileges of any person who has been convicted of a violation of \* \* \* IEEPA,” for a period not to exceed 10 years from the date of conviction. 15 CFR 766.25(a) and (d). In addition, § 750.8 of the Regulations states that BIS’s Office of Exporter Services may revoke any BIS licenses previously issued in which the person had an interest in at the time of his conviction.

I have received notice of Kyriacou’s indictment for violating the IEEPA, and have provided notice and an opportunity for Kyriacou to make a written submission to the Bureau of Industry and Security as provided in § 766.25 of the Regulations. Having received no submission from Kyriacou, I, following consultations with the Export Enforcement, including the Director, Office of Export Enforcement, have decided to deny Kyriacou’s export privileges under the Regulations for a period of 10 years from the date of Kyriacou’s conviction.

*Accordingly, it is hereby ordered:*

I. Until July 19, 2015, Erik Kyriacou, 50 Park Drive, Rocky Point, New York 11778, when acting in behalf of Kyriacou, all of his assigns or successors, and when acting for or on behalf of Kyriacou, his representatives, agents or employees, (collectively referred to hereinafter as the “Denied Person”) may not, directly or indirectly, participate in any way in any transaction involving any commodity, software or technology (hereinafter

<sup>1</sup> From August 21, 1994 through November 12, 2000, the Act was in lapse. During that period, the President, through Executive Order 12924, which had been extended by successive Presidential Notices, the last of which was August 3, 2000 (3 CFR, 2000 Comp. 397 (2001)), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701–1706 (2000)) (“IEEPA”). On November 13, 2000, the Act was reauthorized and it remained in effect through August 20, 2001. Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), as extended by the Notice of August 2, 2005 (70 FR 45273, August 5, 2005), has continued the Regulations in effect under the IEEPA.

<sup>2</sup> The Regulations are currently codified at 15 CFR parts 730–774 (2005).

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, on 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 Regulation, or in any other activity subject to the Regulations; or
- C. Benefiting in any way from any transaction involving any 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.

II. No person may, directly or indirectly, do any of the following:

- A. Export or reexport to or on behalf of the Denied Person any item subject to the Regulations;
- B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;
- C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;
- D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

- E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.