

relief is necessary to permit the deduction of a mortality and expense risk charge from the assets of the Separate Account which serves as a funding medium for the Contracts.

2. Sections 26(a)(2)(C) and 27(c)(2), as herein pertinent, prohibit a registered unit investment trust and any depositor thereof or underwriter therefor from selling periodic payment plan certificates unless the proceeds of all payments (other than sales load) are deposited with a qualified bank as trustee or custodian and held under arrangements which prohibit any payment to the depositor or principal underwriter except a fee, not exceeding such reasonable amounts as the Commission may prescribe, for performing bookkeeping and other administrative services.

3. The Applicants represent that the mortality and expense risk charge is within the range of industry practice for comparable annuity products and is reasonable in relation to the risks assumed under the Contracts. This representation is based upon Nationwide Life's analysis of publicly available information of other insurance companies of similar size and risk ratings offering similar products. Nationwide Life will maintain, and make available to the Commission, a memorandum setting forth in detail the products analyzed in the course of, and the methodology and results of, its comparative survey.

4. Nationwide Life also maintains a supporting actuarial memorandum demonstrating the reasonableness of the mortality and expense risk charge, given the risks assumed under the Contracts. This memorandum will be made available to the Commission upon request.

5. Should revenue from the CDSC prove insufficient to cover all sales expenses, Nationwide Life bears this shortfall in the general account. To this extent, some portion of the profit, if any, from the mortality and expense risk charge could be used to make up unrecovered sales expenses. Nationwide Life has concluded that there is a reasonable likelihood that the proposed distribution financing arrangement will benefit the Separate Account and the owners of the Contracts. The basis for this conclusion is set forth in a memorandum which will be made available to the Commission upon its request.

6. Nationwide Life represents that the Separate Account will invest only in investment companies which, if they should adopt any distribution financing plan under Rule 12b-1 under the 1940 Act, will have a board of trustees or

directors, the majority of which will be "disinterested," as defined by the Act. Such boards of directors or trustees must formulate and approve any such distribution plan.

Applicants' Conclusion

The Applicants assert that for the reasons set forth above, the requested exemptions from sections 26(a)(2)(C) and 27(c)(2) of the 1940 Act to deduct a mortality and expense risk charge under the Contracts meet the standards in section 6(c) of the 1940 Act. The Applicants assert that the requested exemptions are necessary or appropriate in the public interest or for the protection of investors, and for the purposes fairly intended by the policy and provisions of the 1940 Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 94-397 Filed 1-6-94; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

Office of Defense Trade Controls

[Public Notice 1928]

Statutory Debarment Under the International Traffic in Arms Regulations

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given of which persons have been statutorily debarred pursuant to § 127.7(c) of the International Traffic in Arms Regulations (22 CFR parts 120-130) (ITAR).

EFFECTIVE DATE: January 7, 1994.

FOR FURTHER INFORMATION CONTACT: Clyde G. Bryant Jr., Chief, Compliance Enforcement Branch, Office of Defense Trade Controls, Department of State (703-875-6650).

SUPPLEMENTARY INFORMATION: Section 38(g)(40(A) of the Arms Export Control Act (AECA), 22 U.S.C. 2778, prohibits export licenses to be issued to a person, or any party to the export, who has been convicted of violating certain U.S. criminal statutes, including the AECA. The term "person," as defined in 22 CFR 120.14 of the International Traffic in Arms Regulations (ITAR), means a natural person as well as a corporation, business association, partnership, society, trust, or any other entity, organization or group, including governmental entities. The ITAR,

specifically § 126.7(e), defines the term "party to the export" to include the president, the chief executive officer, and other senior officers and officials of the license applicant; the freight forwarders or designated exporting agent of the license applicant; and any consignee or end-user of any item to be exported. The statute permits certain limited exceptions to this prohibition to be made on a case-by-case basis. 22 U.S.C. 2778(g)(4).

The ITAR, § 127.7, authorizes the Assistant Secretary of State for Political-Military Affairs to prohibit certain persons convicted of violating, or conspiring to violate, the AECA from participating directly or indirectly in the export of defense articles or in the furnishing of defense services. Such a prohibition is referred to as a "statutory debarment," which may be imposed on the basis of judicial proceedings that resulted in a conviction for violating, or of conspiring to violate, the AECA. See 22 CFR 127.7(c). The period for debarment will normally be three years from the date of conviction. At the end of the debarment period, licensing privileges may be reinstated at the request of the debarred person following 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 the AECA, 22 U.S.C. 2778(g)(4).

Statutory debarment is based solely upon a conviction in a criminal proceeding, conducted by a United States court. Thus, the administrative debarment procedures, as outlined in the ITAR, 22 CFR part 128, are not applicable in such cases.

The Department of State will not consider applications for licenses or requests for approvals that involve any person or any party to the export who has been convicted of violating, or of conspiring to violate, the AECA during the period of statutory debarment. Persons who have been statutorily debarred may appeal to the Under Secretary for International Security Affairs for reconsideration of the ineligibility determination. A request for reconsideration must be submitted in writing within 30 days after a person has been informed of the adverse decision. 22 CFR 127.7(d).

The Department of State policy permits debarred persons to apply for an exception one year after the date of the debarment, in accordance with the AECA, 22 U.S.C. 2778(g)(4)(A), and the ITAR, § 127.7. This request is made to the Director of the Office of Defense

Trade Controls. Any decision to grant an exception can be made only after the statutory requirements under section 38(g)(4) of the AECA have been satisfied. If the exception is granted, the debarment will be suspended.

Pursuant to the AECA, 22 U.S.C. 2778(g)(4)(A), and the ITAR, 22 CFR 127.7, the Assistant Secretary for Political-Military Affairs has statutorily debarred nine persons who have been convicted of conspiring to violate or violating the AECA.

These persons have been debarred for a three-year period following the date of their conviction, and have been so notified by a letter from the Office of Defense Trade Controls. Pursuant to ITAR, § 127.7(c), the names of these persons, their offense, date of conviction(s) and court of conviction(s) are hereby being published in the **Federal Register**. Anyone who requires additional information to determine whether a person has been debarred should contact the Office of Defense Trade Controls.

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 exercising of this foreign affairs function is discretionary, it is excluded from review under the Administrative Procedure Act.

In accordance with these authorities the following persons are debarred for a period of three years following their conviction for conspiring to violate or violating the AECA (name/address/offense/conviction date/court citation):

1. Jetborne, Inc., 4010 N.W. 36th Avenue, Miami, FL 33142, 22 U.S.C. 2778 (violating the Arms Export Control Act), December 3, 1992, *United States v. Jetborne, Inc.*, (U.S. District Court, Southern District of Florida, Criminal Docket No. 91-199-CR-MORENO(S)(01))
2. John L. Broussard, 110 Churchill Drive, Lafayette, LA 70501, 18 U.S.C. 371 (conspiracy to violate 22 U.S.C. 2778), June 26, 1992, *United States v. John L. Broussard*, (U.S. District Court, Western District of Louisiana, Criminal Docket No. 91-60025-01)
3. Hilton Langley, 101 North Pine, Lafayette, LA 70501, 18 U.S.C. 371 (conspiracy to violate 22 U.S.C. 2778), June 26, 1992, *United States v. Hilton Langley*, (U.S. District Court, Western District of Louisiana, Criminal Docket No. 91-60025-02)
4. Edouard Michel Heldewier, 15630 S.W. 46th Terrace, Miami, FL 33185, 18 U.S.C. 371 (conspiracy to violate 22 U.S.C. 2778) and 22 U.S.C. 2778

(violating the Arms Export Control Act), June 3, 1991, *United States v. Edouard Michel Heldewier*, (U.S. District Court, Eastern District of Michigan, Criminal Docket No. CR-90-81079-DT-01)

5. Miles Andrew Maynard, 1588 South Shore Drive, East Lansing, MI 48823, 18 U.S.C. 371 (conspiracy to violate 22 U.S.C. 2778) and 22 U.S.C. 2778 (violating the Arms Export Control Act), June 3, 1991, *United States v. Miles Maynard*, (U.S. District Court, Eastern District of Michigan, Criminal Docket No. CR-90-81079-DT-02)
 6. Phyllis Ware, 1588 South Shore Drive, East Lansing, MI 48823, 22 U.S.C. 2778 (violating the Arms Export Control Act), June 3, 1991, *United States v. Phyllis Ware*, (U.S. District Court, Eastern District of Michigan, Criminal Docket No. CR-90-81079-DT-03)
 7. Louis Haneef, Metropolitan Correctional Center, 15801 S.W. 137th Avenue, Miami, FL 33177 18 U.S.C. 371 (conspiracy to violate 22 U.S.C. 2778) and 22 U.S.C. 2778 (violating the Arms Export Control Act), December 30, 1991, *United States v. Louis Haneef, et al.*, (U.S. District Court, Southern District of Florida, Criminal Docket No. 90-6161-CR-PAINE)
 8. Colin J. Devellerez, 148 East 122nd Street, Upland, CA 91786, 18 U.S.C. 371 (conspiracy to violate 22 U.S.C. 2778) and 22 U.S.C. 2778 (violating the Arms Export Control Act), September 14, 1993, *United States v. Japan Aviation Electronics Industry, Ltd, et al.*, (U.S. District Court, District of Columbia, Criminal Docket No. 91-516-06)
 9. Glenda Joyce Tucker, 1634 Edom Street, Carson, CA 90746, 22 U.S.C. 2778 (violating the Arms Export Control Act), September 20, 1993, *United States v. Glenda Joyce Tucker*, (U.S. District Court, Central District of California, Docket No. CR-93-425(A)-RSWL)
- Dated: December 10, 1993.
- William B. Robinson,**
*Director, Office of Defense Trade Controls,
 Bureau of Political-Military Affairs,
 Department of State.*
 [FR Doc. 94-360 Filed 1-6-94; 8:45 am]
 BILLING CODE 4710-25-M

Office of the Secretary

[Public Notice 1924]

Delegation of Authority No. 208; to the Assistant Secretary for Intelligence and Research

By virtue of the authority vested in me as Secretary of State, including by Public Law 98-164, as amended (the "Act") and section 4 of the Act of May 26, 1949, as amended (22 U.S.C. 2658), I hereby delegate to the Assistant Secretary of State for Intelligence and Research the functions vested in me under section 804(a) of the Act.

Notwithstanding any provision of this delegation of authority the Secretary of State may at any time exercise the functions delegated by this delegation of authority. Functions delegated by this delegation of authority may be redelegated, to the extent consistent with law. Any act, executive order, regulation or procedure affected by this delegation of authority shall be deemed to be such act, executive order, regulation or procedure as amended from time to time.

This delegation of authority should be published in the **Federal Register**

Dated: November 30, 1993

Peter Tarnoff,

Acting Secretary of State.

[FR Doc. 94-362 Filed 1-6-94; 8:45 am]

BILLING CODE 4710-10-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-93-54]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or