concluded that SSA was bound by its previous finding that the claimant was limited to sedentary work. The Court of Appeals thereupon reversed the judgment of the district court and remanded with instructions for the district court to remand the case to SSA for an award of benefits.

Statement as to How Drummond Differs From SSA Policy

Under SSA policy, if a determination or decision on a disability claim has become final, the Agency may apply administrative res judicata with respect to a subsequent disability claim under the same title of the Act if the same parties, facts and issues are involved in both the prior and subsequent claims. However, if the subsequent claim involves deciding whether the claimant is disabled during a period that was not adjudicated in the final determination or decision on the prior claim, SSA considers the issue of disability with respect to the unadjudicated period to be a new issue that prevents the application of administrative res judicata. Thus, when adjudicating a subsequent disability claim involving an unadjudicated period, SSA considers the facts and issues *de novo* in determining disability with respect to the unadjudicated period.

The Sixth Circuit concluded that where a final decision of SSA after a hearing on a prior disability claim contains a finding of a claimant's residual functional capacity, SSA may not make a different finding in adjudicating a subsequent disability claim with an unadjudicated period arising under the same title of the Act as the prior claim unless new and additional evidence or changed circumstances provide a basis for a different finding of the claimant's residual functional capacity.

Explanation of How SSA Will Apply The Drummond Decision Within The Circuit

This Ruling applies only to disability findings in cases involving claimants who reside in Kentucky, Michigan, Ohio, or Tennessee at the time of the determination or decision on the subsequent claim at the initial, reconsideration, ALJ hearing or Appeals Council level. It applies only to a finding of a claimant's residual functional capacity or other finding required at a step in the sequential evaluation process for determining disability provided under 20 CFR 404.1520, 416.920 or 416.924, as appropriate, which was made in a final decision by an ALJ or the Appeals Council on a prior disability claim.[5]

When adjudicating a subsequent disability claim with an unadjudicated period arising under the same title of the Act as the prior claim, adjudicators must adopt such a finding from the final decision by an ALJ or the Appeals Council on the prior claim in determining whether the claimant is disabled with respect to the unadjudicated period unless there is new and material evidence relating to such a finding or there has been a change in the law, regulations or rulings affecting the finding or the method for arriving at the finding.

[FR Doc. 98–14265 Filed 5–29–98; 8:45 am]

BILLING CODE 4190–29–F

[5] In making a finding of a claimant's residual functional capacity or other finding required to be made at a step in the applicable sequential evaluation process for determining disability provided under the specific sections of the regulations described above, an ALJ or the Appeals Council may have made certain subsidiary findings, such as a finding concerning the credibility of a claimant's testimony or statements. A subsidiary finding does not constitute a finding that is *required* at a step in the sequential evaluation process for determining disability provided under 20 CFR 404.1520, 416.920 or 416.924.

DEPARTMENT OF STATE

[Public Notice 2827]

Statutory Debarment Under the International Traffic in Arms Regulations

AGENCY: Office of Defense Trade Controls, State.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Department of State has imposed statutory debarment pursuant to Section 127.7(c) of the International Traffic in Arms Regulations (ITAR) (22 CFR Parts 120–130) on persons convicted of violating or conspiring to violate Section 38 of the Arms Export Control Act (AECA) (22 U.S.C. § 2778).

EFFECTIVE DATE: Date of conviction as specified for each person.

FOR FURTHER INFORMATION CONTACT: Philip S. Rhoads, Chief, Compliance and Enforcement Branch, Office of Defense Trade Controls, Department of State (703–875–6644).

SUPPLEMENTARY INFORMATION: Section 38(g)(4) of the AECA prohibits licenses and other approvals for the export of defense articles and the furnishing of defense services to be issued to a person, or any party to the export, convicted of violating or conspiring to violate the AECA. Pursuant to Section 127.7(c) of the ITAR, statutory debarment is imposed upon persons convicted of violating or conspiring to violate the AECA. Statutory debarment is based solely upon a conviction in a criminal proceeding, conducted by a United States court, and as such the administrative proceedings outlined in Part 128 of the ITAR are not applicable.

This notice is provided in order to make the public aware that the persons listed below are prohibited from participating directly or indirectly in any brokering activities and in any export from or temporary import into the United States of defense articles, related technical data, or defense services in all situations covered by the ITAR:

1. Mohammad Iqbal Badat, 11025 Maidencane Court, Houston, TX 77086. Conviction date: March 13, 1996, 18 U.S.C. § 371 (conspiracy to violate the AECA), *U.S.* v. *Mohammad Iqbal Badat,* U.S. District Court for the Western District of Louisiana, 6:93CR60013–002
2. Sanford B. Groetzinger, 82 Dennison Street, Gloucester, MA 01930, 22 U.S.C. § 2778 (violation of the AECA). Conviction date: June 13, 1997, *U.S.* v. *Sanford B. Groetzinger,* U.S. District Court for the District of Massachusetts, 1:96CR10326–001
3. Alfred Peter Harms, Merkurstr. 32, 76461 Muggensturm, Germany. Conviction date: October 25, 1996, 18 U.S.C. § 371 (conspiracy to violate the AECA), *U.S.* v. *Alfred Peter Harms,* U.S. District Court for the Northern District of Texas, 3:96–CR–280–R(1)
4. James Lee, 410 Auburn Way, No. 34, San Jose, CA 95129. Conviction date: June 18, 1997, 22 U.S.C. § 2778 (violation of the AECA), *U.S.* v. *James Lee,* U.S. District Court for the Northern District of California, 5:95CR20142–002
5. Thomas McGuinn, Cloommull Drumcliffe, County Sligo, Republic of Ireland. Conviction date: April 19, 1996, 22 U.S.C. § 2778 (violation of AECA), *U.S.* v. *Thomas McGuinn,* U.S. District Court for the Southern District of Florida, 94–170–CR–UNGARO–BENAGES
6. Penny Ray, 7100 Rainbow Drive #30, San Jose, CA 95129. Conviction date: June 18, 1997, 22 U.S.C. § 2778 (violation of AECA), *U.S.* v. *Penny Ray,* U.S. District Court for the Northern District of California, 5:95CR20142–001
7. Salvador Romavi-Orue, 15400 S.W. 75 Circle Lane, Apt. 104, Miami, FL 33193. Conviction date: February 16, 1996, 22 U.S.C. § 2778 (violation of AECA) *U.S.* v. *Salvador Romavi-Orue,* U.S. District Court for the Southern

District of Florida 95–118–CR–UNGARO–BENAGES

8. Wayne P. Smith, 2333 Big Woods, Edgerly Road, Vinton, LA 70668. Conviction date: October 3, 1995, 22 U.S.C. § 2778 (violation of AECA), *U.S.* v. *Wayne P. Smith,* U.S. District Court for the Western District of Louisiana, 2:95CR20069–001
9. Erickson Trouillot, 8840 N.W. 23rd Street, Coral Springs, FL. Conviction date: October 29, 1996, 22 U.S.C. § 2778 (violation of AECA), *U.S.* v. *Erickson Trouillot,* U.S. District Court for the Southern District of Florida, 95–6138–CR–GONZALES(s)

Specific case information may be obtained from the Office of the Clerk for each respective U.S. District Court.

This notice involves a foreign affairs function of the United States encompassed within the meaning of the military and foreign affairs exclusion of the Administrative Procedure Act. Because the exercise of this foreign affairs function is discretionary, it is excluded from review under the Administrative Procedure Act.

Dated: May 11, 1998.

William J. Lowell,

Director, Office of Defense Trade Controls, Bureau of Political-Military Affairs, U.S. Department of State.

[FR Doc. 98–14315 Filed 5–29–98; 8:45 am]

BILLING CODE 4710–25–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG–1998–3880]

Vessel Traffic Management Measures in the Monterey Bay National Marine Sanctuary; Public Workshop Notice

AGENCY: Coast Guard, DOT.

ACTION: Notice of public workshops; request for comments.

SUMMARY: The United States Coast Guard (USCG) and the National Oceanic and Atmospheric Administration (NOAA) will hold four Public Workshops to obtain views and comments regarding the need for offshore vessel management in the Monterey Bay National Marine Sanctuary (MBNMS) for the protection of the marine environment.

DATES: Public Workshops will be held on the following dates:

June 17, 1998, 7 p.m., Half Moon Bay, CA
June 18, 1998, 7 p.m., Oakland, CA
June 29, 1998, 7 p.m., Santa Cruz, CA
June 30, 1998, 7 p.m., Monterey, CA

Oral presentations are encouraged to promote an open forum with group participation, however if interested parties are unable to attend the workshop, written comments will be accepted and should reach the Eleventh Coast Guard District Aids to Navigation and Waterways Management Branch on or before July 14, 1998.

ADDRESSES: Public workshops will be held at the following locations:

Half Moon Bay, CA—Ted Adcock Community/Senior Center, 535 Kelly Avenue, Half Moon Bay, CA 94019
Oakland, CA, Port of Oakland, 2nd Floor Board Room, 530 Water Street, Oakland, CA 94607
Monterey, CA—Doubletree Hotel at the Intersection of Del Monte Avenue and Alvarado Street, Monterey, CA 93940
Santa Cruz, CA—Cocoanut Grove Hotel, 400 Beach Street, Santa Cruz, CA 95060

You may mail your comments to the Docket Management Facility, (USCG–1998–3880), U.S. Department of Transportation, room PL–401, 400 Seventh Street SW., Washington DC 20590–0001, or deliver them to room PL–401 on the Plaza level of the Nassif Building at the same address between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

You may also deliver comments or other written materials for inclusion in the public docket to Commander (Pow), Eleventh Coast Guard District, Building 50–6, Coast Guard Island, Alameda, CA 94501; Attn: MBNMS Public Comment, between 7 a.m. and 4 p.m., Monday through Friday, except Federal Holidays. The telephone number is (510) 437–2982.

The Docket Management Facility maintains the public docket for these workshops. Comments and other submitted documents will become part of this docket and will be available for inspection or copying at room PL–401 on the Plaza level of the Nassif Building at the same address between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also access this docket on the Internet at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: LTJG Kati Sylvester, Waterways Management Officer, Eleventh Coast Guard District, Building 50–6, Coast Guard Island, Alameda, CA 94501. The telephone number is (510) 437–2982.

SUPPLEMENTARY INFORMATION:

Public Workshop

Public Workshops to discuss the need for Vessel Traffic Management Measures in the Monterey Bay National Marine Sanctuary will be held in the following locations:

- *Half Moon Bay*, 7 p.m., Wednesday June 17, 1998, Ted Adcock Community/Senior Center, 535 Kelly Avenue, Half Moon Bay, CA.
- *Oakland*, 7 p.m., Thursday, June 18, 1998, Port of Oakland, 2nd Floor Board Room, 530 Water Street, Oakland, CA.
- *Santa Cruz*, 7 p.m., Monday, June 29, 1998, Cocoanut Grove Hotel, 400 Beach Street, Santa Cruz, CA.
- *Monterey*, 7 p.m., Tuesday, June 30, 1998, Doubletree Hotel, intersection of Del Monte Avenue & Alvarado Street, Monterey, CA.

The doors for the public workshops will open at 6:30 p.m. for registration. The workshops will begin at 7 p.m. with a brief presentation. The presentation will cover the steps leading to the workshops, a description of the vessel activity in and near the Sanctuary, an overview of the sensitive Sanctuary resources and their value to the coastal culture and economy, a description of a work group process used by the Coast Guard and NOAA to shape the analysis, and lastly a set of management measures believed to increase Sanctuary resource protection while preserving the economic viability of California ports. Meeting attendees will then be invited to present comments or direct questions to a panel of representatives from a work group assembled by NOAA and the Coast Guard to help frame the issues. We are particularly interested in comments relating to:

- Distance Off Shore—Identification of a distance off shore for tankers, tank barges, vessels carrying hazardous materials, and large commercial vessels that would provide adequate protection to the sensitive marine resources of the Sanctuary without imposing undue economic stress to the shipping industry.
- Traffic Separation Schemes (TSS)—Implementation of pre-approved adjustments to existing TSSs, including a western rotation of the southern leg of the San Francisco TSS to provide a true north/north alignment and an eighteen miles extension on the western end of the Santa Barbara Channel TSS.
- Rescue—Identification of vessels of opportunity available to assist vessels which become disabled during coastal transit.
- Implementation Mechanisms—To include Industry Agreements and Recommended Routes approved by the International Maritime Organization (IMO).
- Reporting Systems:—Voluntary Reporting System, approved by the IMO, to monitor vessel transits along the California coastline via radio call-in points and/or Automated Information System (AIS).