

• 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:**

Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed information collection and supporting documents, to Susan Cowlshaw, U.S. Department Of State, CA/PPT/FO/FC. 2100 Pennsylvania Avenue, NW., 3rd Floor/ Room 3040/ SA-29, Washington, DC 20037, who may be reached on 202.261.8957 or [Cowlshawsc@state.gov](mailto:Cowlshawsc@state.gov).

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

- Evaluate whether the proposed information collection is necessary for the proper performance of 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 Statement of Non-Receipt of A Passport, Form DS-86, is used by the U.S. Department of State to collect information for the purpose of issuing a replacement passport to customers who have not received the passport for which they originally applied.

The information is used by the Department of State to ensure that no person shall bear more than one valid or potentially valid U.S. passport at any one time, except as authorized by the Department, and is also used to combat passport fraud and misuse.

*Methodology:* Passport applicants who do not receive their passports are required to complete a Statement of Non-Receipt of A Passport, Form DS-86. Passport applicants can either download the form from the Internet or obtain one from an Acceptance Facility/Passport Agency. The form must be completed, signed, and then submitted to the Acceptance Facility/Passport Agency for passport re-issuance.

Dated: January 12, 2006.

**Frank Moss,**

*Deputy Assistant Secretary for Passport Services, Bureau of Consular Affairs, Department of State.*

[FR Doc. E6-1356 Filed 1-31-06; 8:45 am]

**BILLING CODE 4710-06-P**

**DEPARTMENT OF STATE**

[Public Notice 5290]

**60-Day Notice of Proposed Information Collection: DS-158, Contact Information and Work History for Nonimmigrant Visa Applicant, OMB Control Number 1405-0144**

**ACTION:** Notice of request for public comment.

**SUMMARY:** The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. The purpose of this notice is to allow 60 days for public comment in the **Federal Register** proceeding submission to OMB. This process is conducted in accordance with the Paperwork Reduction Act of 1995.

*Title of Information Collection:* Contact Information and Work History for Nonimmigrant Visa Applicant.

*OMB Control Number:* 1405-0144.

*Type of Request:* Extension of a Currently Approved Collection.

*Originating Office:* CA/VO.

*Form Number:* DS-158.

*Respondents:* Applicants for F, J and M nonimmigrant visas.

*Estimated Number of Respondents:* 700,000 per year.

*Estimated Number of Responses:* 700,000 per year.

*Average Hours Per Response:* 1 hour.

*Total Estimated Burden:* 700,000 hours per year.

*Frequency:* Once per respondent.

*Obligation to Respond:* Required to Obtain or Retain Benefit.

**DATES:** The Department will accept comments from the public up to 60 days from February 1, 2006.

**ADDRESSES:** Interested parties are invited to submit written comments to the Chief, Legislation and Regulation Division, Visas Services—DS-158 Reauthorization, Department of State, Washington, DC 20520-30106. Comments may also be sent via e-mail to [VisaRegs@state.gov](mailto:VisaRegs@state.gov) or faxed to (202) 663-3898. The subject line of either an e-mail or fax must be: DS-158 Reauthorization.

**FOR FURTHER INFORMATION CONTACT:**

Direct requests for additional information regarding the collection

listed in this notice, including requests for copies of the proposed information collection and supporting documents, should be sent to Andrea Lage of the Office of Visa Services, U.S. Department of State, 2401 E St., NW., L-603, Washington, DC 20522, who may be reached at (202) 663-1221.

**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.

*Abstract of proposed collection:* This form collects contact information, current employment information, and previous work experience information from aliens applying for certain nonimmigrant visas to enter the United States.

*Methodology:* Form DS-158 will be submitted in person or by mail or fax to U.S. embassies and consulates overseas. A version of the form without personal data is available online.

Dated: December 15, 2005.

**Stephen A. Edson,**

*Deputy Assistant Secretary, Bureau of Consular Affairs, Department of State.*

[FR Doc. E6-1357 Filed 1-31-06; 8:45 am]

**BILLING CODE 4710-06-P**

**DEPARTMENT OF STATE**

[Public Notice 5288]

**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 § 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. Unless licensing 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, in accordance with Section 38(g)(4) of the AECA and § 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 Assistant Secretary of State for Political-Military Affairs. 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 § 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) Bernardo Gonzalez-Martinez, October 24, 2003, U.S. District Court, Southern District of Texas (Brownsville), Case #: 1:03CR00455-003.

(2) Maria Silvia Elizalde de Nuñez, October 10, 2003, U.S. District Court, Southern District of Texas (Brownsville), Case #: 1:03CR00455-002.

(3) Kwonhwan Park (a.k.a. Howard Park), August 30, 2005, U.S. District Court, District of Connecticut (Bridgeport), Case #: 3:04cr123(MRK).

(4) Mehrdad Zar (a.k.a. Tony Zar), October 27, 1998, U.S. District Court, Eastern District of Virginia, Case #: 2:98CR00064-001.

(5) Constantinos Katsaras, November 25, 2003, U.S. District Court, Southern District of Florida (Ft. Lauderdale), Case #: 03-60096-Cr-Marra.

(6) Edgar Semprun, March 14, 2005, U.S. District Court, Southern District of Florida (Miami), Case #: 04-20605-CR-LENARD 004.

(7) Rafael Alberto Samper, February 28, 2005, U.S. District Court, Southern District of Florida (Miami), Case #: 04-20605-CR-LENARD 003.

(8) Antonio Tarrab, March 8, 2005, U.S. District Court, Southern District of Florida (Miami), Case #: 04-20605-CR-LENARD 005.

(9) Bilmer Alberto Paz, March 21, 2005, U.S. District Court, Southern District of Florida (Miami), Case #: 04-20605-CR-LENARD 006.

(10) Raul Demolina, May 5, 2005, U.S. District Court, Southern District of Florida (Miami), Case #: 04-20605-CR-LENARD(s).

(11) Sotaro Inami, April 28, 2005, U.S. District Court, Eastern District of Pennsylvania, Case #: 04-429.

(12) Luis Hector Margailon-Drabos (a.k.a. Pedro Marquez-Monreal; a.k.a. Luis Hector Margailon; a.k.a. Jose Olivarez-Martinez), April 18, 2005, U.S. District Court, District of Arizona (Tucson), Case #: CR 04-00208-001-PHX-FJM.

(13) Hemant Lakhani (a.k.a. Hemad Lakhani), September 12, 2005, U.S. District Court, District of New Jersey (Newark), Case #: 03-880-01.

(14) Interaero, Inc., December 16, 2004, U.S. District Court, District of Columbia, Case #: CR 04-317.

(15) Renald Etienne, December 17, 1999, U.S. District Court, Middle District of Florida (Tampa), Case #: 99-31-CR-FTM-26D.

(16) David Tomkins, October 8, 2004, U.S. District Court, Southern District of Florida (Miami), Case #: 94-204-CR-JORDAN.

(17) Tanzeem A. Khan, September 11, 2001, U.S. District Court, District of Maryland (Baltimore), Case #: JFM-01-085.

(18) Tauquir A. Khan, September 11, 2001, U.S. District Court, District of Maryland (Baltimore), Case #: JFM-01-085.

(19) Eduardo Marin Mejias, November 23, 2005, U.S. District Court, Southern District of Florida (Miami), Case #: 05-60128-CR-ALTONAGA.

(20) Neuro Enrique Gonzalez, November 8, 2005, U.S. District Court, Southern District of Florida (Miami), Case #: 05-60128-CR-ALTONAGA(s).

(21) Randy Reyes, January 14, 2000, U.S. District Court, Eastern District of Wisconsin, Case #: 98-CR-189.

(22) Fermin Revuelta, December 14, 2000, U.S. District Court, Northern District of California, Case #: CR-99-0117 CAL.

(23) Fernando Sero (a.k.a. Ferdie Resada), December 15, 2005, U.S. District Court, Southern District of New York, Case # 05 CR 00340-01 (CLB).

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.*, §§ 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: January 24, 2006.

**John Hillen,**

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

[FR Doc. E6-1339 Filed 1-31-06; 8:45 am]

**BILLING CODE 4710-25-P**

---

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### Application of Hawaii Island Air, Inc. D/ B/A Island Air for Certificate Authority

**AGENCY:** Department of Transportation.

**ACTION:** Notice of Order to Show Cause (Order 2006-1-20), Docket OST-2005-22001.

**SUMMARY:** The Department of Transportation is directing all interested persons to show cause why it should not issue an order finding Hawaii Island Air, Inc. d/b/a Island Air fit, willing, and able, and awarding it a certificate of public convenience and necessity to engage in interstate scheduled air transportation of persons, property and mail.

**DATES:** Persons wishing to file objections should do so no later than February 8, 2006.

**ADDRESSES:** Objections and answers to objections should be filed in Docket OST-2005-22001 and addressed to U.S. Department of Transportation, Docket

Operations, (M-30, Room PL-401), 400 Seventh Street, SW., Washington, DC 20590, and should be served upon the parties listed in Attachment A to the order.

**FOR FURTHER INFORMATION CONTACT:**

Vanessa R. Balgobin, Air Carrier Fitness Division (X-56, Room 6401), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366-9721.

Dated: January 25, 2006.

**Michael W. Reynolds,**

*Acting Assistant Secretary for Aviation and International Affairs.*

[FR Doc. E6-1321 Filed 1-31-06; 8:45 am]

**BILLING CODE 4910-62-P**

---

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

[Docket OST-2005-21790]

#### Notice on the Essential Air Service Code-Sharing Pilot Program

**AGENCY:** Office of the Secretary, DOT.

**ACTION:** Notice.

**SUMMARY:** Vision 100—Century of Aviation Reauthorization Act, Public Law 108-176, Title IV, subtitle A, section 406 requires the Secretary of Transportation to establish a pilot program, under which the Secretary would have discretion to require air carriers receiving Essential Air Service (EAS) subsidy and major carriers serving large hub airports to participate in code-sharing arrangements for up to 10 EAS communities. Public comments were invited about such a prospective program; all of the comments raised objections, particularly concerns that the Department would use the authority to force carriers to participate involuntarily in the program. This Notice discusses the comments, advises of the establishment of the pilot program, solicits applications for participation in the program, and specifies issues that should be addressed in such applications.

**FOR FURTHER INFORMATION CONTACT:**

Kevin Schlemmer, U.S. Department of Transportation, Office of Aviation Analysis, 400 7th Street, SW., Washington, DC 20590. Telephone (202) 366-3176. E-mail: [kevin.schlemmer@dot.gov](mailto:kevin.schlemmer@dot.gov).

**SUPPLEMENTARY INFORMATION:** The Essential Air Service program, established in 1978 by the Airline Deregulation Act, Public Law 95-504, enables small communities that were served by certificated air carriers before deregulation to maintain at least a

minimal level of scheduled air service. Under this program, the Department currently provides subsidies to air carriers so that approximately 150 rural communities, including 37 in Alaska, can receive such service. DOT's program determines the minimum level of service at each community by specifying a hub through which the community is linked to the national transportation system, a minimum number of round trips and available seats that must be provided to that hub, certain characteristics of the aircraft to be used, and the maximum number of permissible intermediate stops to the hub.

A code-sharing agreement is a marketing arrangement between two carriers that allows one to publish schedules and sell tickets on flights operated by another. Typically, code-sharing allows carriers to broaden their network of destinations, to feed additional passengers to their hub airports, and to serve destinations that they could not otherwise serve on a profitable basis. Major airlines now commonly enter into voluntary code-share contracts with others, including smaller, regional carriers. Most airports covered under the EAS program have service provided by a carrier that has at least one major airline's code attached to its flights out of the airport. However, some carriers that provide subsidized service under the EAS program do not have any code-share arrangements in some of the markets that they serve.

On December 12, 2003, President Bush signed the Vision 100—Century of Aviation Reauthorization Act, Public Law 108-176. Title IV, subtitle A, section 406 of that statute required the Secretary of Transportation to establish a pilot program, under which the Secretary would have discretion to require air carriers receiving EAS subsidy and major carriers serving large hub airports to participate in code-sharing arrangements for up to 10 EAS communities. Section 406 provides as follows:

#### Code-Sharing Program

(a) In General.—The Secretary of Transportation shall establish a pilot program under which the Secretary may require air carriers providing air service with compensation under subchapter II of chapter 417 of title 49, United States code, and major carriers (as defined in section 41716(a)(2) of such title) serving large hub airports (as defined in section 40102 of such title) to participate in multiple code-sharing arrangements consistent with normal industry practice whenever and wherever the Secretary determines that such multiple