

and that the sale is in the national interest, taking into account whether the sale is consistent with U.S. counternarcotics policy, whether the recipient country is a major drug producing or drug transit country, and whether the recipient country has a democratic form of government. The President's authority to make such determinations has been delegated to the Secretary of State.

Pursuant to section 2(b)(6) of the Export-Import Bank Act of 1945, as amended, and Executive Order 11958 of January 18, 1977, as amended by Executive Order 12680 of July 5, 1989, the Acting Secretary of State determined on July 11, 1994 that:

(1) The defense articles and services for which the Government of Brazil has requested Export-Import Bank financial guarantees, *i.e.*, the U.S. content of five early warning aircraft systems, are being sold primarily for counternarcotics purposes;

(2) The sale of such defense articles and services would be in the national interest of the United States.

Jay Dehmlow,

Acting Director, Office of Development Finance.

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Office of Defense Trade Controls

[Public Notice 2055]

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 (ITAR) (22 CFR Parts 120-130).

EFFECTIVE DATE: August 29, 1994.

FOR FURTHER INFORMATION CONTACT:

Mary F. Sweeney, Acting Chief, Compliance Enforcement Branch, Office of Defense Trade Controls, Department of State (703-875-6650).

SUPPLEMENTARY INFORMATION: Section 38(g)(4)(A) of the Arms Export Control Act (AECA), 22 U.S.C. 2778, prohibits licenses or other approvals for the export of defense articles and defense services 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, section 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 for which a license or approval is required. 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 reinstatement of export privileges one year after the date of the debarment, in accordance with the AECA, 22 U.S.C. 2778(g)(4)(A), and the ITAR, section 127.7. A reinstatement request is made to the Director of the Office of Defense Trade Controls. Any decision to reinstate export privileges can be made only after the statutory requirements under section 38(g)(4) of the AECA have been satisfied through a process administered by the Office of Defense Trade Controls. If reinstatement 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 thirteen 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(s) of conviction and court(s) of conviction 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 Administration Procedure Act. Because the exercise 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. Zeljko Vusir c/o 645 Madison Ave., New York, NY 10022, 22 U.S.C. 2778 (violating the AECA), May 6, 1992; *United States v. Ivan Kapetanovic, et al.*, U.S. District Court, District of Arizona, Criminal Docket No. CR-91-225-PHX-RGS
2. Mark Belinic, 7138 E. Buena Terra, Scottsdale, AZ 85257, 22 U.S.C. 2778 (violating the AECA), July 29, 1992, *United States v. Ivan Kapetanovic, et al.*, U.S. District Court, District of Arizona, Criminal Docket No. CR-91-225-PHX-RGS
3. Bet-Air, Inc., 9000 N.W. 15th Street, Miami, FL 33172 18 U.S.C. 371 (conspiracy to violate 22 U.S.C. 2778), and 22 U.S.C.

- 2778 (violating the AECA), April 23, 1993 *United States v. Bet-Air, Inc.*, U.S. District Court, Central District of California, Criminal Docket No. CR-90-578-CR-MORENO(01)
- 4 Terrence Hall, 19400 West St. Andrews Drive, Hialeah, FL 33015, 18 U.S.C. 371 (conspiracy to violate 22 U.S.C. 2778), and 22 U.S.C. 2778 (violating the AECA), April 23, 1993 *United States v. Bet-Air, Inc.*, U.S. District Court, Central District of California, Criminal Docket No. CR-90-578-CR-MORENO(01)
5. J. Randall Shute, 1475 Northwold Drive, Dunwoody, GA 30350, (conspiracy to violate 22 U.S.C. 2778), April 28, 1993, *United States v. J. Randall Shute, et al.*, U.S. District Court, Northern District of Georgia, Criminal Docket No. CI-92-434-01-GET
6. Louis J. Kocurek, III, 121 Deerwood, San Antonio, TX 78209, 18 U.S.C. 371 (conspiracy to violate 22 U.S.C. 2778), April 28, 1993, *United States v. J. Randall Shute, et al.*, U.S. District Court, Northern District of Georgia, Criminal Docket No. CI-92-434-03-GET
7. Lance B. Ordway, 1153 Norfolk Drive, N.W., Ackworth, GA 30102, 18 U.S.C. 371 (conspiracy to violate 22 U.S.C. 2778), May 11, 1993, *United States v. J. Randall Shute, et al.*, U.S. District Court, Northern District of Georgia, Criminal Docket No. CI-92-434-02-GET
8. Bin Wu, Western Tidewater Regional Jail, 2402 Godwin Boulevard, Suffolk, VA 23434, 18 U.S.C. 371 (conspiring to violate 22 U.S.C. 2778), and 22 U.S.C. 2778 (violating the AECA), September 17, 1993, *United States v. Bin Wu, et al.*, U.S. District Court, Eastern District of Virginia, Criminal Docket No. 92-188-N
9. Jin Ping Li, Western Tidewater Regional Jail, 2402 Godwin Boulevard, Suffolk, VA 23434, 18 U.S.C. 371 (conspiring to violate 22 U.S.C. 2778), and 22 U.S.C. 2778 (violating the AECA), September 17, 1993, *United States v. Bin Wu, et al.*, U.S. District Court, Eastern District of Virginia, Criminal Docket No. 92-188-N
10. Pinzhe Zhang, a/k/a "Peter Zhang", Western Tidewater Regional Jail, 2402 Godwin Boulevard, Suffolk, VA 23434, 18 U.S.C. 371 (conspiring to violate 22 U.S.C. 2778), and 22 U.S.C. 2778 (violating the AECA), September 17, 1993, *United States v. Bin Wu, et al.*, U.S. District Court, Eastern District of Virginia, Criminal Docket No. 92-188-N
11. Alexander Nikolic, 2247 N. Meade, Chicago, IL 60639, 18 U.S.C. 371 (conspiracy to violate 22 U.S.C. 2778), and 22 U.S.C. 2778 (violating the AECA), November 22, 1993, *United States v. Bajro Hukic, et al.*, U.S. District Court, Eastern District of Illinois, Criminal Docket No. 91 CR 834-4
12. Kem and Associates, Incorporated, Highway 84, East, P.O. Box 155, McGregor, TX 76657-0155, 22 U.S.C. 2778 (violating the AECA), December 14, 1993, *United States v. Kem and Associates, Incorporated*, U.S. District Court, Western District of Texas, Criminal Docket No. W-93-CR-075(2)
13. Bajro Hukic, a/k/a "Bob Hukic" and "Bab Hucici", 2005 S. Ashland, Park Ridge, IL

60068, 18 U.S.C. 371 (conspiracy to violate 22 U.S.C. 2778), January 19, 1994, *United States v. Bajro Hukic, et al.*, U.S. District Court, Northern District of Illinois, Criminal Docket No. -91CR-834-1

Dated: August 16, 1994.

William B. Robinson,

*Director, Office of Defense Trade Controls,
Bureau of Political-Military Affairs,
Department of State.*

[FR Doc. 94-21266 Filed 8-26-94; 8:45 am]

BILLING CODE 4710-25-M

DEPARTMENT OF TRANSPORTATION

Aviation Proceedings; Agreements Filed During the Week Ended August 19, 1994

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 412 and 414. Answers may be filed within 21 days of date of filing.

Docket Number: 49731.

Date filed: August 17, 1994.

Parties: Members of the International Air Transport Association.

Subject: Comp Reso/P 0987 dated August 12, 1994. Expedited Composite Reso 002m.

Proposed Effective Date: expedited January 1, 1995.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 94-21220 Filed 8-26-94; 8:45 am]

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Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ended August 19, 1994

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et seq.). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: 49729.

Date filed: August 17, 1994.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: September 14, 1994.

Description: Application of Fortunair Canada Inc., pursuant to Section 402 of

the Act and Subpart Q of the Regulations, applies for a foreign air carrier permit authorizing charter air transportation of passengers, property and mail between any point or points in the United States and any point or points not in Canada or the United States.

Docket Number: 49732.

Date filed: August 17, 1994.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: September 14, 1994.

Description: Application of Air-India and Air-India Limited, pursuant to 49 U.S.C. 41303, and Subpart Q of the Regulations request transfer of Air-India's foreign air carrier permit to Air-India Limited.

Docket Number: 49689.

Date filed: August 16, 1994.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: September 13, 1994.

Description: Amendment No. 1 to the Application of Soho Express Sky Lines, Inc., pursuant to Section 401(d)(1) of the Act and Subpart Q of the Regulations, amends its original application to reflect a Chicago-New York-Stansted through plane service beginning April 14, 1995.

Docket Number: 49443.

Date filed: August 19, 1994.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: September 16, 1994.

Description: Amendment No. 2 to the Application of Airvias S/A Linhas Aereas, pursuant to Section 402 of the Act and Subpart Q of the Regulations, request further action of the Department as will allow Applicant to operate in its own right, following a transition phase from the wet-lease arrangements with Arrow Air.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 94-21219 Filed 8-26-94; 8:45 am]

BILLING CODE 4910-22-P

Coast Guard

[CGD 94-063]

Annual Certification of Prince William Sound Regional Citizens' Advisory Council

AGENCY: Coast Guard, DOT.

ACTION: Notice.

SUMMARY: Under the Oil Terminal and Oil Tanker Environmental Oversight and Monitoring Act of 1990 (the Act), the Coast Guard may certify, on an annual basis, a voluntary advisory group in lieu of a Regional Citizens' Advisory Council for Prince William Sound,