

treatment measures, flood proofing and a voluntary buyout program. The "no project" alternative was also considered.

The environmental assessment of this federally-assisted action suggests the estimated costs of the various alternatives will exceed \$5 million. As a result, Ronald L. Hilliard, State Conservationist, has determined that the preparation and review of a draft EIS is needed for this project.

A draft EIS will be prepared and circulated for review by agencies and the public. The Natural Resources Conservation Service invites participation and consultation of agencies and individuals that have special expertise, legal jurisdiction, or interest in the preparation of the draft EIS. A scoping meeting (workshop) will be held on Wednesday September 20, 2006, at the National Guard Armory in Glen Jean, WV. The workshop will be held from 4 p.m. through 7 p.m. Those attending will have the opportunity to inquire about the project and to provide input to determine the scope of the evaluation of the proposed action. Further information on the proposed action may be obtained from Ronald L. Hilliard, State Conservationist, at the above address or telephone (304) 284-7545.

August 30, 2006.

**Ronald L. Hilliard,**  
State Conservationist.

[FR Doc. E6-15249 Filed 9-13-06; 8:45 am]

BILLING CODE 3410-16-P

## UNITED STATES ARCTIC RESEARCH COMMISSION

### Notice of Meetings; Sunshine Act

Notice is hereby given that the U.S. Arctic Research Commission will hold its 81st meeting in Woods Hole, MA on October 10-11, 2006. The Business Session, open to the public, will convene at 8 a.m., Tuesday, October 10, 2006. An Executive Session will follow adjournment of the Business Session.

The Agenda items include:

- (1) Call to order and approval of the Agenda.
- (2) Approval of the Minutes of the 80th Meeting.
- (3) Reports from Congressional Liaisons.
- (4) Agency Reports.

The focus of the meeting will be reports and updates on programs and research projects affecting the Arctic.

Any person planning to attend this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters,

must inform the Commission in advance of those needs.

Contact Person for More Information:  
John Farrell, Executive Director, U.S. Arctic Research Commission, 703-525-0111 or TDD 703-306-0090.

**John Farrell,**  
Executive Director.

[FR Doc. 06-7702 Filed 9-12-06; 12:23 pm]

BILLING CODE 7555-01-M

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

#### Action Affecting Export Privileges; In the Matter of: Thomas Campbell Butler, 4611 10th Street, Lubbock, TX 79416, Respondent; Order

The Bureau of Industry and Security, U.S. Department of Commerce ("BIS") has notified Thomas Campbell Butler ("Butler") of its intention to initiate an administrative proceeding against Butler pursuant to Section 766.3 of the Export Administration Regulations (currently codified at 15 CFR Parts 730-774 (2006)) ("Regulations")<sup>1</sup> and Section 13(c) of the Export Administration Act of 1979, as amended (50 U.S.C. app. 2401-2420 (2000)) ("Act"),<sup>2</sup> by issuing a proposed charging letter to Butler that alleged that Butler committed four violations of the Regulations. Specifically, the charges are:

1. *One violation of 15 CFR 764.2(a)—Engaging in Unauthorized Export to Tanzania:* On or around September 9, 2002, Butler engaged in conduct prohibited by the Regulations when he exported the human pathogen *Yersinia pestis* is subject to the Regulations and classified under Export Control Classification Number (ECCN) 1C351. Section 742.2 or the Regulations requires a Department of Commerce license to be obtained for exports of *Yersinia pestis* to Tanzania.

2. *One violation of 15 CFR 743.2(e)—Transferring, Forwarding and/or Disposing of Items with Knowledge that a Violation Would Occur:* On or around September 9, 2002, Butler transferred,

<sup>1</sup> The violations charged occurred in 2002. The Regulations governing the violations at issue are found in the 2002 version of the Code of Federal Regulations (15 CFR. Parts 730-774 (2002)). The 2006 Regulations establish the procedures that apply to this matter.

<sup>2</sup> 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 3, 2006 (71 FR 44551 (August 7, 2006)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701-1706 (2000)) ("IEEPA").

forwarded, and/or disposed of items subject to the Regulations with knowledge that a violation of the Regulations was about to occur in connection with the items. Specifically, Butler transferred, forwarded, and/or disposed of the human pathogen *Yersinia pestis* (Plague) to Tanzania, as described in Charge One, knowing that the item would be exported without the required Department of Commerce license.

3. *One violation of 15 CFR 764.2(h)—Taking an Action with Intent to Evade the Provisions of the Act or Regulations:* On or around September 9, 2002, Butler took action with intent to evade the provisions of the Regulations in connection with the export described in Charge One above. Specifically, Butler described the human pathogen *Yersinia pestis* (Plague) as "Laboratory Materials" on the waybill, undervalued the shipment, neglected to fill out the section of the waybill regarding Shipper's Export Declaration requirements, and signed his name under a statement claiming that the commodities in question were being shipped in accordance with the Regulations. He did this to disguise the fact that the export required a license.

4. *One violation of 15 CFR 764.2(h)—Taking an Action with Intent to Evade the Provisions of the Act or Regulations:* On or around September 9, 2002, Butler took action with intent to evade the provisions of the Regulations in connection with the export described in Charge One above. Specifically, Butler failed to file a Shipper's Export Declaration for the export of the human pathogen *Yersinia pestis* (Plague). He did this to disguise the fact that the export required a license.

Whereas, BIS and Butler 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 \$37,400 is assessed against Butler, 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, Butler will be assessed, in addition to