

should submit only information that you wish to make available publicly.

#### *Commodity Futures Trading Commission*

- Written comments may be mailed to the Commodity Futures Trading Commission, Three Lafayette Center, 1155 21st Street, NW., Washington, DC 20581, attention Office of the Secretariat; transmitted by facsimile to the CFTC at (202) 418-5521; or transmitted electronically to [secretary@cftc.gov](mailto:secretary@cftc.gov). Reference should be made to "Harmonization of Regulation."

**FOR FURTHER INFORMATION CONTACT:** Sara Gillis Hawkins, Special Counsel, at (202) 551-5523, or Leigh W. Duffy, Attorney-Adviser, at (202) 551-5928, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549; or Sauntia Warfield, (202) 418-5084, at the CFTC.

By the Securities and Exchange Commission.

Dated: August 19, 2009.

**Florence E. Harmon,**  
*Deputy Secretary.*

By the Commodity Futures Trading Commission.

Dated: August 19, 2009.

**David A. Stawick,**  
*Secretary.*

[FR Doc. E9-20356 Filed 8-24-09; 8:45 am]

**BILLING CODE 8010-01-P, 6351-01-P**

## **SECURITIES AND EXCHANGE COMMISSION**

### **Sunshine Act Meeting.**

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94-409, that the Securities and Exchange Commission will hold a Closed Meeting on Thursday, August 27, 2009 at 2 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii) and (10), permit consideration of the scheduled matters at the Closed Meeting.

Commissioner Casey, as duty officer, voted to consider the items listed for the Closed Meeting in a closed session.

The subject matter of the Closed Meeting scheduled for Thursday, August 27, 2009 will be:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings; and

Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: The Office of the Secretary at (202) 551-5400.

Dated: August 20, 2009.

**Elizabeth M. Murphy,**  
*Secretary.*

[FR Doc. E9-20506 Filed 8-21-09; 11:15 am]

**BILLING CODE 8010-01-P**

## **DEPARTMENT OF STATE**

### **[Public Notice 6737]**

### **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, attempting to violate 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:** Daniel Buzby, Acting 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) Miguel Alonso Apodaca, November 6, 2007, U.S. District Court, District of Arizona, Case # CR 07-00296-002-TUC-DCB (JCG).
- (2) Cedric Lloyd Manuel, November 6, 2007, U.S. District Court, District of Arizona, Case # CR 07-00296-001-TUC-DCB (JCG).
- (3) Joaquin Rodriguez-Diaz, February 6, 2006, U.S. District Court, District of Arizona, Case # 2:05-cr-00965-ROS-1.
- (4) Chi Mak, March 26, 2008, U.S. District Court, Central District of California, Case # 8:05-cr-00293-CJC.
- (5) Tai Wang Mak, April 21, 2008, U.S. District Court, Central District of California, Case # 8:05-cr-00293-CJC.
- (6) David Mehrdad Talebi, November 26, 2007, U.S. District Court, Southern District of California, Case # 05CR2213-LAB.
- (7) Ali Danny Talebi, July 7, 2008, U.S. District Court, Southern District of California, Case # 05CR2213-LAB.
- (8) Murray Rinzler, November 30, 2007, U.S. District Court, District of Connecticut, Case # 3:07cr61 (AHN).
- (9) World Electronics, Inc., November 30, 2007, U.S. District Court, District of Connecticut, Case # 3:07cr61 (AHN).
- (10) Leonard Allen Schenk, December 11, 2007, U.S. District Court, Northern District of Florida, Case # 3:07cr90-001LAC.
- (11) Jerri C. Stringer, December 13, 2007, U.S. District Court, Northern District of Florida, Case # 3:07cr90-002LAC.
- (12) Lance Michael Brooks, May 27, 2009, U.S. District Court, Southern District of Florida, Case # 0:07-60265-CR-1 and 0:08-60154-CR-1.
- (13) Shahrazad Mir Gholikhan, March 6, 2009, U.S. District Court, Southern District of Florida, Case # 0:05-60238-CR-COHN (S) (S) (S).
- (14) Hassan Saied Keshari, May 13, 2009, U.S. District Court, Southern District of Florida, Case # 1:08-20612-CR-SEITZ-01.
- (15) Bertrand Lalsingh, February 11, 2008, U.S. District Court, Southern District of Florida, Case # 07-60273-CR-MARRA.
- (16) Osmar D. Mejia, August 2, 2008, U.S. District Court, Southern District of Florida, Case # 0:08CR60028-001.
- (17) Joseph Piquet, May 18, 2009, U.S. District Court, Southern District of Florida, Case # 2:08-14031-CR-MARTINEZ-1.
- (18) Rigel Optics, Inc., May 12, 2009, U.S. District Court, Southern District of Iowa, Case # 4:08-cr-00086-001.
- (19) Riad Skaff, July 14, 2008, U.S. District Court, Northern District of Illinois, Case # 07-CR-41-1.
- (20) Haji Subandi, December 19, 2007, U.S. District Court, District of Maryland, Case # CCB-06-0439.
- (21) Green Supply, Inc., January 22, 2008, U.S. District Court, Eastern District of Missouri, Case # 4:07CR659 CEJ.
- (22) Jyimin Horng, January 17, 2008, U.S. District Court, District of New Jersey, Case # 1:05-CR-00612-02.
- (23) Octavio Rodriguez-Gutierrez, October 29, 2008, U.S. District Court, District of New Mexico, Case # 2:08CR01600-001JEC.
- (24) Raul Rodriguez-Gutierrez, October 27, 2008, U.S. District Court, District of New Mexico, Case # 2:08CR01746-001JEC.
- (25) David M. Janowski, January 26, 2009, U.S. District Court, Northern District of Ohio, Case # 1:08CR389-01.
- (26) Master A. Ohene Kwesi Yeboah, April 20, 2009, U.S. District Court, Southern District of Ohio, Case # 2:08-CR-138.
- (27) Ken Miller, August 14, 2008, U.S. District Court, Eastern District of Pennsylvania, Case # 07-452.
- (28) Euro Optics, Ltd., July 31, 2008, U.S. District Court, Middle District of Pennsylvania, Case # 4:07-CR-0407.
- (29) Akanonu Fabian Mgbobila, October 4, 2007, U.S. District Court, Middle District of Tennessee, Case # 3:06-00126.
- (30) Guillermo Aguilar-Medina, October 23, 2007, U.S. District Court, Southern District of Texas, Case # 1:07CR00279-002.
- (31) Luis Miguel Rodriguez-Vazques, October 23, 2007, U.S. District Court, Southern District of Texas, Case # 1:07CR00279-001.
- (32) Erik Arguelles, March 18, 2008, U.S. District Court, Southern District of Texas, Case # 1:07CR00797-001.
- (33) Jose Cipriano-Sanchez, April 13, 2009, U.S. District Court, Southern District of Texas, Case # 7:07CR01274-001.
- (34) Jorge Alberto Cervantes-Garcia, March 27, 2008, U.S. District Court, Southern District of Texas, Case # 1:07CR00857-001.
- (35) Rogelio Esparza-Juarez, December 31, 2008, U.S. District Court, Southern District of Texas, Case # 7:08CR01042-001.
- (36) Francisco Gaona-Doval, October 27, 2008, U.S. District Court, Southern District of Texas, Case # 7:07CR00906-001.
- (37) Roberto Garza-Lopez, March 14, 2008, U.S. District Court, Southern District of Texas, Case # 7:07CR00671-001.
- (38) Juan Lopez-Martinez, March 14, 2008, U.S. District Court, Southern District of Texas, Case # 7:07CR00671-002.
- (39) Luis Martin Velasquez-Ibarra, March 14, 2008, U.S. District Court, Southern District of Texas, Case # 7:07CR00671-003.
- (40) Reneberto Velasquez-Velez, March 14, 2008, U.S. District Court, Southern District of Texas, Case # 7:07CR00671-004.
- (41) Jose Fernando Licon-Cruz, April 4, 2008, U.S. District Court, Southern District of Texas, Case # 7:07CR01128-001.
- (42) Gregorio Magallan, Jr., February 2, 2009, U.S. District Court, Southern District of Texas, Case # 7:08CR00892-002.
- (43) Rogelio Ramos-Reyes, January 21, 2008, U.S. District Court, Southern District of Texas, Case # 7:07CR00916-001.
- (44) Lorena Beatriz Salas, February 4, 2008, U.S. District Court, Southern District of Texas, Case # 1:07CR00753-001.
- (45) Victor Hugo Salazar-Mata, February 10, 2009, U.S. District Court, Southern District of Texas, Case # 7:07CR00986-001.
- (46) Greg Anthony Belcik, December 10, 2007, U.S. District Court, Western District of Texas, Case # DR-07-CR-007(1)-AML.
- (47) Robert Frederick Gibson, August 24, 2007, U.S. District Court, Western District of Texas, Case # EP-07-CR-249-DB(2).
- (48) Robert Thomas Caldwell, November 9, 2007, U.S. District Court, Western District of Texas, Case # EP-07-CR-249-DB(3).
- (49) Abraham Trujillo, November 12, 2008, U.S. District Court, District of Utah, Case # DUTX 2:07-cr-00714-001.
- (50) David John Wayne, November 12, 2008, U.S. District Court, District of Utah, Case # DUTX 2:07-cr-00714-002.
- (51) Shu Quan-Sheng, April 10, 2009, U.S. District Court, Eastern District of Virginia, Case # 2:08cr194.
- (52) Jason Dean Smith, June 8, 2007, U.S. District Court, Western District of Washington, Case # CR05-00390RSM-001.

(53) Kendall S. George, July 13, 2007, U.S. District Court, Western District of Washington, Case # CR06-0205RSM.

As noted above, at the end of the three-year period following the date of conviction, the above named persons/entities 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 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 where provided.

Dated: August 17, 2009.

**Andrew J. Shapiro,**

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

[FR Doc. E9-20443 Filed 8-24-09; 8:45 am]

BILLING CODE 4710-25-P

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2009-0183]

#### Agency Information Collection Activities; Extension of a Currently-Approved Information Collection Request: Training Certification for Entry-Level Commercial Motor Vehicle (CMV) Operators

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit to

the Office of Management and Budget (OMB) for approval its request to extend a currently-approved information collection request (ICR) entitled, "Training Certification for Entry-level CMV Operators," that relates to the training requirements for drivers applying for a commercial driver's license (CDL). There is no change from the burden estimate approved by OMB for this ICR on March 11, 2008. On May 28, 2009, FMCSA published a **Federal Register** notice (74 FR 25607) allowing for a 60-day comment period on the extension of this ICR. The Agency did not receive any comments in response to this notice.

**DATES:** Please send your comments by September 24, 2009. OMB must receive your comments by this date in order to act quickly on the ICR.

**ADDRESSES:** All comments should reference Federal Docket Management System (FDMS) Docket Number FMCSA-2009-0183. Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/Office of the Secretary, and sent via electronic mail to *oira\_submission@omb.eop.gov*, faxed to (202) 395-6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street, NW., Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Mr. Thomas Yager, Chief, Driver and Carrier Operations Division, FMCSA, 1200 New Jersey Avenue, SE., Washington, DC 20590. *Telephone:* (202) 366-4325. *E-mail:* *MCPSPD@dot.gov*.

#### SUPPLEMENTARY INFORMATION:

*Title:* Training Certification for Entry-Level Commercial Motor Vehicle Operators.

*OMB Control Number:* 2126-0028.

*Type of Request:* Extension of a currently-approved information collection request.

*Respondents:* Entry-level CMV drivers.

*Estimated Number of Respondents:* 45,611.

*Estimated Time per Response:* 10 minutes.

*Expiration Date:* September 30, 2009.

*Frequency of Response:* On occasion.

*Estimated Total Annual Burden:* 7,602 hours. FMCSA estimates that an entry-level driver requires approximately 10 minutes to complete the tasks necessary to comply with the regulation. Those tasks are:

photocopying the training certificate, giving the photocopy to the motor carrier employer, and placing the original of the certificate in a personal file. Therefore, the annual burden for all entry-level drivers of CMVs is 7,602 hours [45,611 respondents × 10 minutes/60 minutes to complete a response = 7,601.8 hours (rounded to 7,602 hours)].

*Definitions:* "Commercial Motor Vehicle (CMV)": A motor vehicle operated in commerce and having a gross vehicle weight rating of 26,001 pounds or more, regardless of actual weight, or designed to transport 16 or more passengers, or used to transport placardable and dangerous hazardous materials (49 CFR 383.5). The term "CMV" is limited to this definition in this document; the term "CDL driver" is used because the operators of these CMVs are required to have a valid commercial driver's license (CDL). This rule currently applies solely to "entry-level" CDL drivers, i.e. those who have less than 1 year of experience operating a CMV in interstate commerce (49 CFR 380.502(b)).

#### Background:

The Motor Carrier Act of 1935 provides that "The Secretary of Transportation may prescribe requirements for (1) qualifications and maximum hours of service of employees of, and safety of operation and equipment of, a motor carrier; and (2) qualification and maximum hours of service of employees of, and standards of equipment of, a motor private carrier, when needed to promote safety of operation" [49 U.S.C. 3502(b)]. This Act is applicable to interstate commerce and not intrastate commerce. The Commercial Motor Vehicle Safety Act of 1986 (CMVSA) created the CDL program and defined "commerce" in such a way as to include interstate and intrastate operations (49 U.S.C. 31302(2),(4)). Section 4007(a)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) (Pub. L. 102-240, December 18, 1991) directed the FHWA to "commence a rulemaking proceeding on the need to require training of all entry-level drivers of CMVs." The Congress did not explicitly provide that ISTEA extended to operations in intrastate commerce. In view of the nature of the concurrent authority created by the CMVSA and the Motor Carrier Act of 1935, and the absence of direction from the Congress in ISTEA, FMCSA has decided that entry-level training requirements should be confined to those drivers applying for a CDL who intend to operate CMVs in interstate commerce.