

interested and affected people to participate and contribute to the final decision. Public participation will begin with the publication of this NOI. Interested and affected individuals and organizations on each affected forest scoping list will be informed of the proposal and invited to submit comments. The Forest Service will also be seeking information, comments, and assistance from Federal, state, and local agencies. The information received will be used in the preparation of the draft and final EIS. At this time no scoping meetings are scheduled to be held to discuss the project. The scoping process includes:

1. Identifying potential issues.
2. Identifying issues to be analyzed in depth.
3. Eliminating non-significant issues or those which have been covered by a relevant previous environmental process.
4. Exploring additional alternatives.
5. Identifying potential environmental effects of the proposed action and alternatives (i.e. direct, indirect, and cumulative effects).

#### Preliminary Issues

Several preliminary issues have been identified by the Forest Service. The issues are briefly described below:

Red-cockaded woodpecker—the storm adversely affected RCW habitat. What effect will reforestation activities have on habitat suitable for RCW foraging and nesting and the potential for RCW population growth in the short and long term?

Hardwoods—many hardwoods remain in the damaged areas. What effect would project activities have on the current and future hardwood composition of the storm-damaged areas? Will any areas be managed for pine-hardwood mixtures or only for hardwoods within the storm-affected areas?

Soil productivity—mechanical equipment used in site preparation could compact soils and prescribed fire could affect nutrient availability. What effect will mechanical site preparation and prescribed burning have on long-term soil productivity?

Water quality—site preparation activities could expose soil to erosion. What effects will mechanical site preparation and prescribed burning have on soil erosion and sedimentation?

Potential Alternatives: based on the preliminary issues, the following potential alternative themes have been identified:

No Action—no site preparation or planting activities would occur, nor would acreage adjustments be made to

the Northern Sabine HMA. Only natural regeneration would be allowed in the damaged areas.

Limited Budget Theme—maintain the existing Northern Sabine HMA and maximize the pine regeneration if damaged areas within the HMA regardless of ECS considerations. Mechanical site preparation would be minimized and natural regeneration would be emphasized.

#### Reviewers Obligations

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft EISs must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft EIS stage but that are not raised until after completion of the final EIS may be waived or dismissed by the courts. *City of Angoon v. Hodel*, 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc. v. Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the draft EIS 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them in the final EIS.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft EIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft EIS of the merits of the alternatives formulated and discussed in the statement. Reviewer may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3.

Comments received in response to this solicitation, including names and addresses of those who comment, will be considered part of the public record on this proposed action and will be available for public inspection. Comments submitted anonymously will be accepted and considered; however, those who submit anonymous comments will not have standing to appeal the subsequent decision under

36 CFR parts 215 or 217. Additionally, pursuant to 7 CFR 1.27(d), any person may request the agency to withhold a submission from the public record by showing how the Freedom of Information Act (FOIA) permits such confidentiality. Persons requesting such confidentiality should be aware that, under the FOIA, confidentiality may be granted in only very limited circumstances, such as to protect trade secrets. The Forest Service will inform the requester of the agency's decision regarding the request for confidentiality, and where the request is denied, the agency will return the submission and notify the requester that the comments may be resubmitted with or without name and address within 10 days.

#### Responsible Official

Ronnie Raum, Forest Supervisor; National Forests and Grasslands in Texas; 701 North First Street, Lufkin, TX 75901 is the Responsible Official. As the Responsible Official, I will decide which, if any of the alternatives to be described in the draft Environmental Impact Statement will be implemented. I will document the decision and the reasons for my selection of the decision in the Record of Decision.

Dated: March 25, 1999.

**Ronnie Raum,**

*Forest Supervisor.*

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## DEPARTMENT OF COMMERCE

### Bureau of Export Administration

#### Order Denying Permission To Apply For or Use Export Licenses; Action Affecting Export Privileges; A.V.S. Armoured Vehicles' Systems, Inc., Now Known as S.P.O. Spare Parts Logistics, Inc.

In the matter of: A.V.S. ARMoured VEHICLES' SYSTEMS, INC., now known as S.P.L. SPARE PARTS LOGISTICS, INC. 1117 Old Country Road, Plainview, New York 11803.

On April 10, 1995, following a plea of guilty to one count of an information, A.V.S. Armoured Vehicles' Systems, Inc.<sup>1</sup> was convicted in the United States District Court for the Eastern District of New York of violating Section 38 of the Arms Export Control Act (22 U.S.C.A.

<sup>1</sup> On September 27, 1993, A.V.S. Armoured Vehicles' Systems, Inc. filed with the State of Delaware, Secretary of State, Division of Corporations, a Certificate of Amendment of the Certificate of Incorporation to change A.V.S. Armoured Vehicles' Systems, Inc.'s name to S.P.L. Spare Parts Logistics, Inc.

§ 2778 (1990 & Supp. 1998)) (the AECA). A.V.S. Armoured Vehicles' Systems, Inc. was convicted of knowingly and willfully making an untrue statement of a material fact on an export control document to the U.S. Department of State, Office of Defense Trade Control. Specifically, A.V.S. Armoured Vehicles' Systems, Inc. stated that the foreign end-user of replacement parts for the "Hawk" anti-aircraft missile system was the Government of Israel, when the actual end-use was not the Government of Israel.

Section 11(h) of the Export Administration Act of 1979, as amended (50 U.S.C.A. app. §§ 2401-2420 (1991 & Supp. 1998)) (the Act,<sup>2</sup> provides that, at the discretion of the Secretary of Commerce,<sup>3</sup> no person convicted of violating Section 38 of the AECA, or certain other provisions of the United States Code, shall be eligible to apply for or use any license, including any License Exception, issued pursuant to, or provided by, the Act or the Export Administration Regulations (currently codified at 15 C.F.R. Parts 730-774 (1998)), (the Regulations), for a period of up to 10 years from the date of the conviction. In addition, any license issued pursuant to the Act in which such a person had any interest at the time of conviction may be revoked.

Pursuant to Sections 766.25 and 750.8(a) of the Regulations, upon notification that a person has been convicted of violating Section 38 of the AECA, the Director, Office of Exporter Services, in consultation with the Director, Office of Export Enforcement, shall determine whether to deny that person permission to apply for or use any license, including any License Exception, issued pursuant to, or provided by, the Act and the Regulations, and shall also determine whether to revoke any license previously issued to such a person.

Having received notice of A.V.S. Armoured Vehicles' Systems, Inc.'s conviction for violating Section 38 of the AECA, and following consultations with the Director, Office of Export Enforcement, I have decided to deny

A.V.S. Armoured Vehicles' Systems, Inc., now known as S.P.P. Spare Parts Logistics, Inc., permission to apply for or use any license, including any License Exception, issued pursuant to, or provided by, the Act and the Regulations, for a period of five years from the date of its conviction. The five-year period ends on April 10, 2000. I have also decided to revoke all licenses issued pursuant to the Act in which A.V.S. Armoured Vehicles' Systems, Inc., now known as S.P.L. Spare Parts Logistics, Inc., had an interest at the time of its conviction.

Accordingly, it is hereby  
Ordered

I. Until April 10, 2000, A.V.S. Armoured Vehicles' Systems, Inc., now known as S.P.L. Spare Parts Logistics, Inc., 1117 Old Country Road, Plainview, New York 11803, 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; 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 facilities that acquisition or attempted acquisition by a 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 a 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 is 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.

III. After notice and opportunity for comment as provided in Section 766.23 of the Regulations, any person, firm, corporation, or business organization related to A.V.S. Armoured Vehicles' Systems, Inc., now known as S.P.L. Spare Parts Logistics, Inc., 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.

IV. This Order does not prohibit any export, 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.

V. This Order is effective immediately and shall remain in effect until April 10, 2000.

VI. A copy of this Order shall be delivered to A.V.S. Armoured Vehicles' Systems, Inc., now known as S.P.L. Spare Parts Logistics, Inc. This Order shall be published in the **Federal Register**.

Dated: March 23, 1999.

**Eileen M. Albanese,**

*Director, Office of Exporter Services.*

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<sup>2</sup> The Act expired on August 20, 1994. Executive Order 12924 (3 C.F.R., 1994 Comp. 917 (1995)), extended by Presidential Notices of August 15, 1995 (3 C.F.R., Comp. 501 (1996)), August 14, 1996 (3 C.F.R., 1996 Comp. 298 (1997)), August 13, 1997 (3 C.F.R., 1997 Comp. 306 (1998)), and August 13, 1998 (63 FR 44121, August 17, 1998), continued the Export Administration Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C.A. §§ 1701-1706 (1991 & Supp. 1998)).

<sup>3</sup> Pursuant to appropriate delegations of authority, the Director, Office of Exporter Services, in consultation with the Director, Office of Export Enforcement, exercises the authority granted to the Secretary by Section 11(h) of the Act.