

**DEPARTMENT OF STATE****[Public Notice 6458]****Policy of Denial Regarding ITAR Regulated Activities of EP Investments, LLC (a/k/a Blackwater)****AGENCY:** Department of State.**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the Department of State has imposed a policy of denial with certain exceptions concerning EP Investments, LLC pursuant to section 38 of the Arms Export Control Act (AECA) (22 U.S.C. 2778) and section 126.7 of the International Traffic in Arms Regulations (ITAR). The Department of State is providing this information as a matter of courtesy to interested parties given the specific circumstances presented.

**DATES:** *Effective Date:* December 2, 2008.

**FOR FURTHER INFORMATION CONTACT:** David C. Trimble, Director, Office of Defense Trade Controls Compliance, Directorate of Defense Trade Controls, Bureau of Political-Military Affairs, Department of State (202) 663-2807.

**SUPPLEMENTARY INFORMATION:** Section 126.7 of the ITAR provides that any application for an export license or other approval under the ITAR may be disapproved, and any license or other approval or exemption granted may be revoked, suspended, or amended without prior notice whenever, among other things, the Department of State believes that 22 U.S.C. 2778, any regulation contained in the ITAR, or the terms of any U.S. Government export authorization (including the terms of a manufacturing license or technical assistance agreement, or export authorization granted pursuant to the Export Administration Act, as amended) has been violated by any party to the export or other person having a significant interest in the transaction; or whenever the Department of State deems such action to be in furtherance of world peace, the national security or the foreign policy of the United States, or is otherwise advisable.

The Department of State has determined that a policy of denial regarding EP Investments, LLC (a/k/a Blackwater and hereafter referred to as EPI), including its subsidiaries or associated companies, is necessary to provide the U.S. Government with assurance that EPI is both capable and willing to comply with the AECA and ITAR and will do so. The Department recognizes the recent steps taken by EPI to improve its compliance program, for example setting up the Export

Compliance Committee (ECC), and has tailored the policy of denial accordingly to leverage these measures by permitting certain exceptions to be made. The policy of denial is as follows:

(1) There is a presumption of denial for all new authorizations submitted by EPI, except concerning applications for licenses and other approvals that are in direct support to the U.S. Government, provided that EPI, or one of its subsidiaries listed in its registration, has a direct contract with the U.S. Government, and:

(a) Along with each application, EPI's Export Compliance Committee (ECC) submits a letter certifying to the accuracy of the information in the submission, and that the training and internal controls necessary to implement the authorization are in place;

(b) For each authorization, the ECC must provide reports to the Office of Defense Trade Controls Compliance (DTCC) thirty (30) and then sixty (60) days after export activities have commenced certifying that all provisions of the approval have been complied with, all training necessary to implement the authorization was done, and that appropriate internal controls are in place.

(2) All other new authorizations, those that are not in direct support of a U.S. Government contract, are subject to a presumption of denial. Transaction exception requests will be considered on a case by case basis as follows:

(a) The request for an exception to the denial policy must address why the request is based on overriding U.S. national security, foreign policy or law enforcement grounds or present other compelling reasons;

(b) Along with the request for an exception, the ECC must submit a letter certifying to the accuracy of the information in the application submission, and that the training and internal controls necessary to implement the authorization are in place; and

(c) If the transaction exception is granted, for each authorization, the ECC must provide reports to DTCC thirty (30) and then sixty (60) days after export activities have commenced certifying that all provisions of the approval have been complied with, all training necessary to implement the authorization was done, and that the appropriate internal controls are in place.

(3) EPI, including all of its subsidiaries, are considered ineligible to use ITAR exemptions. Transaction exception requests to use ITAR

exemptions will be accepted and considered on a case by case basis.

(4) Current authorizations, licenses in support of current authorizations and minor amendments to existing authorizations will not be subject to a policy of denial.

Dated: December 11, 2008.

**Frank J. Ruggiero,***Acting Assistant Secretary of State for Political Military Affairs, Department of State.*

[FR Doc. E8-30127 Filed 12-17-08; 8:45 am]

**BILLING CODE 4710-25-P****DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****Notice of Availability of Draft Advisory Circulars, Other Policy Documents and Proposed Technical Standard Orders****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Notice of Availability.

**SUMMARY:** The FAA's Aviation Safety, an organization responsible for the certification, production approval, and continued airworthiness of aircraft, and certification of pilots, mechanics, and others in safety related positions, publishes proposed non-regulatory documents that are available for public comment on the Internet at [http://www.faa.gov/aircraft/draft\\_docs/](http://www.faa.gov/aircraft/draft_docs/).

**DATES:** We must receive comments on or before the due date for each document as specified on the Web site.

**ADDRESSES:** Send comments on proposed documents to the FAA at the address specified on the Web site for the document you comment on, to the attention of the individual and office identified as point of contact for the document.

**FOR FURTHER INFORMATION CONTACT:** The individual or FAA office identified on the Web site for the specified document.

**SUPPLEMENTARY INFORMATION:** Final Advisory Circulars (ACs), other policy documents, and Technical Standard Orders (TSOs), including final documents published by the Aircraft Certification Service, are available on FAA's Regulatory and Guidance Library (RGL) at <http://rgl.faa.gov/>.

**Comments Invited**

You will find draft ACs, other policy documents, and proposed TSOs currently offered by Aviation Safety on FAA "Aviation Safety Draft Documents Open for Comment" Web site at [http://www.faa.gov/aircraft/draft\\_docs/](http://www.faa.gov/aircraft/draft_docs/). We do not publish an individual **Federal**

**Register** Notice for each document we make available for public comment on the Web site. The FAA invites comments on these draft documents. When commenting on draft ACs, other policy documents or proposed TSOs, you should identify the document by its number. The Aviation Safety organization will consider all comments received on or before the closing date before issuing a final document. For Internet retrieval assistance, contact the AIR Web Content Program Manager at (202) 267-3074.

To obtain a paper copy of the draft document or proposed TSO, contact the individual or FAA office responsible for the document as identified on the Web site.

### Background

This is a recurring Notice of Availability, and request for comments, on draft ACs, other policy documents, and proposed TSOs currently offered by Aviation Safety on the Web site at [http://www.faa.gov/aircraft/draft\\_docs/](http://www.faa.gov/aircraft/draft_docs/). On the Web site, you may subscribe to receive e-mail notification when new draft documents are made available. This notice of availability and request for comments on FAA Aviation Safety draft documents will appear again in 180 days.

Issued in Washington, DC on December 10, 2008.

**Jennifer Arquilla,**

*Manager, Planning and Program Management Division, Aircraft Certification Service.*

[FR Doc. E8-30070 Filed 12-17-08; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Notice of Public Availability of an Environmental Assessment (EA) and Finding of No Significant Impact/Record of Decision (FONSI/ROD) for Proposed Northeast Cargo Area Improvements at Chicago O'Hare International Airport (ORD) Located in Chicago, IL

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

**ACTION:** Notice of Availability of an EA and FONSI/ROD for Proposed Northeast Cargo Area Improvements at Chicago O'Hare International Airport.

**SUMMARY:** The FAA is making available the EA and FONSI/ROD for Proposed Northeast Cargo Area Improvements at Chicago O'Hare International Airport. The EA was prepared in accordance

with the National Environmental Policy Act (NEPA) of 1969, as amended, FAA Orders 1050.1E, "Environmental Impacts: Policies and Procedures" and FAA Order 5050.4B, "NEPA Implementing Instructions for Airport Actions". The FONSI/ROD contains FAA's findings that no significant environmental impacts would result from the project and contains all needed approvals for the action to proceed.

*Point of Contact:* Ms. Amy Hanson, Environmental Protection Specialist, CHI-603, Federal Aviation Administration, Chicago Airport District Office, 2300 East Devon Avenue, Des Plaines, IL 60018. Telephone number: 847-294-7354.

**SUPPLEMENTARY INFORMATION:** The FAA is making an EA and FONSI/ROD for the evaluation of environmental impacts associated with the proposed Northeast Cargo Area Improvements for the Chicago O'Hare International Airport (the Airport), located in Chicago, Illinois. The proposed project consists of developing a consolidated cargo complex that groups multiple cargo warehouses around a shared apron with airfield access, parking/truck docks, and landside access over approximately 122 acres in the Northeast Quadrant/former military area of the existing airfield. The project is proposed to be completed in three phases (Phases 1, 2, and 3). The Proposed Action would consolidate the proposed collateral development parcels identified on the Approved ALP in the Northeast Quadrant and maintain the current alignment of Bessie Coleman Drive (different from the approved ALP) to provide a contiguous area for cargo facility development. The proposed project would not cause significant impacts to any of the environmental resources evaluated in the EA and the FONSI/ROD contains all needed approvals for the action to proceed. Further information is available from the point of contact listed above. These documents will be available for public review during normal business hours at the Chicago Airport District Office, 2300 East Devon Avenue, Des Plaines, IL 60018. Please call the point of contact prior to visiting this office.

Issued in Des Plaines, Illinois, November 26, 2008.

**James G. Keefer,**

*Manager, Chicago Airport District Office, FAA, Great Lakes Region.*

[FR Doc. E8-29828 Filed 12-17-08; 8:45 am]

**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Notice of Intent To Rule on Request To Release Airport Property at Ellington Field, Houston, TX

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

**ACTION:** Notice of request to release airport property.

**SUMMARY:** The FAA proposes to rule and invites public comment on the release of land at the Ellington Field under the provisions of Section 125 of the Wendell H. Ford Aviation Investment Reform Act for the 21st Century (AIR 21).

**DATES:** Comments must be received on or before January 20, 2009.

**ADDRESSES:** Comments on this application may be mailed or delivered to the following address: Mr. Mike Nicely, Manager, Federal Aviation Administration, Southwest Region, Airports Division, Texas Airports Development Office, ASW-650, Fort Worth, Texas 76193-0650.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Richard Vacar, Director of Aviation, at the following address: City of Houston, Department of Aviation, 16930 JFK Blvd., Houston, Texas 77032.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ben Guttery, Senior Program Manager, Federal Aviation Administration, Texas Airports Development Office, ASW-650, 2601 Meacham Boulevard, Fort Worth, Texas 76193-0650, Telephone: (817) 222-5614, E-mail: [ben.guttery@faa.gov](mailto:ben.guttery@faa.gov), Fax: (817) 222-5989.

The request to release property may be reviewed in person at this same location.

**SUPPLEMENTARY INFORMATION:** The FAA invites public comment on the request to release property at Ellington Field under the provisions of the AIR 21.

On December 9, 2008, the FAA determined that the request to release property at Ellington Field, submitted by the City, met the procedural requirements of the Federal Aviation Regulations, Part 155.

The following is a brief overview of the request: The City of Houston requests the release of 12.00 acres of non-aeronautical use airport property. The land was part of two General Services Administration deeds of property and a sale to the City in 1984. The funds generated by the release will be used for upgrading, maintenance,