

concluded that SSA was bound by its previous finding that the claimant was limited to sedentary work. The Court of Appeals thereupon reversed the judgment of the district court and remanded with instructions for the district court to remand the case to SSA for an award of benefits.

*Statement as to How Drummond Differs From SSA Policy*

Under SSA policy, if a determination or decision on a disability claim has become final, the Agency may apply administrative res judicata with respect to a subsequent disability claim under the same title of the Act if the same parties, facts and issues are involved in both the prior and subsequent claims. However, if the subsequent claim involves deciding whether the claimant is disabled during a period that was not adjudicated in the final determination or decision on the prior claim, SSA considers the issue of disability with respect to the unadjudicated period to be a new issue that prevents the application of administrative res judicata. Thus, when adjudicating a subsequent disability claim involving an unadjudicated period, SSA considers the facts and issues *de novo* in determining disability with respect to the unadjudicated period.

The Sixth Circuit concluded that where a final decision of SSA after a hearing on a prior disability claim contains a finding of a claimant's residual functional capacity, SSA may not make a different finding in adjudicating a subsequent disability claim with an unadjudicated period arising under the same title of the Act as the prior claim unless new and additional evidence or changed circumstances provide a basis for a different finding of the claimant's residual functional capacity.

*Explanation of How SSA Will Apply The Drummond Decision Within The Circuit*

This Ruling applies only to disability findings in cases involving claimants who reside in Kentucky, Michigan, Ohio, or Tennessee at the time of the determination or decision on the subsequent claim at the initial, reconsideration, ALJ hearing or Appeals Council level. It applies only to a finding of a claimant's residual functional capacity or other finding required at a step in the sequential evaluation process for determining disability provided under 20 CFR 404.1520, 416.920 or 416.924, as appropriate, which was made in a final

decision by an ALJ or the Appeals Council on a prior disability claim.<sup>5</sup>

When adjudicating a subsequent disability claim with an unadjudicated period arising under the same title of the Act as the prior claim, adjudicators must adopt such a finding from the final decision by an ALJ or the Appeals Council on the prior claim in determining whether the claimant is disabled with respect to the unadjudicated period unless there is new and material evidence relating to such a finding or there has been a change in the law, regulations or rulings affecting the finding or the method for arriving at the finding.

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## DEPARTMENT OF STATE

[Public Notice 2827]

### Statutory Debarment Under the International Traffic in Arms Regulations

**AGENCY:** Office of Defense Trade Controls, State.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the Department of State has imposed statutory debarment pursuant to Section 127.7(c) of the International Traffic in Arms Regulations (ITAR) (22 CFR Parts 120-130) on persons convicted of violating or conspiring to violate Section 38 of the Arms Export Control Act (AECA) (22 U.S.C. § 2778).

**EFFECTIVE DATE:** Date of conviction as specified for each person.

**FOR FURTHER INFORMATION CONTACT:** Philip S. Rhoads, Chief, Compliance and Enforcement Branch, Office of Defense Trade Controls, Department of State (703-875-6644).

**SUPPLEMENTARY INFORMATION:** Section 38(g)(4) of the AECA prohibits licenses and other approvals for the export of defense articles and the furnishing of defense services to be issued to a person, or any party to the export, convicted of violating or conspiring to violate the AECA. Pursuant to Section

<sup>5</sup> In making a finding of a claimant's residual functional capacity or other finding required to be made at a step in the applicable sequential evaluation process for determining disability provided under the specific sections of the regulations described above, an ALJ or the Appeals Council may have made certain subsidiary findings, such as a finding concerning the credibility of a claimant's testimony or statements. A subsidiary finding does not constitute a finding that is *required* at a step in the sequential evaluation process for determining disability provided under 20 CFR 404.1520, 416.920 or 416.924.

127.7(c) of the ITAR, statutory debarment is imposed upon persons convicted of violating or conspiring to violate the AECA. Statutory debarment is based solely upon a conviction in a criminal proceeding, conducted by a United States court, and as such the administrative proceedings outlined in Part 128 of the ITAR are not applicable.

This notice is provided in order to make the public aware that the persons listed below 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:

1. Mohammad Iqbal Badat, 11025 Maidencane Court, Houston, TX 77086. Conviction date: March 13, 1996, 18 U.S.C. § 371 (conspiracy to violate the AECA), *U.S. v. Mohammad Iqbal Badat*, U.S. District Court for the Western District of Louisiana, 6:93CR60013-002
2. Sanford B. Groetzinger, 82 Dennison Street, Gloucester, MA 01930, 22 U.S.C. § 2778 (violation of the AECA). Conviction date: June 13, 1997, *U.S. v. Sanford B. Groetzinger*, U.S. District Court for the District of Massachusetts, 1:96CR10326-001
3. Alfred Peter Harms, Merkurstr. 32, 76461 Muggensturm, Germany. Conviction date: October 25, 1996, 18 U.S.C. § 371 (conspiracy to violate the AECA), *U.S. v. Alfred Peter Harms*, U.S. District Court for the Northern District of Texas, 3:96-CR-280-R(1)
4. James Lee, 410 Auburn Way, No. 34, San Jose, CA 95129. Conviction date: June 18, 1997, 22 U.S.C. § 2778 (violation of the AECA), *U.S. v. James Lee*, U.S. District Court for the Northern District of California, 5:95CR20142-002
5. Thomas McGuinn, Cloomull Drumcliffe, County Sligo, Republic of Ireland. Conviction date: April 19, 1996, 22 U.S.C. § 2778 (violation of AECA), *U.S. v. Thomas McGuinn*, U.S. District Court for the Southern District of Florida, 94-170-CR-UNGARO-BENAGES
6. Penny Ray, 7100 Rainbow Drive #30, San Jose, CA 95129. Conviction date: June 18, 1997, 22 U.S.C. § 2778 (violation of AECA), *U.S. v. Penny Ray*, U.S. District Court for the Northern District of California, 5:95CR20142-001
7. Salvador Romavi-Orue, 15400 S.W. 75 Circle Lane, Apt. 104, Miami, FL 33193. Conviction date: February 16, 1996, 22 U.S.C. § 2778 (violation of AECA) *U.S. v. Salvador Romavi-Orue*, U.S. District Court for the Southern

- District of Florida 95-118-CR-  
UNGARO-BENAGES
8. Wayne P. Smith, 2333 Big Woods,  
Edgerly Road, Vinton, LA 70668.  
Conviction date: October 3, 1995, 22  
U.S.C. § 2778 (violation of AECA),  
*U.S. v. Wayne P. Smith*, U.S. District  
Court for the Western District of  
Louisiana, 2:95CR20069-001
9. Erickson Trouillot, 8840 N.W. 23rd  
Street, Coral Springs, FL. Conviction  
date: October 29, 1996, 22 U.S.C.  
§ 2778 (violation of AECA), *U.S. v.  
Erickson Trouillot*, U.S. District Court  
for the Southern District of Florida,  
95-6138-CR-GONZALES(s)

Specific case information may be  
obtained from the Office of the Clerk for  
each respective U.S. District Court.

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

Dated: May 11, 1998.

**William J. Lowell,**

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

[FR Doc. 98-14315 Filed 5-29-98; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

[USCG-1998-3880]

#### Vessel Traffic Management Measures in the Monterey Bay National Marine Sanctuary; Public Workshop Notice

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of public workshops;  
request for comments.

**SUMMARY:** The United States Coast  
Guard (USCG) and the National Oceanic  
and Atmospheric Administration  
(NOAA) will hold four Public  
Workshops to obtain views and  
comments regarding the need for  
offshore vessel management in the  
Monterey Bay National Marine  
Sanctuary (MBNMS) for the protection  
of the marine environment.

**DATES:** Public Workshops will be held  
on the following dates:

June 17, 1998, 7 p.m., Half Moon Bay,  
CA  
June 18, 1998, 7 p.m., Oakland, CA  
June 29, 1998, 7 p.m., Santa Cruz, CA  
June 30, 1998, 7 p.m., Monterey, CA  
Oral presentations are encouraged to  
promote an open forum with group

participation, however if interested  
parties are unable to attend the  
workshop, written comments will be  
accepted and should reach the Eleventh  
Coast Guard District Aids to Navigation  
and Waterways Management Branch on  
or before July 14, 1998.

**ADDRESSES:** Public workshops will be  
held at the following locations:  
Half Moon Bay, CA—Ted Adcock  
Community/Senior Center, 535 Kelly  
Avenue, Half Moon Bay, CA 94019  
Oakland, CA, Port of Oakland, 2nd  
Floor Board Room, 530 Water Street,  
Oakland, CA 94607  
Monterey, CA—Doubletree Hotel at the  
Intersection of Del Monte Avenue and  
Alvarado Street, Monterey, CA 93940  
Santa Cruz, CA—Cocoanut Grove Hotel,  
400 Beach Street, Santa Cruz, CA  
95060

You may mail your comments to the  
Docket Management Facility, (USCG-  
1998-3880), U.S. Department of  
Transportation, room PL-401, 400  
Seventh Street SW., Washington DC  
20590-0001, or deliver them to room  
PL-401 on the Plaza level of the Nassif  
Building at the same address between  
10 a.m. and 5 p.m., Monday through  
Friday, except Federal holidays. The  
telephone number is 202-366-9329.

You may also deliver comments or  
other written materials for inclusion in  
the public docket to Commander (Pow),  
Eleventh Coast Guard District, Building  
50-6, Coast Guard Island, Alameda, CA  
94501; Attn: MBNMS Public Comment,  
between 7 a.m. and 4 p.m., Monday  
through Friday, except Federal  
Holidays. The telephone number is  
(510) 437-2982.

The Docket Management Facility  
maintains the public docket for these  
workshops. Comments and other  
submitted documents will become part  
of this docket and will be available for  
inspection or copying at room PL-401  
on the Plaza level of the Nassif Building  
at the same address between 10 a.m. and  
5 p.m., Monday through Friday, except  
Federal holidays. You may also access  
this docket on the Internet at [http://  
dms.dot.gov](http://dms.dot.gov).

**FOR FURTHER INFORMATION CONTACT:**  
LTJG Kati Sylvester, Waterways  
Management Officer, Eleventh Coast  
Guard District, Building 50-6, Coast  
Guard Island, Alameda, CA 94501. The  
telephone number is (510) 437-2982.

#### SUPPLEMENTARY INFORMATION:

##### Public Workshop

Public Workshops to discuss the need  
for Vessel Traffic Management Measures  
in the Monterey Bay National Marine  
Sanctuary will be held in the following  
locations:

- *Half Moon Bay*, 7 p.m., Wednesday  
June 17, 1998, Ted Adcock Community/

Senior Center, 535 Kelly Avenue, Half  
Moon Bay, CA.

- *Oakland*, 7 p.m., Thursday, June 18,  
1998, Port of Oakland, 2nd Floor Board  
Room, 530 Water Street, Oakland, CA.

- *Santa Cruz*, 7 p.m., Monday, June  
29, 1998, Cocoanut Grove Hotel, 400  
Beach Street, Santa Cruz, CA.

- *Monterey*, 7 p.m., Tuesday, June 30,  
1998, Doubletree Hotel, intersection of  
Del Monte Avenue & Alvarado Street,  
Monterey, CA.

The doors for the public workshops  
will open at 6:30 p.m. for registration.  
The workshops will begin at 7 p.m. with  
a brief presentation. The presentation  
will cover the steps leading to the  
workshops, a description of the vessel  
activity in and near the Sanctuary, an  
overview of the sensitive Sanctuary  
resources and their value to the coastal  
culture and economy, a description of a  
work group process used by the Coast  
Guard and NOAA to shape the analysis,  
and lastly a set of management measures  
believed to increase Sanctuary resource  
protection while preserving the  
economic viability of California ports.  
Meeting attendees will then be invited  
to present comments or direct questions  
to a panel of representatives from a  
work group assembled by NOAA and  
the Coast Guard to help frame the  
issues. We are particularly interested in  
comments relating to:

- *Distance Off Shore*—Identification  
of a distance off shore for tankers, tank  
barges, vessels carrying hazardous  
materials, and large commercial vessels  
that would provide adequate protection  
to the sensitive marine resources of the  
Sanctuary without imposing undue  
economic stress to the shipping  
industry.

- *Traffic Separation Schemes (TSS)*—  
Implementation of pre-approved  
adjustments to existing TSSs, including  
a western rotation of the southern leg of  
the San Francisco TSS to provide a true  
north/north alignment and an eighteen  
miles extension on the western end of  
the Santa Barbara Channel TSS.

- *Rescue*—Identification of vessels of  
opportunity available to assist vessels  
which become disabled during coastal  
transit.

- *Implementation Mechanisms*—To  
include Industry Agreements and  
Recommended Routes approved by the  
International Maritime Organization  
(IMO).

- *Reporting Systems*—Voluntary  
Reporting System, approved by the  
IMO, to monitor vessel transits along the  
California coastline via radio call-in  
points and/or Automated Information  
System (AIS).