

been statutorily debarred pursuant to § 127.7(c) of the International Traffic in Arms Regulations (ITAR) (22 CFR Parts 120-130).

**EFFECTIVE DATE:** October 16, 1996.

**FOR FURTHER INFORMATION CONTACT:** Philip S. Rhoads, Chief, Compliance Enforcement Branch, Office of Defense Trade Controls, Department of State (703-875-6644, Ext. 3).

**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 Electrodyne Systems Corporation, who has been convicted of conspiring to violate or violating the AECA. On October 16, 1996, Electrodyne Systems Corporation pled guilty to one count of violating section 38 of the AECA.

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: October 16, 1996.

**Thomas E. McNamara,**

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

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

[CGD 97-021]

### National Boating Safety Advisory Council

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of meetings.

**SUMMARY:** The National Boating Safety Advisory Council (NBSAC) and its subcommittees on boat occupant protection, "Prevention Through People," navigation lights, life saving index and boating accident reporting will meet to discuss various issues relating to recreational boating safety. All meetings will be open to the public.

**DATES:** The meeting of NBSAC will be held on Monday and Tuesday, April 28 and 29, 1997, from 8:30 a.m. to 5 p.m. Meetings of the Boat Occupant Protection, Prevention Through People, and Boating Accident Reporting Subcommittees will be held on Saturday, April 26, 1997, from 1:30 p.m. to 5 p.m. Meetings of the Navigation Light and Life Saving Index Subcommittees will be held on Sunday, April 27, 1997, from 9 a.m. to 12 noon. Written material and requests to make oral presentations should reach the Coast Guard on or before April 12, 1997.

**ADDRESSES:** The meeting of NBSAC will be held at the Radisson Hotel Memphis, 185 Union Avenue, Memphis, Tennessee. The meetings of the subcommittees will be held at the same address. Written material and requests to make oral presentations should be sent to Mr. Albert J. Marmo, Commandant (G-OPB-1), U.S. Coast Guard Headquarters, 2100 Second Street SW, Washington, DC 20593-0001.

**FOR FURTHER INFORMATION CONTACT:** Mr. Albert J. Marmo, Executive Director of NBSAC, telephone (202) 267-0950, fax (202) 267-4285.

**SUPPLEMENTARY INFORMATION:** Notice of these meetings is given under the Federal Advisory Committee Act, 5 U.S.C. App. 2.

### Agendas of Meetings

*National Boating Safety Advisory Council (NBSAC).* The agenda includes the following:

- (1) Executive Director's report.
- (2) Chairman's session.
- (3) Boat Occupant Protection Subcommittee report.
- (4) Prevention Through People Subcommittee report.
- (5) Navigation Light Subcommittee report.
- (6) Life Saving Index Subcommittee report.

- (7) Boating Accident Reporting Subcommittee report.
- (8) Recreational Boating Safety Program report.
- (9) National Association of State Boating Law Administrators report.
- (10) Discussion of mandatory personal flotation device wearing requirements request for comments.
- (11) Discussion of mandatory boating safety education request for comments.
- (12) Discussion of waterways management issues.
- (13) Discussion of life rafts and emergency position indicator beacons.
- (14) Presentation on the Global Maritime Distress and Safety System and National Distress System modernization projects.
- (15) Discussion on personal watercraft issues.
- (16) Report and discussion of nonprofit grants.
- (17) Discussion of regulations review.

**Boat Occupant Protection Subcommittee.** The agenda includes the following:

- (1) Review actions to date related to progress on the Propeller Injury Prevention Initiative with discussion by the subcommittee.
- (2) Review of boat occupant protection research completed and planned.
- (3) Discuss risk avoidance alternatives.

**Prevention Through People Subcommittee.** The agenda includes the following:

- (1) Continue development of a Prevention Through People action plan for integration into boating safety education, awareness and promotional activities.

**Navigation Light Subcommittee.** The agenda includes the following:

- (1) Review and discuss issues and data concerning the proper display and installation of navigation lights.
- (2) Review aspects of display and installation of navigation lights that need to be addressed through safety program intervention and recommend courses of corrective actions.

**Life Saving Index Subcommittee.** The agenda includes the following:

- (1) Assist in developing an action plan for establishment of a Life Saving Index standard.
- (2) Review personal flotation device (PFD) impact protection issues and recommend a course of action.
- (3) Establish a definition for "high speed" activity.
- (4) Discuss other PFD issues.

**Boating Accident Reporting Subcommittee.** The agenda includes the following:

- (1) Review Coast Guard efforts and plans to attack under-reporting of recreational boating accidents.
- (2) Provide input for a Coast Guard report to Congress on ways of increasing boating accident reporting.

#### Procedural

All meetings are open to the public. At the Chairpersons' discretion, members of the public may make oral presentations during the meetings. Persons wishing to make oral presentations at the meetings should notify the Executive Director no later than April 12, 1997. Written material for distribution at a meeting should reach the Coast Guard no later than April 19, 1997. If a person submitting material would like a copy distributed to each member of the committee or subcommittee in advance of a meeting, that person should submit 25 copies to the Executive Director no later than April 12, 1997.

#### Information on Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meetings, contact the Executive Director as soon as possible.

Dated: March 20, 1997.

**Thomas J. Meyers,**

*Captain, U.S. Coast Guard, Acting Director of Operations Policy.*

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#### [CGD 97-016]

#### National Preparedness for Response Exercise Program (PREP)

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of a public workshop and the exercise schedule for calendar years 1997, 1998, and 1999; requests for comments.

**SUMMARY:** The Coast Guard, the Environmental Protection Agency (EPA), the Research and Special Programs Administration (RSPA) and the Minerals Management Service (MMS), in concert with the states, the oil industry and concerned citizens, developed the Preparedness for Response Exercise Program (PREP). This notice announces the next PREP workshop and the next triennial PREP schedule. The schedule covers calendar years 1997, 1998, and 1999. This notice requests industry volunteers for industry-and government-led exercises.

**DATES:** The workshop will be held on April 8, 1997 from 5:30 PM to 7:30 PM.

Comments must be received on or before April 30, 1997.

**ADDRESSES:** The workshop will be held in rooms 203/204 at the Greater Fort Lauderdale/Broward County Convention Center, 1950 Eisenhower Boulevard, Fort Lauderdale, FL 33316. Written comments should be submitted to COMMANDANT (G-MOR-2), Room 2100, U.S. Coast Guard Headquarters, 2100 Second Street, SW; Washington, DC, 20593-0001. ATTN: Ms. Karen Sahatjian.

**FOR FURTHER INFORMATION CONTACT:** For general information regarding the PREP program and the schedule, contact Ms. Karen Sahatjian, Marine Safety and Environmental Protection Directorate, Office of Response, (G-MOR-2), (202) 267-2850. The schedule and exercise design manual is available on the internet at <http://www.navcen.uscg.mil> or to obtain a hard copy of the design manual, contact Ms. Toni Hundley at the Office of Pipeline Safety at (202) 366-4397. The 1994 PREP Guidelines and Training Elements are available at no cost by writing or faxing the TASC Dept Warehouse, 3341 Q 75th Avenue, Landover, MD 20785, fax: 301-386-5394. The stock numbers of each manual are: PREP Guidelines—USCG—X0191; the Training Reference—USCG—X0188. Please indicate the quantity when ordering. Quantities are limited to 10 per order.

#### SUPPLEMENTARY INFORMATION:

#### Background Information

The workshop will address several issues that have been raised by exercise participants and response plan holders. The topics to be discussed at the workshop include, but are not limited to: (1) Developing and Evaluating an Oil Spill Response Exercise, (2) government-initiated unannounced exercises, (3) minor changes to existing PREP Guidelines, and (4) the proposed triennial exercise schedule. The following information is provided as background in preparation for the workshop.

The Coast Guard, EPA, RSPA and MMS developed the National Preparedness for Response Exercise Program (PREP) to provide guidelines for compliance with the Oil Pollution Act of 1990 (OPA 90) pollution response exercise requirements (33 U.S.C. 1321(j)). OPA 90 requires periodic unannounced drills. See 33 U.S.C. 1321(j)(7). However, the working group (comprised of Coast Guard, EPA, RSPA, MMS, state representatives, and industry representatives) determined that the PREP Guidelines should also include announced drills. See 33 CFR