

**SUPPLEMENTARY INFORMATION:** Section 38(g)(4) of the AECA (22 U.S.C. 2778) and Section 127.11 of the ITAR prohibit the issuance of export licenses or other approvals to a person, or any party to the export, who has been convicted of violating the AECA and certain other U.S. criminal statutes enumerated at Section 38(g)(1)(A) of the AECA and Section 120.27 of the ITAR. A person convicted of violating the AECA is also subject to statutory debarment under Section 127.7 of the ITAR.

In August 2004, ESI was convicted of one count of violating Section 38 of the AECA and the ITAR. Mr. Andrew Adams, then president of ESI, separately pled guilty to one count of violating 18 U.S.C. Section 1361 by attempting to commit depredation against property manufactured for the United States. Count one of Mr. Adams' indictment (02-CR-262) alleges that he attempted to export a defense article specifically designed or modified for use in the S-65 Sikorsky military helicopter. Subsequently, the Department of State statutorily debarred ESI (see 70 FR 189, September 30, 2005). Because Mr. Adams is affiliated with the debarred entity, the presumption of denial for licenses or other State authorizations was applied to him as well.

Section 38(g)(4) of the AECA permits termination of debarment after consultation with the other appropriate U.S. agencies and 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. The Department of State has determined that ESI has taken appropriate steps to address the causes of the violations and to mitigate any law enforcement concerns. Therefore, in accordance with Section 38(g)(4) of the AECA, the debarment against ESI was rescinded, effective July 30, 2007. The presumption of denial for licenses or other State authorizations applied to Mr. Adams has also been lifted. The effect of this notice is that ESI and Mr. Adams may participate without prejudice in the export of defense articles and defense services subject to Section 38 of the AECA and the ITAR.

Dated: August 22, 2007.

**Stephen D. Mull,**

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

[FR Doc. E7-17902 Filed 9-10-07; 8:45 am]

**BILLING CODE 4710-25-P**

## DEPARTMENT OF STATE

### [Public Notice 5931]

#### **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 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:** David Trimble, 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) Leib Kohn, May 22, 2007, U.S. District Court, District of Connecticut, Case # 3:04CR125.

(2) Electro-Glass Products, July 13, 2007, U.S. District Court, District of Pennsylvania, Case# 06-00117-001.

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 provided.

Dated: August 27, 2007.

**Michael W. Coulter,**

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

[FR Doc. E7-17905 Filed 9-10-07; 8:45 am]

**BILLING CODE 4710-25-P**

## DEPARTMENT OF STATE

[Public Notice 5906]

### Notice of Meeting of the Cultural Property Advisory Committee

In accordance with the provisions of the Convention on Cultural Property Implementation Act (19 U.S.C. 2601 *et seq.*) (the Act) there will be a meeting of the Cultural Property Advisory Committee on Thursday, October 4, 2007, from approximately 9 a.m. to 5 p.m., and on Friday, October 5, from approximately 9 a.m. to 1 p.m., at the Department of State, Annex 44, Room 840, 301 4th St., SW., Washington, DC. At this meeting the Committee will conduct its ongoing review function with respect to the Memorandum of Understanding Between the Government of the United States of America and the Government of the Kingdom of Cambodia Concerning the Imposition of Import Restrictions on Khmer Archaeological Material; and, with respect to the Memorandum of Understanding with the Government of the Republic of Honduras Concerning the Imposition of Import Restrictions on Archaeological Material from the Pre-Columbian Cultures of Honduras. This meeting is for the Committee to satisfy its ongoing review responsibility of the effectiveness of agreements pursuant to the Act and will focus its attention on Article II of the MOUs. This is not a meeting to consider extension of the

MOUs. Such a meeting will be scheduled in the future at which time a public session will be held.

The Committee's responsibilities are carried out in accordance with provisions of the Convention on Cultural Property Implementation Act (19 U.S.C. 2601 *et seq.*). The U.S.-Cambodia MOU, the U.S.-Honduras MOU, the designated lists of restricted categories, the text of the Act, and related information may be found at <http://exchanges.state.gov/culprop>.

The meeting on October 4-5 will be closed pursuant to 5 U.S.C. 552b(c)(9)(B) and 19 U.S.C. 2605(h).

Dated: August 31, 2007.

**C. Miller Crouch,**

*Acting Assistant Secretary for Educational and Cultural Affairs, Department of State.*

[FR Doc. E7-17871 Filed 9-10-07; 8:45 am]

**BILLING CODE 4710-05-P**

## DEPARTMENT OF STATE

[Public Notice 5930]

### Advisory Panel to the United States Section of the North Pacific Anadromous Fish Commission; Notice of Public Meeting

The Advisory Panel to the United States Section of the North Pacific Anadromous Fish Commission will meet on September 27, 2007, via conference call. This session will involve discussion of the Fifteenth Annual Meeting of the North Pacific Anadromous Fish Commission, to be held on October 8-12, 2007 in Valdivostok, Russia. The discussion will begin at 3:30 p.m. EST and is open to the public.

Requests for the conference call-in phone number or for further information on the meeting should be directed to Ms. Nicole M. Ricci, Office of Marine Conservation (OES/OMC), Room 2758, U.S. Department of State, Washington, DC 20520-7818. Ms. Ricci can be reached by telephone at (202) 647-1073 or by Fax (202) 736-7350.

Dated: August 28, 2007.

**David A. Balton,**

*Deputy Assistant Secretary for Oceans and Fisheries, Department of State.*

[FR Doc. E7-17879 Filed 9-10-07; 8:45 am]

**BILLING CODE 4710-05-P**

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### Aviation Proceedings; Agreements Filed the Week Ending July 6, 2007

The following Agreements were filed with the Department of Transportation under the sections 412 and 414 of the Federal Aviation Act, as amended (49 U.S.C. 1383 and 1384) and procedures governing proceedings to enforce these provisions. Answers may be filed within 21 days after the filing of the application.

*Docket Number:* OST-2007-28672.

*Date Filed:* July 3, 2007.

*Parties:* Members of the International Air Transport Association.

*Subject:* TC12 North Atlantic, Canada, USA-Europe, Expedited Composite Resolutions, Intended effective date: July 1, 2007.

**Renee V. Wright,**

*Program Manager, Docket Operations, Federal Register Liaison.*

[FR Doc. E7-17847 Filed 9-10-07; 8:45 am]

**BILLING CODE 4910-9X-P**

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (Formerly Subpart Q) During the Week Ending July 6, 2007

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart B (formerly Subpart Q) of the Department of Transportation's Procedural Regulations (See 14 CFR 301.201 *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:* OST-2007-28657.

*Date Filed:* July 2, 2007.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* July 23, 2007.

*Description:* Application of McCall Aviation, Inc., requesting authority to operate scheduled passenger service as a commuter air carrier.

*Docket Number:* OST-2007-28675.

*Date Filed:* July 3, 2007.