

proposed substitutions will be such as to offer the same degree of protection to each Replacement Fund from overreaching that Rule 17a-7 provides to them generally in connection with their purchase and sale of securities under that Rule in the ordinary course of their business. In particular, the Insurance Companies (or any of their affiliates) cannot effect the proposed transactions at a price that is disadvantageous to any of the Replacement Funds. Although the transactions may not be entirely for cash, each will be effected based upon (1) the independent market price of the portfolio securities valued as specified in paragraph (b) of Rule 17a-7, and (2) the net asset value per share of each fund involved valued in accordance with the procedures disclosed in its respective Investment Company's registration statement and as required by Rule 22c-1 under the Act. No brokerage commission, fee, or other remuneration will be paid to any party in connection with the proposed in-kind purchase transactions.

33. The sale of shares of Replacement Funds for investment securities, as contemplated by the proposed Insurance Company in-kind purchases, is consistent with the investment policy and restrictions of the Investment Companies and the Replacement Funds because (1) the shares are sold at their net asset value, and (2) the portfolio securities are of the type and quality that the Replacement Funds would each have acquired with the proceeds from share sales had the shares been sold for cash. To assure that the second of these conditions is met, Met Investors Advisory LLC, MetLife Advisers, LLC and the sub-adviser, as applicable, will examine the portfolio securities being offered to each Replacement Fund and accept only those securities as consideration for shares that it would have acquired for each such fund in a cash transaction.

34. The Section 17 Applicants submit that the proposed Insurance Company in-kind purchases are consistent with the general purposes of the Act as stated in the Findings and Declaration of Policy in Section 1 of the Act and that the proposed transactions do not present any of the conditions or abuses that the Act was designed to prevent.

35. The Section 17 Applicants represent that the proposed in-kind purchases meet all of the requirements of Section 17(b) of the Act request that the Commission issue an order pursuant to Section 17(b) of the Act exempting the Separate Accounts, the Insurance Companies, MIST, Met Series Fund and each Replacement Fund from the

provisions of Section 17(a) of the Act to the extent necessary to permit the Insurance Companies on behalf of the Separate Accounts to carry out, as part of the substitutions, the in-kind purchase of shares of the Replacement Funds which may be deemed to be prohibited by Section 17(a) of the Act.

#### Conclusion

Applicants assert that for the reasons summarized above the proposed substitutions and related transactions meet the standards of Section 26(c) of the Act and are consistent with the standards of Section 17(b) of the Act and that the requested orders should be granted.

For the Commission, by the Division of Investment Management pursuant to delegated authority.

**Florence E. Harmon,**  
Deputy Secretary.

[FR Doc. E7-6852 Filed 4-10-07; 8:45 am]

**BILLING CODE 8010-01-P**

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## DEPARTMENT OF STATE

[Public Notice 5750]

### 30-Day Notice of Proposed Information Collection: Form DS-4048, Projected Sales of Major Weapons in Support of Section 25(a)(1) of the Arms Export Control Act; OMB Control Number 1405-0156

**ACTION:** Notice of request for public comment and submission to OMB of proposed collection of information.

**SUMMARY:** The Department of State has submitted the following information collection request to the Office of Management and Budget (OMB) for approval in accordance with the Paperwork Reduction Act of 1995.

- *Title of Information Collection:* Projected Sales of Major Weapons in Support of Section 25(a)(1) of the Arms Export Control Act.
- *OMB Control Number:* 1405-0156.
- *Type of Request:* Extension of a Currently Approved Collection.
- *Originating Office:* Bureau of Political-Military Affairs, Directorate of Defense Trade Controls, (PM/DDTC).
- *Form Number:* DS-4048.
- *Respondents:* Business organizations.
- *Estimated Number of Respondents:* 20 (total).
- *Estimated Number of Responses:* 20 (per year).
- *Average Hours Per Response:* 60 hours.
- *Total Estimated Burden:* 1200 hours (per year).

- *Frequency:* Once a year.
- *Obligation to Respond:* Voluntary.

**DATES:** Submit comments to the Office of Management and Budget (OMB) for up to 30 days from April 11, 2007.

**ADDRESSES:** Direct comments and questions to Katherine Astrich, the Department of State Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB), who may be reached at 202-395-4718. You may submit comments by any of the following methods:

- *E-mail:* [kastricht@omb.eop.gov](mailto:kastricht@omb.eop.gov). You must include the DS form number, information collection title, and OMB control number in the subject line of your message.
- *Mail (paper, disk, or CD-ROM submissions):* Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503.
- *Fax:* 202-395-6974

**FOR FURTHER INFORMATION CONTACT:** You may obtain copies of the proposed information collection and supporting documents from Patricia C. Slygh, PM/DDTC, SA-1, 12th Floor, Directorate of Defense Trade Controls, Bureau of Political-Military Affairs, U.S. Department of State, Washington, DC 20522-0112, who may be reached on (202) 663-2700 and E-mail: [Slyghpc@state.gov](mailto:Slyghpc@state.gov).

**SUPPLEMENTARY INFORMATION:** We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary to properly perform our functions.
- Evaluate the accuracy of our estimate of the burden of the proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.

- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of technology.

*Abstract of proposed collection:* The information will be used to prepare an annual report to Congress regarding arms sales proposals covering all Foreign Military Sales (FMS) and licensed commercial exports of major weapons or weapons-related defense equipment for \$7,000,000 or more, or of any other weapons or weapons-related defense equipment for \$25,000,000 or more, which are considered eligible for approval during the current calendar year in accordance with section 25 of the Arms Export Control Act (AECA) [22 U.S.C. 2765].

*Methodology:* Respondents may submit the information by e-mail using DS-4048, an Excel electronic spreadsheet, or by letter using the fax or postal mail.

Dated: March 23, 2007.

**Gregory M. Suchan,**

*Deputy Assistant Secretary for Defense Trade Controls, Bureau of Political-Military Affairs, Department of State.*

[FR Doc. E7-6874 Filed 4-10-07; 8:45 am]

BILLING CODE 4710-25-P

## DEPARTMENT OF STATE

[Public Notice 5751]

### **Bureau of Political-Military Affairs; Statutory Debarment of ITT Corporation Pursuant to the Arms Export Control Act and the International Traffic in Arms Regulations**

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that persons convicted of violating Section 38 of the Arms Export Control Act, as amended, ("AECA") (22 U.S.C. 2778) are statutorily debarred pursuant to Section 38(g)(4) of the AECA and Section 127.7(c) of the International Traffic in Arms Regulations ("ITAR") (22 CFR 127.7(c)). On March 28, 2007, in the United States District Court for the Western District of Virginia, ITT Corporation entered a guilty plea to the willful export of defense articles without a license, in violation of Section 38 of the AECA and Sections 127.1(a) and 127.3 of the ITAR.

**EFFECTIVE DATE:** March 28, 2007.

**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(g)(4), prohibits the Department of State from issuing licenses for the export of items on the U.S. Munitions List, where the applicant or any party to the export, has been convicted of violating certain statutory provisions, including Section 38 of the AECA. In implementing this provision, Section 127.7 of the ITAR, 22 CFR 127.7, provides for "statutory debarment" of any person who has been convicted of violating or conspiring to violate the AECA. Persons subject to 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.

On March 28, 2007, in the United States District Court for the Western District of Virginia, ITT Corporation entered a guilty plea to the willful export of defense articles without a license, in violation of Section 38 of the AECA and Sections 127.1(a) and 127.3 of the ITAR. Pursuant to Section 38(g)(4) of the AECA and Section 127.7(c) of the ITAR, ITT Corporation is statutorily debarred. The Acting Assistant Secretary of State for Political-Military Affairs after a full review of the circumstances, finding that appropriate steps have been taken to mitigate any law enforcement concerns, has decided to except out of the statutory debarment all present ITT Corporation business units but the culpable ITT entity responsible for the violations resulting in the aforementioned plea, ITT-Night Vision Division.

The Acting Assistant Secretary for Political-Military Affairs has determined, based on the underlying nature of the violations, the debarment period shall be for three years, however, the Department will consider reinstatement requests from debarred persons one year after the date of debarment. At the end of the debarment period, export privileges may be reinstated only at the request of ITT Corporation, followed by 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, ITT Corporation will remain debarred.

Exceptions, also known as transaction exceptions, may be granted with respect to this debarment on a case-by-case basis at the discretion of the Assistant Secretary of State for Political-Military Affairs 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. Such exceptions have been granted with respect to certain existing authorization and pending authorizations for key programs involving ITT-Night Vision Division that have been identified as being necessary to U.S. national security and foreign policy interests. Approvals of future requests for authorizations may be granted after a full review of all circumstances to include law enforcement concerns and whether an exception is warranted by overriding U.S. foreign policy or national security interests, or whether an exception

would further law enforcement concerns that are consistent with foreign policy or national security interest of the United States, and whether other compelling concerns exist that are consistent with the foreign policy or national security interests of the United States.

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)). Pursuant to 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 or have any direct or indirect interest.

This notice is provided to make the public aware that the parties listed above, unless an exception applies, 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 Court mentioned above.

Dated: March 26, 2007.

**Stephen D. Mull,**

*Acting Assistant Secretary for Political-Military Affairs.*

[FR Doc. E7-6869 Filed 4-10-07; 8:45 am]

BILLING CODE 4710-25-P

## DEPARTMENT OF STATE

[Public Notice 5683]

### **Notice of Charter Renewal for the Advisory Committee on Historical Diplomatic Documentation**

The Advisory Committee on Historical Diplomatic Documentation has renewed its charter for an additional period of two years. This Advisory Committee will continue to make recommendations to the Historian and the Department of State on all aspects of the Department's program to publish the *Foreign Relations of the United States* series as well as on the Department's responsibility under statute (22 U.S.C. 4351, *et seq.*) to open its 30-year old and older records for public review at the National Archives and Records Administration. The Committee consists of nine members drawn from among