

store, dispose of, forward, transport, finance, or otherwise service or participate: (a) In any transaction which may involve any commodity or technical data exported or to be exported from the United States; (b) in any reexport thereof; or (c) in any other transaction which is subject to the Export Administration Regulations, if the person denied export privileges may obtain any benefit or have any interest in, directly or indirectly, any of these transactions.

V. This Order is effective immediately and shall remain in effect until June 29, 2002.

VI. A copy of this Order shall be delivered to Scientific International. This Order shall be published in the Federal Register.

Dated: February 5, 1996.

Eileen M. Albanese,
Acting Director, Office of Exporter Services.
[FR Doc. 96-3431 Filed 2-14-96; 8:45 am]
BILLING CODE 3510-DT-M

[Docket No. 5108-01]

**Leif Kare Johansen, Constitutionsvei 21, 4085 Hundvaag, Norway;
Respondent; Decision and Order**

On January 26, 1996, the Administrative Law Judge (ALJ) entered his Recommended Decision and Order in the above-referenced matter. The Recommended Decision and Order, a copy of which is attached hereto and made a part hereof, has been referred to me for final action. After describing the facts of the case and his findings based on those facts, the ALJ found that the Respondent had violated Section 787.4(a) of the Export Administration Regulations by transporting and selling a U.S.-origin model XL020+ computer to a consignee in Poland with knowledge or reason to know that a violation of the Export Administration Act, or its regulations, has occurred, is about to occur, or is intended to occur. The ALJ also found that the Respondent violated Section 787.6 of the Export Administration Regulations by reexporting U.S.-origin computer equipment to a consignee in Poland in violation of the Export Administration Act and its regulations.

The ALJ found that the appropriate penalty for the violations should be that all outstanding individual validated licenses in which the Respondent appears or participates and the respondent's ability to participate in any special licensing procedure be revoked, and that the Respondent and all representatives, agents and employees be denied for a period of ten years from

this date all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction in the United States or abroad involving commodities or technical data exported or to be exported from the United States and subject to the Export Administration Regulations.

Based on my review of the entire record, I affirm the Recommended Decision and Order of the Administrative Law Judge. I do note that, on page two, line six of the Recommended Decision and Order, the Administrative Law Judge indicates that a copy of the Charging Letter was mailed to the Respondent on "July 11, 1995." My review of the record clearly indicates that the Charging Letter was in fact mailed to the Respondent on July 11, 1994. Therefore, the Recommended Decision and Order will be modified to reflect that the Charging Letter was mailed to Leif Kare Johansen on July 11, 1994.

This constitutes final agency action in this matter.

Dated: February 8, 1996.

William A. Reinsch,
Under Secretary for Export Administration.
Recommended Decision and Order

On July 11, 1994, the Office of Export Enforcement, Bureau of Export Administration, U.S. Department of Commerce (the Department), issued a Charging Letter initiating an administrative proceeding against Lief Kare Johansen. The Charging Letter alleged that Leif Kare Johansen committed two violations of the Export Administration Regulations (the Regulations or the EAR),¹ issued pursuant to the Export Administration Act of 1979, as amended (the Act or the EAA).²

The Charging Letter alleged that, on or about July 12, 1989, Leif Kare Johansen reexported U.S.-origin computer equipment from Norway, via Denmark, to Poland without obtaining the reexport authorization he knew or had reason to know was required by Section 774.1 of the Regulations, in violation of

Sections 787.4(a) and 787.6 of the Regulations.

A copy of the Charging Letter was filed with me, and the Charging Letter mailed to Leif Kare Johansen, on July 11, 1995. However, the documents mailed to Leif Kare Johansen were returned to the Department by the postal service without being delivered.

On April 19, 1995, I issued an Order requiring the Department to file a proposed default order in this case. On May 17, 1995, I granted the Department's May 15, 1995 Motion to Vacate Order, which explained that service on Leif Kare Johansen had not yet been accomplished. By its May 15, 1995 Motion, the Department also pledged to notify me when service was properly completed.

The Department has notified me that, on August 8, 1995, the Charging Letter was finally served on Leif Kare Johansen, and that Leif Kare Johansen has not answered the Charging Letter within 30 days after service as required by Section 788.7(a) of the Regulations. The Department has also filed supporting evidence for a default judgment against Leif Kare Johansen.

On the basis of the Department's submission and all of the supporting evidence presented, I have determined that Leif Kare Johansen violated Section 787.4(a) of the Regulations by transporting and selling a U.S.-origin model XL020+ computer to a consignee in Poland, with knowledge or reason to know that a violation of the Act, or any regulation, order or license issued under the Act has occurred, is about to occur, or is intended to occur with respect to the transaction. I have also determined that by reexporting U.S.-origin computer equipment to a consignee in Poland in violation of or contrary to the terms of the Act, or any regulation, order or license issued under the Act, Leif Kare Johansen violated Section 787.6 of the Regulations.

For these violations, the Department urged as a sanction that Johansen's export privileges be denied for 10 years. In light of the nature of the violations, I concur in the Department's recommendation.

Accordingly, *it is therefore ordered*, First, that all outstanding individual validated licenses in which Leif Kare Johansen appears or participates, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Exporter Services for cancellation. Further, all of Johansen's privileges of participating, in any manner or capacity, in any special licensing procedure, including, but not limited to, distribution licenses, are hereby revoked.

¹ 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, codified at 15 CFR Parts 768-799 (1989). The Export Administration Regulations are currently codified at 15 CFR Parts 768-799 (1995).

² The EAA is currently codified at 50 U.S.C.A. app. §§ 2401-2420 (1991 & Supp. 1995). The Act expired on August 20, 1994. Executive Order 12924 (59 FR 43437, August 23, 1994), extended by Presidential Notice on August 15, 1995 (60 FR 42767, August 17, 1995), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C.A. §§ 1701-1706 (1991)).

Second, Leif Kare Johansen, with an address at Constitutionsvei 21, 4085 Hundvaag, Norway (hereinafter referred to as Johansen), and all his representatives, agents, and employees, shall, for a period of 10 years from the date of final agency action, be denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction in the United States or abroad involving any commodity or technical data exported or to be exported from the United States, and subject to the Regulations.

A. Without limiting the generality of the foregoing, participation, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (i) As a party or as a representative of a party to any export license application submitted to the Department; (ii) in preparing or filing with the Department any export license application or request for reexport authorization, or any document to be submitted therewith; (iii) in obtaining from the Department or using any validated or general export license, reexport authorization, or other export control document; (iv) in carrying on negotiations with respect to, or in receiving, ordering, buying, selling, delivering, storing, using, or disposing of, in whole or in part, any commodities or technical data exported or to be exported from the United States and subject to the Regulations; and (v) in financing, forwarding, transporting, or other servicing of such commodities or technical data.

B. After notice and opportunity for comment as provided in Section 788.3(c) of the Regulations, any person, firm, corporation, or business organization related to Johansen by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be subject to the provisions of this Order.

C. As provided by Section 787.12(a) of the Regulations, without prior disclosure of the facts to and specific authorization of the Office of Exporter Services, in consultation with the Office of Export Enforcement, no person may directly or indirectly, in any manner or capacity: (i) Apply for, obtain, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to an export or reexport of commodities or technical data by, to, or for another person then subject to an order revoking or denying his export privileges or then excluded from practice before the Bureau of Export Administration; or (ii) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or

participate: (a) In any transaction which may involve any commodity or technical data exported or to be exported from the United States; (b) in any reexport thereof; or (c) in any other transaction which is subject to the Export Administration Regulations, if the person denied export privileges may obtain any benefit or have any interest in, directly or indirectly, any of these transactions.

Third, that a copy of this Order shall be served on Johansen and on the Department.

Fourth, that this Order, as affirmed or modified, shall become effective upon entry of the final action by the Under Secretary for Export Administration, in accordance with the Act (50 U.S.C.A. app. 2412(c)(1)) and the Regulations (15 CFR 788.23).

Dated: January 26, 1996.
Edward J. Kuhlmann,
Administrative Law Judge.
[FR Doc. 96-3342 Filed 2-14-96; 8:45 am]
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Foreign-Trade Zones Board

[Order No. 801]

Grant of Authority for Subzone Status, R.G. Barry Corp. (Footwear & Thermal Comfort Products), Goldsboro, NC

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment * * * of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended (19 U.S.C. 81a-81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs ports of entry;

Whereas, the Board's regulations (15 CFR Part 400) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved;

Whereas, an application from the Triangle J Council of Governments, grantee of Foreign-Trade Zone 93, for authority to establish special-purpose subzone status for the footwear and thermal comfort products distribution facility of R.G. Barry Corporation, located in Goldsboro, North Carolina, was filed by the Board on November 16, 1994, and notice inviting public

comment was given in the Federal Register (FTZ Docket 36-94, 59 FR 60603, 11/25/94); and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations are satisfied, and that approval of the application is in the public interest:

Now, therefore, the Board hereby authorizes the establishment of a subzone (Subzone 93D) at the R.G. Barry Corporation facility in Goldsboro, North Carolina, at the location described in the application, subject to the FTZ Act and the Board's regulations, including § 400.28.

Signed at Washington, DC, this 7th day of February 1996.

Susan G. Esserman,
Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

Attest:
John J. Da Ponte, Jr.,
Executive Secretary.
[FR Doc. 96-3343 Filed 2-14-96; 8:45 am]
BILLING CODE 3510-DS-P

[Order No. 800]

Grant of Authority for Subzone Status, R.G. Barry Corp. (Footwear & Thermal Comfort Products), San Angelo, TX

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment * * * of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended (19 U.S.C. 81a-81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs ports of entry;

Whereas, the Board's regulations (15 CFR Part 400) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved;

Whereas, an application from the City of San Antonio, grantee of Foreign-Trade Zone 80, for authority to establish special-purpose subzone status for the footwear and thermal comfort products distribution facility of R.G. Barry Corporation, located in San Angelo, Texas, was filed by the Board on November 1, 1994, and notice inviting