

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>8</sup>

**Florence E. Harmon,**

*Deputy Secretary.*

[FR Doc. E7-23971 Filed 12-11-07; 8:45 am]

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## DEPARTMENT OF STATE

[Public Notice 6023]

### Bureau of Political-Military Affairs; Statutory Debarment Under the Arms Export Control Act and the International Traffic in Arms Regulations

**ACTION:** Notice.

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

**DATES:** *Effective Date:* Date of conviction as specified for each person.

**FOR FURTHER INFORMATION CONTACT:** David Trimble, Director, Office of Defense Trade Controls Compliance, Bureau of Political-Military Affairs, Department of State (202) 663-2980.

**SUPPLEMENTARY INFORMATION:** Section 38(g)(4) of the AECA, 22 U.S.C. 2778(g)(4), prohibits the Department of State from issuing licenses or other approvals for the export of defense articles or defense services where the applicant, or any party to the export, has been convicted of violating certain statutes, including the AECA. In implementing this provision, section 127.7 of the ITAR provides for “statutory debarment” of any person who has been convicted of violating or conspiring to violate the AECA. Persons subject to statutory debarment are prohibited from participating directly or indirectly in the export of defense articles, including technical data, or in the furnishing of defense services for which a license or other approval is required.

Statutory debarment is based solely upon conviction in a criminal proceeding, conducted by a United States Court, and as such the administrative debarment procedures outlined in Part 128 of the ITAR are not applicable.

The period for debarment will be determined by the Assistant Secretary for Political-Military Affairs based on the underlying nature of the violations, but will generally be for three years from the date of conviction. At the end of the debarment period, export privileges may be reinstated only at the request of the debarred person followed by the necessary interagency consultations, after a thorough review of the circumstances surrounding the conviction, and a finding that appropriate steps have been taken to mitigate any law enforcement concerns, as required by section 38(g)(4) of the AECA. Unless export privileges are reinstated, however, the person remains debarred.

Department of State policy permits debarred persons to apply to the Director, Office of Defense Trade Controls Compliance, for reinstatement beginning one year after the date of the debarment. Any decision to grant reinstatement can be made only after the statutory requirements under section 38(g)(4) of the AECA have been satisfied.

Exceptions, also known as transaction exceptions, may be made to this debarment determination on a case-by-case basis at the discretion of the Assistant Secretary of State for Political-Military Affairs, after consulting with the appropriate U.S. agencies. However, such an exception would be granted only after a full review of all circumstances, paying particular attention to the following factors: Whether an exception is warranted by overriding U.S. foreign policy or national security interests; whether an exception would further law enforcement concerns that are consistent with the foreign policy or national security interests of the United States; or whether other compelling circumstances exist that are consistent with the foreign policy or national security interests of the United States, and that do not conflict with law enforcement concerns. Even if exceptions are granted, the debarment continues until subsequent reinstatement.

Pursuant to section 38(g)(4) of the AECA and Section 127.7(c) of the ITAR, the following persons are statutorily debarred as of the date of their AECA conviction:

- (1) L&M Manufacturing Corporation, May 22, 2007, U.S. District Court, District of Connecticut, Case #3:04CR125;
- (2) Nesco NY, Inc., May 22, 2007, U.S. District Court, District of Connecticut, Case #3:04CV125;

- (3) Alejandro Felix-Canez, January 13, 2006, U.S. District Court, District of Arizona, Case #CR05-00965-002-PHX-ROS;
- (4) Yssouf Diabate, May 9, 2007, U.S. District Court, Southern District California, Case #06CR2161-LAB;
- (5) Ronald W. Wiseman, November 1, 2006, U.S. District Court, District of Columbia, Case #05-0152-01(JR);
- (6) Gustavo Gonzalez, Jr., November 3, 2006, U.S. District Court, Southern District of Texas, Case #1:06CR00529-001;
- (7) Carlos Ivan Deblas, February 6, 2007, U.S. District Court, Southern District of Texas, Case #1:06CR00663-001;
- (8) Francisco Jimenez Briceno, February 6, 2007, District Court, Southern District of Texas, Case #1:06CR00663-002;
- (9) Balbina Morales-Oscoy, February 21, 2007, District Court, Southern District of Texas, Case #7:06CR00776-001;
- (10) Pedro Martinez-Carrillo, June 21, 2007, District Court, Southern District of Texas, Case #1:07CR00039-001;
- (11) Lorenzo Sanchez-Castruita, January 19, 2007, District Court, Western District of Texas, Case #P-06-CR-213 (01) RAJ;
- (12) Ovet Chavira, March 5, 2007, District Court, Western District of Texas, Case #4:06-CR-00220-001 RAJ;
- (13) Miguel Loya, May 29, 2007, District Court, Western District of Texas, Case #4:06-CR-00279-001; and
- (14) Jeffrey Roll, June 8, 2007, District Court, Southern District of Indiana, Case #1:07CR00014-001.

As noted above, at the end of the three-year period following the date of conviction, the above named persons remain debarred unless export privileges are reinstated.

Debarred persons are generally ineligible to participate in activity regulated under the ITAR (see e.g., sections 120.1(c) and (d), and 127.11(a)). Also, under section 127.1(c) of the ITAR, any person who has knowledge that another person is subject to debarment or is otherwise ineligible may not, without disclosure to and written approval from the Directorate of Defense Trade Controls, participate, directly or indirectly, in any export in which such ineligible person may benefit therefrom, or have a direct or indirect interest therein.

This notice is provided for purposes of making the public aware that the persons listed above are prohibited from participating directly or indirectly in

<sup>8</sup> 17 CFR 200.30-3(a)(12).

activities regulated by the ITAR, including 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. Specific case information may be obtained from the Office of the Clerk for the U.S. District Courts mentioned above, and by citing the court case number provided.

Dated: October 29, 2007.

**Stephen D. Mull,**

*Acting Assistant Secretary for Political-Military Affairs, Department of State.*

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**BILLING CODE 4710-25-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Fifth Meeting, Special Committee 212, Helicopter Terrain Awareness and Warning System (HTWAS)

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of RTCA Special Committee 212, Helicopter Terrain Awareness and Warning System (HTWAS).

**SUMMARY:** The FAA is issuing this notice to advise the public of RTCA Special Committee 212, Helicopter Terrain Awareness and Warning System (HTWAS).

**DATES:** The meeting will be held January 11, 2008, from 9 a.m.–5 p.m.

**ADDRESSES:** The meeting will be held at RTCA Inc., 1828 L Street, NW., Suite 805, Washington, DC 20036.

**FOR FURTHER INFORMATION CONTACT:** RTCA Secretariat, 1828 L Street, NW., Suite 805, Washington, DC 20036; telephone (202) 833-9339; fax (202) 833-9434; Web site <http://www.rtca.org>.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C., Appendix 2), notice is hereby given for a Special Committee 212 meeting. The agenda will include:

- January 11:
- Opening Plenary Session (Welcome, Introductions, and Administrative Remarks, Agenda Overview).
- Approve the minutes from the 4th Plenary Meeting (December 5, 2007).
- Discuss/Resolve comments from the final review and comments (FRAC) of the draft HTAWS MOPS Document.
- Approve the draft HTAWS MOPS document for RTCA PMC consideration.

- Closing Plenary Session (Other Business, Establish Agenda, Date and Place of Next Meeting, Adjourn).

Attendance is open to the interested public but limited to space availability. Pre-Registration for this meeting is not required for attendance but is desired and can be done through the RTCA secretariat. With the approval of the chairmen, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on December 5, 2007.

**Francisco Estrada C.,**

*RTCA Advisory Committee.*

[FR Doc. 07-6020 Filed 12-11-07; 8:45 am]

**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 35105]

#### Union Pacific Railroad Company—Temporary Trackage Rights Exemption—BNSF Railway Company

BNSF Railway Company (BNSF), pursuant to a written trackage rights agreement entered into between BNSF and Union Pacific Railroad Company (UP), has agreed to grant temporary overhead trackage rights to UP, to expire on or about March 18, 2008, over BNSF's lines between Hobart, CA (milepost 144.5), and Riverside, CA (milepost 10.6), a total distance of approximately 55 miles.<sup>1</sup>

The transaction is scheduled to be consummated on January 2, 2008. The purpose of the temporary overhead trackage rights is to allow UP to facilitate maintenance work on its lines.

As a condition to this exemption, any employees affected by the acquisition of the temporary trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980), and any employees affected by the discontinuance of those trackage rights will be protected by the conditions set out in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

<sup>1</sup>UP states that the total mileage does not correspond to the milepost designations of the endpoints because the trackage rights involve BNSF subdivisions with non-contiguous mileposts.

This notice is filed under 49 CFR 1180.2(d)(8). If it contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the transaction. Any stay petition must be filed on or before December 19, 2007 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35105, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Gabriel S. Meyer, Assistant General Attorney, Union Pacific Railroad Company, 1400 Douglas Street, STOP 1580, Omaha, NE 68179.

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: December 5, 2007.

By the Board, David M. Konschnik, Director, Office of Proceedings.

**Vernon A. Williams,**  
*Secretary.*

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## DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900—New (LGY Surveys)]

### Proposed Information Collection Activity: Proposed Collection; Comment Request

**AGENCY:** Veterans Benefits Administration, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed new collection, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to determine veterans and lenders satisfaction with VA Loan Guaranty Service.

**DATES:** Written comments and recommendations on the proposed