

**DEPARTMENT OF AGRICULTURE****Natural Resources Conservation Service****Notice of Availability for the Coal Creek Flood Control and Parkway Final Environmental Impact Statement**

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

**ACTION:** Notice of Availability.

**SUMMARY:** The Record of Decision (ROD) for the Coal Creek Flood Control and Parkway Final Environmental Impact Statement is now available to the public. On September 1, 2006, the Natural Resources Conservation Service (NRCS) published a Final Environmental Impact Statement consistent with the National Environmental Policy Act of 1969, as amended, to disclose potential effects to the human environment resulting from proposed flood control improvements to Coal Creek in Cedar City, Utah. A notice of availability for the ROD was previously published in the **Federal Register** on October 3, 2006. Availability was delayed due to additional information about the proximity of Utah prairie dogs, a threatened species under the Endangered Species Act. The NRCS is now completing formal consultation with the U.S. Fish and Wildlife Service (FWS). No construction will begin until the NRCS has received a biological opinion from the FWS. The ROD authorizes implementation of Alternative C (Replace Main Street diversion/drop structure) in conjunction with the North Field Canal Option and Parkway Option C1.

**DATES:** *Effective Date:* November 13, 2006.

**FOR FURTHER INFORMATION CONTACT:** Marnie Wilson, Coal Creek EIS, USDA—NRCS, Wallace F. Bennett Federal Building, 125 South State Street, Room 4402, Salt Lake City, UT 84138-1100. Project information is also available on the Internet at: <http://www.ut.nrcs.usda.gov> under Public Notices.

**SUPPLEMENTARY INFORMATION:** Copies of the Final EIS and ROD are available by request from Marnie Wilson at the address listed above. Basic data developed during the environmental evaluation are on file and may be reviewed by contacting Sylvia Gillen, Utah State Conservationist.

Signed in Salt Lake City, Utah on November 9, 2006.

Sylvia A. Gillen,

State Conservationist.

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**DEPARTMENT OF COMMERCE****Bureau of Industry and Security**

**Action Affecting Export Privileges; Naji Antoine Abi Khalil and Related Person Tomer Grinberg; In the Matter of: Naji Antoine Abi Khalil, Inmate Number 52230-054 FCI Allenwood Low, Federal Correctional Institution, P.O. Box 1000, White Deer, PA 17887, Respondent; and Tomer Grinberg, also known as Tommy, Inmate Number 56347-054, FCI Allenwood Low, Federal Correctional Institution, P.O. Box 1000, White Deer, PA 17887, Related Person; Order Denying Export Privileges**

**A. Denial of Export Privileges of Naji Antoine Abi Khalil**

On February 2, 2006, in the U.S. District Court in the Eastern District of Arkansas, Naji Antoine Abi Khalil ("Khalil" or "Respondent") pleaded guilty to three charges, including one violation of the International Emergency Economic Powers Act (50 U.S.C. 1701-1706 (2000)) ("IEEPA"). As to the IEEPA count, Khalil pleaded guilty of unlawfully, willfully, and knowingly attempting to and making and receiving a contribution of funds, goods, and services to, and for the benefit of, Hizballah, a specially designated terrorist, by receiving and attempting to transport night vision goggles, infrared aiming lights and other military night-vision equipment to Hizballah. Khalil was sentenced to 57 months, 60 months, and 60 months for each charge respectively; and the sentences will be served concurrently. In addition, Khalil was fined \$100,000.00.

Section 11(h) of the Export Administration Act of 1979, as amended (currently codified at 50 U.S.C. app. 2401-2420 (2000)) (the "Act")<sup>1</sup> and Section 766.25 of the Export Administration Regulations ("Regulations")<sup>2</sup> provide, in pertinent part, that "[t]he Director of Exporter

<sup>1</sup> 50 U.S.C. app. 2401-2420. 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 3, 2006 (71 FR 44551, Aug. 7, 2006), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701-1706 (2000)) ("IEEPA").

<sup>2</sup> The Regulations are currently codified at 15 CFR parts 730-774 (2006).

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

**B. Denial of Export Privileges of Related Persons**

In addition, pursuant to Sections 766.25(h) and 766.23 of the Regulations, the director, Office of Exporter Services, in consultation with the Director, Office of Export Enforcement, may take action to name persons related to the Respondent by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business in order to prevent evasion of the Order. I gave notice to Tomer Grinberg ("Grinberg"), notifying him that his export privileges under the Regulations could be denied for up to 10 years as BIS believes that he is related to Khalil and including him in the Khalil Order is necessary to prevent evasion. The basis for naming Grinberg to the Khalil Order include the fact that Grinberg, is a co-conspirator of Khalil. Specifically, Grinberg pled guilty to conspiracy to violate IEEPA, in violation of 18 U.S.C. 371, for conspiring to export from the United States certain defense items (night vision goggles, infrared aiming devices, and other military night vision equipment) and Commerce Control List items (Astrocope night vision module classified under 6A003) without the required U.S. Government authorization. Based upon these facts, Grinberg is related to Khalil by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business and he needs to be named to any Khalil Denial Order to prevent evasion of it.