

regulated under the ITAR (see e.g., sections 120.1(c) and (d), 126.7, 127.1(d), and 127.11(a)). The Department of State applies a presumption of denial for licenses or other approvals involving such persons as described in ITAR Section 127.11.

Pursuant to Section 38 of the AECA and Section 128.3 of the ITAR, on February 14, 2014, the Department of State initiated administrative proceedings, by means of a charging letter, against Carlos Dominguez (individually and in his capacity as principal of the following entities); Elint, S.A.; Spain Night Vision, S.A.; and SNV, S.A. (including successors, assignees, and aliases) (Respondents) to impose debarment in accordance with Section 127.7 of the ITAR. (The United States Department of State, Docket#14-DOS-0001). Respondents were charged with 366 violations related to the unauthorized re-export and retransfer of night vision devices and related technical data, conspiracy to and causing of the re-export and retransfer of defense articles without authorization, the violation of terms and conditions of Department authorizations, the continued engagement in U.S. defense trade despite ineligibility, the knowing and willful causation and the commission of prohibited acts, and the falsification, misrepresentation and omission of material facts on an export control document, all in violation of Section 38 of the AECA and Section 127 of the ITAR.

Since at least 2008, Respondents have re-exported and retransferred hundreds of night vision devices in violation of Department authorizations and falsified export control documents. After multiple unfavorable responses to 'Blue Lantern' end-use inquiries and subsequent compliance reviews, DTCC notified Respondents Dominguez and Elint in September 2009 that they were ineligible to engage in defense trade. Shortly thereafter, Dominguez and Elint changed or established new business names and engaged third-party purchasers in order to conceal their activities and evade detection. Further re-exports and retransfers of previously exported defense articles continued under these new business names, in violation of the AECA and ITAR.

Due to Respondents' failure to answer the charges as provided in Section 128.5(a) of the ITAR, the Department referred the case to an Administrative Law Judge for consideration, in accordance with Section 128.4 of the ITAR. Pursuant to Section 128.3 of the ITAR and the Default Order of the Administrative Law Judge, dated April 23, 2014, Respondents' failure to answer

the charges constituted an admission of the truth of the charges.

Section 128.4 of the ITAR provides for a respondent's ability to petition to set aside defaults upon showing good cause; however, the filing of such a petition does not in any manner affect an order entered upon default and such order continues in full force and effect unless a further order is made modifying or terminating it.

On June 4, 2014, as the result of the established violations and pursuant to Section 127.7 of the ITAR, Carlos Dominguez (individually and in his capacity as principal of the following entities); Elint, S.A.; Spain Night Vision, S.A.; and SNV, S.A. (including successors, assignees, and aliases) were administratively debarred by the Assistant Secretary of State for Political-Military Affairs for a period of three years, until June 4, 2014; Reinstatement after June 4, 2014 is not automatic. At the end of the debarment period, Respondents may apply for reinstatement. Until licensing privileges are reinstated, Carlos Dominguez (individually and in his capacity as principal of the following entities); Elint, S.A.; Spain Night Vision, S.A.; and SNV, S.A. (including successors, assignees, and aliases) will remain debarred. No civil penalties have been imposed at this time.

This notice is provided to make the public aware that the persons listed above 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.

Further, pursuant to Section 120.1(d) of the ITAR, persons with knowledge that another person is ineligible must obtain authorization from the Directorate of Defense Trade Controls prior to, directly or indirectly and in any manner or capacity, applying for, obtaining, or using any export control document for such ineligible person, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing or participating in any manner in any transaction that may involve any defense article, which includes technical data, defense services, or brokering activities, where such ineligible person may obtain any benefit therefrom or have any direct or indirect interest therein.

Exceptions may be made to this denial policy on a case-by-case basis at the discretion of the Directorate of Defense Trade Controls. 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 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 law enforcement concerns.

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 Procedures Act. Because the exercise of this foreign affairs function is highly discretionary, it is excluded from review under the Administrative Procedures Act.

Dated: June 4, 2014.

**Tom Kelly,**

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

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**BILLING CODE 4710-25-P**

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Aviation Weather Product Change: Transition of Select Area Forecasts (FAs) to Digital and Graphical Alternatives

**AGENCY:** Federal Aviation Administration.

**ACTION:** Notice.

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**SUMMARY:** The Federal Aviation Administration (FAA), in coordination with the National Weather Service (NWS), will transition seven (7) Area Forecasts (FAs), currently used as flight planning and pilot weather briefing aids, to digital and graphical alternatives. A joint-agency working group has concluded that these digital and graphical alternatives better meet the needs of today's aviation users. Guidance with respect to the proper use of these alternatives is forthcoming.

**Note:** Area Forecasts (FAs) for Alaska, the Caribbean, and the Gulf of Mexico will remain unaffected at this time.

**DATES:** The Federal Aviation Administration must receive comments on or before August 4, 2014. The Agencies are targeting early 2015 for transition.

**ADDRESSES:** Please mail comments concerning this notice to the NextGen

Aviation Weather Division (ANG-C6), Federal Aviation Administration, 800 Independence Ave. SW., Washington, DC 20591.

**FOR FURTHER INFORMATION CONTACT:** Stewart Stepney, 202-385-7182 or [stewart.stepney@faa.gov](mailto:stewart.stepney@faa.gov).

**SUPPLEMENTARY INFORMATION:** United States Code (citation below) directs the Administrator of the Federal Aviation Administration (FAA) to make recommendations to the Secretary of Commerce on providing meteorological services necessary for the safe and efficient movement of aircraft. The Secretary, in turn, is directed to cooperate with the Administrator and give complete consideration to these recommendations. As such, FAA has coordinated extensively with the National Weather Service (NWS) to review current and future aviation weather information requirements.

The Area Forecast (FA) is an abbreviated, plain-language forecast of specified weather phenomena, covering a geographical area designated by the FAA. The Area Forecast (FA) is used to determine en-route weather and to estimate conditions at airports that do not have a Terminal Aerodrome Forecast (TAF). It is produced by the National Weather Service (NWS) under the National Oceanic and Atmospheric Administration (NOAA), within the Department of Commerce (DoC).

The Area Forecast (FA) contains weather information in a format originally developed in the 1930s. By design, it carries a character-count limitation and is prohibited from describing Instrument Flight Rule (IFR) conditions (reserved for AIRMETs and SIGMETs). It covers an extremely large geographical area (typically, several states) and is only issued 3-4x daily (each valid for 18hrs).

These specifications tend to produce a broad forecast of limited value. While the Area Forecast (FA) met aviation weather information needs for many years, today NWS provides equivalent information through a number of better alternatives.

An FAA-NWS joint-agency working group recently recommended that the Area Forecast (FA) be transitioned to more-modern digital and graphical forecasts, observations, and communications capabilities that provide improved weather information to decision-makers.

Therefore, the FAA will formally recommend that NWS transition six (6) Area Forecasts (FAs) covering separate geographical areas of the Contiguous United States (CONUS) and one (1) Area Forecast (FA) covering Hawaii to digital

and graphical alternatives already being produced by NWS.

The seven (7) Area Forecasts (FAs) affected include: FAUS41 (BOS), FAUS42 (MIA), FAUS43 (CHI), FAUS44 (DFW), FAUS45 (SLC), FAUS46 (SFO) and FAHW31 (Hawaii).

**Note:** Area Forecasts (FAs) for Alaska, the Caribbean, and the Gulf of Mexico will remain unaffected at this time.

Existing potential alternatives identified by the joint-agency working group include, but are not limited to:

- Surface weather analyses and prognostic charts
- public forecast discussions
- Significant Weather (SIGWX) charts
- National Digital Forecast Database (NDFD)
- Terminal Aerodrome Forecasts (TAFs)
- Airmen's Meteorological Information (AIRMETs)

Aviation users are already accustomed to consulting many of these weather products during normal flight planning. Together, they provide information similar to that found in the Area Forecast (FA), in higher resolution and with the added benefit of graphical depictions.

The joint-agency working group's membership included broad subject-matter expertise from both FAA and NWS, as well as the National Transportation Safety Board (NTSB). Members collected insight from additional aviation weather stakeholders including various pilot organizations, weather briefers, airlines and air traffic controllers.

Before the transition takes place, the FAA will conduct a formal Safety Risk Assessment as part of FAA's Safety Management System. Guidance with respect to the proper use of proposed alternatives is forthcoming.

Interested parties and stakeholders may submit comments regarding the planned transition by standard mail or by email ([kiley@avmet.com](mailto:kiley@avmet.com)). Comments must be received on or before August 4, 2014. The Agencies are targeting early 2015 for transition.

**Authority:** 49 U.S.C. § 44720(a).

Dated: June 11, 2014.

**Richard J. Heuwinkel,**  
Manager, Aviation Weather Division.

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2014-0006]

#### Qualification of Drivers; Exemption Applications; Vision

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

**ACTION:** Notice of applications for exemption from the vision requirement, request for comments.

**SUMMARY:** FMCSA announces receipt of applications from 34 individuals for exemption from the vision requirement for operating a commercial motor vehicle (CMV) in the Federal Motor Carrier Safety Regulations. The applicants are unable to meet the vision requirement in one eye for various reasons. The exemptions will allow these individuals to operate CMVs in interstate commerce without meeting the prescribed vision requirement in one eye. At the end of the comment period, the Agency will grant exemptions to the applicants listed herein if there are no adverse comments that indicate the driver's ability will not achieve a level of safety equivalent to or greater than the level of safety that would be obtained by complying with the regulations. All comments will be reviewed and evaluated by FMCSA. Some individuals appearing in this notice may not receive exemptions based on comments received during the comment period. Individuals not granted an exemption may either be published at a future date based on further evaluation or may not be deemed to meet the aforementioned level of safety if granted an exemption. These individuals will be published in a quarterly notice of exemption denials. As always, any adverse comments received after the exemption is granted will be evaluated, and if they indicate that the driver is not achieving a level of safety equivalent to or greater than the level of safety that would be obtained by complying with the regulation, the exemption will be revoked. When granted, the exemptions will allow these individuals with vision deficiencies in one eye to operate in interstate commerce.

**DATES:** Comments must be received on or before July 21, 2014. All comments will be investigated by FMCSA. The exemptions will be issued the day after the comment period closes.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA-