

**DEPARTMENT OF STATE****[Public Notice 5197]****Culturally Significant Objects Imported for Exhibition Determinations: "Darwin"****AGENCY:** Department of State.**ACTION:** Notice.

**SUMMARY:** Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 [79 Stat. 985; 22 U.S.C. 2459], Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 [112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*], Delegation of Authority No. 234 of October 1, 1999 [64 FR 56014], Delegation of Authority No. 236 of October 19, 1999 [64 FR 57920], as amended, and Delegation of Authority No. 257 of April 15, 2003 [68 FR 19875], I hereby determine that the objects to be included in the exhibition, "Darwin," imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign lenders. I also determine that the exhibition or display of the exhibit objects at the American Museum of Natural History, New York, New York, from on or about November 15, 2005, to on or about May 29, 2006, and at possible additional venues yet to be determined, is in the national interest. Public notice of these determinations is ordered to be published in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** For further information, such as a list of exhibit objects, contact Paul W. Manning, Attorney-Adviser, Office of the Legal Adviser, (202) 453-8052, and the address is United States Department of State, SA-44, Room 700, 301 4th Street, SW., Washington, DC 20547-0001.

Dated: September 26, 2005.

**C. Miller Crouch,***Principal Deputy Assistant Secretary for Educational and Cultural Affairs, Department of State.*

[FR Doc. 05-19643 Filed 9-29-05; 8:45 am]

**BILLING CODE 4710-08-P****DEPARTMENT OF STATE****[Public Notice 5196]****Bureau of Political-Military Affairs; Statutory Debarment Under the International Traffic in Arms Regulations****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 to 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:**

David Trimble, Director, Office of Defense Trade Controls Compliance, Bureau of Political-Military Affairs, Department of State (202) 663-2700.

**SUPPLEMENTARY INFORMATION:** Section 38(g)(4) of the AECA, 22 U.S.C. 2778, prohibits licenses and other approvals for the export of defense articles or defense services to be issued to persons, or any party to the export, who have been convicted of violating certain statutes, including the AECA.

In implementing this section of the AECA, the Assistant Secretary for Political-Military Affairs is authorized by Section 127.7 of the ITAR to prohibit any person who has been convicted of violating or conspiring to violate the AECA 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. This prohibition is referred to as "statutory debarment."

Statutory debarment is based solely upon conviction in a criminal proceeding, conducted by a United States Court, and as such the administrative debarment proceedings 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, licensing privileges may be reinstated only 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 Section 38(g)(4) of the AECA. It should be noted, however, that unless licensing privileges are reinstated, the person remains debarred.

Department of State policy permits debarred persons to apply to the Director of Defense Trade Controls Compliance for reinstatement beginning one year after the date of the debarment,

in accordance with Section 38(g)(4) of the AECA and Section 127.11(b) of the ITAR. 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 Directorate of Defense Trade Controls. 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 of the AECA and Section 127.7 of the ITAR, the Assistant Secretary of State for Political-Military Affairs has statutorily debarred the following persons for a period of three years following the date of their AECA conviction:

(1) Equipment & Supply, Inc., August 6, 2004, U.S. District Court, Eastern District of Wisconsin (Milwaukee), Case #02-Cr-262.

(2) Klaus Ernst Buhler, June 21, 2003, U.S. District Court, Middle District of Florida (Jacksonville), Case #: 3:02-Cr-13-J-12TEM.

(3) Rotair Industries, Inc., July 29, 2004, U.S. District Court, District of Connecticut (New Haven), Case #: 3:04Cr 149 JBA.

As noted above, at the end of the three-year period, the above named persons/entities remain debarred unless licensing 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)). The Department of State will not consider applications for licenses or requests for approvals that involve any person 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 Arms Control and International Security 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, in accordance with 22 CFR 127.7(d) and 128.13(a).

This notice is provided for purposes of making the public aware that the persons listed above 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. 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 where provided.

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: September 22, 2005.

**Rose M. Likins,**

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

[FR Doc. 05-19642 Filed 9-29-05; 8:45 am]

**BILLING CODE 4710-25-P**

## DEPARTMENT OF STATE

### [Public Notice 5167]

#### Meeting of Advisory Committee on International Communications and Information Policy

The Department of State announces the next meeting of its Advisory Committee on International Communications and Information Policy (ACICIP) to be held on Thursday, October 20, 2005, from 2 p.m. to 4:30 p.m., in the Loy Henderson Auditorium of the Harry S. Truman Building of the U.S. Department of State. The Truman Building is located at 2201 C Street, NW., Washington, DC 20520.

The committee provides a formal channel for regular consultation and coordination on major economic, social and legal issues and problems in international communications and information policy, especially as these issues and problems involve users of information and communications services, providers of such services, technology research and development, foreign industrial and regulatory policy, the activities of international

organizations with regard to communications and information, and developing country issues.

The meeting will be led by ACICIP Vice Chair Mr. Rhett Dawson of the Information Technology Industry Council. Ambassador David A. Gross, Deputy Assistant Secretary and U.S. Coordinator for International Communications and Information Policy, and other senior State Department and U.S. Government officials will also address the meeting. The main focus of the event will be to discuss U.S.-India relations, with an emphasis on industry input for the first meeting of the newly-formed U.S.-India Information and Communications Technologies Working Group. State Department officials will also present a status report on preparations for the second phase of the World Summit on the Information Society, which will take place in Tunis, Tunisia from November 16-18, 2005.

Members of the public may attend these meetings up to the seating capacity of the room. While the meeting is open to the public, admittance to the Department of State building is only by means of a pre-arranged clearance list. In order to be placed on the pre-clearance list, please provide your name, title, organization, social security number, date of birth, and citizenship to Robert M. Watts at [wattsrsm@state.gov](mailto:wattsrsm@state.gov) no later than 5 p.m. on Tuesday, October 18, 2005. All attendees for this meeting must use the 23rd Street entrance. One of the following valid ID's will be required for admittance: Any U.S. driver's license with photo, a passport, or a U.S. Government agency ID. Non-U.S. Government attendees must be escorted by Department of State personnel at all times when in the building.

For further information, please contact Robert M. Watts, Executive Secretary of the Committee, at 202-647-5820 or by e-mail at [wattsrsm@state.gov](mailto:wattsrsm@state.gov).

Dated: September 23, 2005.

**Robert M. Watts,**

*Executive Secretary, ACICIP, Department of State.*

[FR Doc. 05-19641 Filed 9-29-05; 8:45 am]

**BILLING CODE 4710-07-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Minimum Slot Usage Requirement

**ACTION:** Notice of denial of request for waiver of the minimum slot usage requirement.

**SUMMARY:** The FAA recently issued a letter responding to a request from the Regional Airlines Association (RAA) for a blanket waiver of the minimum slot usage requirement for all slots at the three High Density Traffic Airports. The text of that letter is set forth in this notice.

#### FOR FURTHER INFORMATION CONTACT:

Lorelei Peter, Senior Attorney, Office of the Chief Counsel, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3073.

**SUPPLEMENTARY INFORMATION:** Deborah C. McElroy, President, Regional Airline Association, 2025 M Street, NW., Suite 800, Washington, DC 20036-3309.

Dear Ms. McElroy: This is in response to your September 9 letter, submitted on behalf of the Regional Airline Association's (RAA) membership, requesting a waiver of the "use or lose" requirements for slots and slot exemptions held by RAA members at John F. Kennedy International (JFK), LaGuardia (LGA) and Ronald Reagan Washington National Airports (DCA) for the period August 29, 2005 through March 29, 2006.

Section 93.227, subsection (j) of Title 14 of the Code of Federal Regulations provides that the Chief Counsel of the FAA may waive the usage requirements of paragraph (a) of that section in the case of "a highly unusual and unpredictable condition which is beyond the control of the slot-holder and which exists for a period of 9 or more days." As an example, of such a condition, subsection 93.227(j) gives, "weather conditions which request in the restricted operation of an airport for an extended period of time."

RRA points to factors beyond the carriers' control—including record fuel costs, potential disruptions in fuel supplies, airport closing and major changes in travel patterns—that are creating economic difficulties for airlines of the like that have not been experienced since the aftermath of September 11 or the Gulf War. Your petition further states that the carriers' inability to raise fares to recoup higher fuel costs will necessitate schedule changes, which will result in either utilization of slots below the 80% minimum specified in our regulations or the operation of flights solely to preserve slot holdings. Additionally, you note that recent challenges to fuel supplies and further increases in fuel costs due to the impact of Hurricane Katrina have critically exacerbated the situation.

Your association requests a waiver on behalf of its members for usage