

(1994 & Supp. V 1999)) (the "Act"),<sup>1</sup> and the Export Administration Regulations (currently codified at 15 CFR Parts 730–774 (2003)) ("Regulations"),<sup>2</sup> based on the charging letter issued to Alhalabi that alleged that Alhalabi violated the Regulations on one occasion; specifically, that Alhalabi caused to be exported a thermal imaging camera, an item subject to the Regulations, from the United States to Syria without the required license from the Department of Commerce.

BIS and Alhalabi having entered into a Settlement Agreement pursuant to Section 766.18(b) of the Regulations whereby they agreed to settle this matter in accordance with the terms and conditions set forth therein, and the terms of the Settlement Agreement having been approved by me;

*It is therefore ordered:*

First, that for a period of one year from the date of this Order, Alhalabi, and when acting for or on behalf of Alhalabi, his representatives, agents, assigns or employees ("denied person") 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. Benefitting 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.

Second, that 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 facilitates the acquisition or attempted acquisition by the 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 the 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, expected 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 if 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.

Third, that after notice and opportunity for comment as provided in Section 766.23 of the Regulations, any person, firm, corporation, or business organization related to Alhalabi 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.

Fourth, that this Order does not prohibit any export, reexport, 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.

Fifth, that a copy of this Order shall be delivered to the United States Coast Guard ALJ Docketing Center, 40 Gay Street, Baltimore, Maryland 21202–4022, notifying that office that this case is withdrawn from adjudication, as provided by Section 766.18 of the Regulations.

Sixth, that the charging letter, the Settlement Agreement, and this Order shall be made available to the public.

This Order, which constitutes the final agency action in this matter, is effective immediately.

Entered this 24th day of June 2003.

**Lisa A. Prager,**

*Acting Assistant Secretary of Commerce for Export Enforcement.*

[FR Doc. 03–16480 Filed 6–27–03; 8:45 am]

**BILLING CODE 3510-DT-M**

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Application for Duty-Free Entry of Scientific Instrument

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 an instrument of equivalent scientific value, for the purposes for which the instrument shown below is intended to be used, is 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, DC 20230. Applications may be examined between 8:30 a.m. and 5 p.m. in Suite 4100W, U.S. Department of Commerce, Franklin Court Building, 1099 14th Street, NW., Washington, DC.

*Docket Number:* 03–028. *Applicant:* North Carolina State University, Campus Box 7212, Raleigh, NC 27695–7212. *Instrument:* Microarray System, Model QArray mini X2700.

*Manufacturer:* Genetix Ltd, United Kingdom. *Intended Use:* The instrument is intended to be used to study hyperthermophilic (organisms that have an optimum temperature of growth about 80 degrees Celsius) bacteria, microorganisms and proteins. The hyperthermophilic organisms will be grown with various growth substrates and growth conditions and the microarrays will be used to study gene expression under such conditions. Antibodies specific to the hyperthermophilic proteins of interest

<sup>1</sup> From August 21, 1994 through November 12, 2000, the Act was in lapse. During that period, the President, through Executive Order 12924, which have been extended by successive Presidential Notices, the last of which was issued on August 3, 2000 (3 CFR, 2000 Comp. 397 (2001)), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701–1706 (1994 & Supp. V 1999)) ("IEEPA"). On November 13, 2000, the Act was reauthorized and it remained in effect through August 20, 2001. 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 14, 2002 (67 FR 53721 (August 16, 2002)), has continued the Regulations in effect under IEEPA.

<sup>2</sup> The Regulations are currently codified in the Code of Federal Regulations at 15 CFR Parts 730–774 (2003). The Regulations governing the violations at issue are found in the 1998 version of the Code of Federal Regulations. These Regulations are codified at 15 CFR Parts 730–774 (1998) and, to the degree to which they pertain to this matter, are substantially the same as the 2003 version.

will be printed onto arrays to aid in the broad investigation of their enzymatic activities and to further characterize the proteins. Application accepted by Commissioner of Customs: June 10, 2003.

**Gerald A. Zerdy,**

*Program Manager, Statutory Import Programs Staff.*

[FR Doc. 03-16489 Filed 6-27-03; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### University of Colorado; 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 p.m. in Suite 4100W, U.S. Department of Commerce, Franklin Court Building, 1099 14th Street, NW., Washington, DC.

*Docket Number:* 03-021. *Applicant:* University of Colorado, Boulder, CO 80309. *Instrument:* YAG Laser and Intensity Noise Eater. *Manufacturer:* InnoLight GmbH, Germany. *Intended Use:* See notice at 68 FR 26571, May 16, 2003.

*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) A spectral linewidth of 1.0 kHz/100 ms and (2) a relative intensity noise level of < -150 dB/Hz. A domestic manufacturer of similar equipment advised September 18, 2002 that (1) these capabilities are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use (comparable case).

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

**Gerald A. Zerdy,**

*Program Manager, Statutory Import Programs Staff.*

[FR Doc. 03-16490 Filed 6-27-03; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### University of California, Berkeley; 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 p.m. in Suite 4100W, U.S. Department of Commerce, Franklin Court Building, 1099 14th Street, NW., Washington, DC.

*Docket Number:* 03-022. *Applicant:* University of California, Berkeley, Berkeley, CA 94720-7200. *Instrument:* Low Temperature UHV Scanning Tunneling Microscope. *Manufacturer:* Omicron Vakuumphysik GmbH, Germany. *Intended Use:* See notice at 68 FR 26571, May 16, 2003.

*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) Operating at an equilibrium temperature of 4K (including both tip and sample), (2) in-situ sample manipulation and tip transfer capabilities, (3) a receptacle for an electromagnet in the sample stage and (4) low drift rates of 1 angstrom/hour and rms vibration amplitudes <0.005 angstrom in a 300 Hz bandwidth. The Center for Advanced Microstructures & Devices, Louisiana State University advised June 23, 2003 that (1) these capabilities are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

**Gerald A. Zerdy,**

*Program Manager, Statutory Import Programs Staff.*

[FR Doc. 03-16491 Filed 6-27-03; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### National Institute of Standards and Technology

#### Government Owned Invention Placed in Public Domain

**AGENCY:** National Institute of Standards and Technology Commerce, Commerce.

**ACTION:** Notice of government owned invention placed in public domain.

**SUMMARY:** The domestic rights in the United States to the invention listed below are owned by the U.S. Government as represented by the Department of Commerce. The invention is being placed in the public domain for free access and use within the United States.

**FOR FURTHER INFORMATION CONTACT:** Technical information on this invention may be obtained by writing to: National Institute of Standards and Technology, Technology Partnerships Division, Attn: Mary Clague, Building 820, Room 213, Gaithersburg, MD 20899. Information is also available via telephone: 301-975-4188, e-mail: [mclague@nist.gov](mailto:mclague@nist.gov), or fax: 301-869-2751. Any request for information should include the NIST Docket number and title for the invention as indicated below.

*The available invention is:*

[Docket No.: 03-001PA]

*Title:* Packet Convergence Layer for Hiperaccess.

*Abstract:* This invention provides a convergence layer for packet services, e.g. IP or Ethernet, that greatly facilitates harmonization while being slightly more efficient than transporting IP over ATM over HA.

Dated: June 23, 2003.

**Karen H. Brown,**

*Deputy Director.*

[FR Doc. 03-16478 Filed 6-27-03; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 061903A]

#### Marine Mammals; Notice of Intent to Prepare an Environmental Impact Statement for the Atlantic Large Whale Take Reduction Plan (ALWTRP)

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of intent (NOI) to prepare an Environmental Impact Statement