

may be granted if the Secretary finds that the order is necessary in the public interest to prevent an imminent violation. 15 CFR 766.24. A Respondent may appeal the imposition of any such TDO on the grounds that the finding that the order is necessary in the public interest to prevent an imminent violation is unsupported. 15 CFR 766.24(e)(4). The relevant issue at hand, therefore, is whether or not the finding that a TDO was necessary to prevent an "imminent" violation is supported.

The Regulations provide that a violation is "imminent" if:

[T]he general circumstances of the matter under investigation demonstrate a likelihood of future violations. *To indicate the likelihood of future violations, BXA may show that the violation under investigation is significant, deliberate, covert and/or likely to occur again*, rather than technical or negligent, and that it is appropriate to give notice to companies in the United States and abroad to ceased along with the person in U.S.-origin items in order to reduce the likelihood that a person under investigation continues to export or acquire abroad such items, risking subsequent disposition contrary to export control requirements.

15 CFR 766.24(b)(3) (emphasis added).

The BXA introduced the following in support of its argument that the violation under investigation is significant, deliberate and covert. First, BXA avers, and I concur, that the activities under question involved exports of U.S.-origin commodities to Libya. Libya, is a country which is subject to restrictive economic controls. See Libyan Sanction Regulations, 31 CFR Part 550 (1996). Under the regulation virtually all exporting and re-exporting to Libya are monitored and controlled, requiring a license issued by the Office of Foreign Assets Control (hereinafter "OFAC"). This office has no record of Thane-Coat, Inc. or TIC, Ltd. ever requesting such a license. Gov. Ex. 1, Ex. 15).

Second, an export scheme was undertaken to complete the export of pipe coating materials to Libya. Thane-Coat, Inc. through Ford and Engebretson, using TIC, Ltd. as the exporter of record, obtained coating products from U.S. manufacturers and had those items delivered to U.S. ports for export to Fleixstow, United Kingdom. (Gov. Ex. 1). Once in the U.K., Harkmel International "re-stuffed" the cargo, unloading it from 40-foot containers at the U.K. port of Felixstowe and reloading it into 20-foot containers. These containers were re-stuffed based upon the advice from Harkmel that use of the same containers would be "a flag for person following movements to country." (Gov. Ex. 1). The repackaged

containers were then sent to Marsa El Brega, Libya. (*Id.*).

Based upon the above evidence, BXA has shown that Respondents committed a violation that was both significant, deliberate and covert. In light of this, the Acting Assistant Secretary's decision to issue a TDO is clearly supportable.

Conclusion

In light of the fact that Respondents entered into a scheme of violations which were not only deliberate, but also covert, it is hereby strongly recommended that the decision of the Acting Assistant Secretary to temporarily deny export privileges to the Respondents for a period of 180 days be affirmed.

Recommendation

It is Hereby Recommended That the issuance of the Order Temporarily Denying Export Privileges to Thane-Coat, Inc., Jerry Vernon Ford, Preston John Engebretson, Export Materials, Inc. and Thane-Coat International, Ltd., *be Affirmed*.

Dated on the 11th day of June 1997, Baltimore, Maryland.

Hon. Joseph N. Ingolia,

Chief Administrative Law Judge, United States Coast Guard.

Certificate of Mailing

I hereby certify that I forwarded the attached document by federal express to the following persons:

Jeffrey M. Joyner, Esq., Office of Chief Counsel for Export Administration, Bureau of Export Administration, United States Department of Commerce, H3839, 14th and Constitution, NW., Washington, DC 20230.
Samuel J. Buffone, Thomas B. Smith, Ropes & Gray, 1301 K Street, NW., Suite 800 East, Washington, DC 20005.

Undersecretary for Export Administration, Bureau of Export Administration, United States Department of Commerce, 14th and Constitution, NW., Washington, DC 20230.

Dated this 11th day of June 1997, Baltimore, Maryland.

Joi L. Johnson,

Legal Assistant to Chief Judge Ingolia.

[FR Doc. 97-16822 Filed 6-26-97; 8:45 am]

BILLING CODE 3510-DT-M

DEPARTMENT OF COMMERCE

International Trade Administration

Lamont-Doherty Earth Observatory of Columbia University Notice of Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to Section 6(c) of the Educational,

Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C.

Docket Number: 97-033. *Applicant:* Lamont-Doherty Earth Observatory of Columbia University, Palisades, NY 10964. *Instrument:* ICP Mass Spectrometer, Model Plasma 54. *Manufacturer:* VG Elemental, United Kingdom. *Intended Use:* See notice at 62 FR 27237, May 19, 1997.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States. *Reasons:* The foreign instrument provides: (1) an ICP ion source, (2) a double focusing magnet sector mass analyzer and (3) a detection system equipped with nine Faraday detectors and a Daly detector. These capabilities are pertinent to the applicant's intended purposes and we know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 97-16932 Filed 6-26-97; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

Applications for Duty-Free Entry of Scientific Instruments

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230. Applications may be examined between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C.

Docket Number: 96-149R. *Applicant:* University of Vermont, Department of Physical Therapy, 305 Rowell Building, Burlington, VT 05405-0068. *Instrument:* Motion Analysis System and Telemg System, Model Elite Plus. *Manufacturer:* Bioengineering Technology & Systems, Italy. *Intended Use:* Original notice of this resubmitted application was published in the **Federal Register** of February 11, 1997.

Docket Number: 97-046. *Applicant:* Purdue University, Accounts Payable, 1064 Frehafer Hall, West Lafayette, IN 47907-1064. *Instrument:* Stopped-Flow Spectrophotometer/Fluorimeter System, Model SF-61DX2/X. *Manufacturer:* Hi-Tech Scientific, United Kingdom. *Intended Use:* The instrument will be used for studies of a variety of enzymes important to cellular physiology in a variety of life forms. A number of experiments will be conducted involving the spectroscopic detection of molecular interactions between substrates of inhibitors of the particular enzymes of interest. *Application accepted by Commissioner of Customs:* June 4, 1997.

Docket Number: 97-047. *Applicant:* Emory University, Department of Biology, 2006 Rollins Research Center, 1510 Clifton Road, Atlanta, GA 30322. *Instrument:* Slice Physiology Setup, Model 240. *Manufacturer:* Luigs and Neumann, Germany. *Intended Use:* The instrument will be used for electrophysiological studies using rat brain slices with the objective of understanding neuronal activity and information processing in the mammalian brain. In addition, the instrument will be used for educational purposes in the course Biol. 498 in which both graduate and undergraduate students will be exposed to guided research training. *Application accepted by Commissioner of Customs:* June 5, 1997.

Docket Number: 97-048. *Applicant:* Kansas State University, Division of Biology, Ackert Hall, Manhattan, KS 66506-4901. *Instrument:* Electron Microscope, Model CM100. *Manufacturer:* Philips, The Netherlands. *Intended Use:* The instrument will be used for research involving three model systems in cellular and developmental biology which will focus on a unifying theme in gravity perception. In addition, the instrument will be used for educational purposes in the course BIOL 888—Electron Microscopy Techniques providing graduate students with the research resources necessary to make progress on their research

programs. Application accepted by Commissioner of Customs: June 6, 1997.

Frank W. Creel,

Director, Statutory Import Programs Staff.
[FR Doc. 97-16930 Filed 6-26-97; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

University of Illinois at Chicago; Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

This is a decision consolidated pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C.

Docket Numbers: 97-031 and 97-032. *Applicant:* University of Illinois at Chicago, Chicago, IL 60612-7341. *Instrument:* (2) Electron Microscopes, Models JEM-1220 and JEM-3010. *Manufacturer:* JEOL, Ltd., Japan. *Intended Use:* See notice at 62 FR 27237, May 19, 1997. *Order Date:* September 19, 1996.

Docket Number: 97-035. *Applicant:* University of Illinois at Chicago, Chicago, IL 60612-7202. *Instrument:* Electron Microscope, Model JEM-2010F. *Manufacturer:* JEOL, Ltd., Japan. *Intended Use:* See notice at 62 FR 27722, May 21, 1997. *Order Date:* February 14, 1997.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as these instruments are intended to be used, was being manufactured in the United States at the time the instruments were ordered. *Reasons:* Each foreign instrument is a conventional transmission electron microscope (CTEM) and is intended for research or scientific educational uses requiring a CTEM. We know of no CTEM, or any other instrument suited to these purposes, which was being manufactured in the United States at the time of order of each instrument.

Frank W. Creel,

Director, Statutory Import Programs Staff.
[FR Doc. 97-16931 Filed 6-26-97; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

Environmental Technologies Trade Advisory Committee (ETTAC)

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: The Environmental Technologies Trade Advisory Committee (ETTAC) will hold its tenth plenary meeting. The ETTAC was created on May 31, 1994, to promote a close working-relationship between government and industry and to expand export growth in priority and emerging markets for environmental products and services.

DATES AND PLACE: July 18, 1997 from 1:00 p.m. to 5:00 p.m. The meeting will take place in Room 4830 of the Department of Commerce, 14th Street and Constitution Ave., N.W., Washington, D.C. 20230.

This program is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Office of Environmental Technologies Exports, Department of Commerce, Room 1003, Washington, D.C. 20230. Seating is limited and will be on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT: The Office of Environmental Technologies Exports, Room 1003, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230, phone (202) 482-5225, facsimile (202) 482-5665 TDD 1-800-833-8723.

Dated: June 13, 1997.

Anne L. Alonzo,

Deputy Assistant Secretary for Environmental Technologies Exports.

[FR Doc. 97-16808 Filed 6-25-97; 8:45 am]

BILLING CODE 3510-DR-P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

National Fire Codes: Request for Comments On NFPA Technical Committee Reports

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice of request for comments.

SUMMARY: The National Fire Protection Association (NFPA) revises existing standards and adopts new standards twice a year. At its Fall Meeting in November or its Annual Meeting in