

time as the construction authorized by this permit is begun, and again at such time as construction is completed, interrupted for more than ninety days or discontinued.

*Article 10.* This permit is not intended to, and does not, create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or in equity, by any party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, in their individual or official capacities, or any other person.

In witness whereof, I, Robert D. Hormats, Under Secretary of State for Economic, Energy, and Agricultural Affairs of the United States, have hereunto set my hand this day of April 15, 2011, in the City of Washington, District of Columbia.

End Permit text.

Dated: May 16, 2011.

**Alex Lee,**

*Director, Office of Mexican Affairs,  
Department of State.*

[FR Doc. 2011-12619 Filed 5-20-11; 8:45 am]

**BILLING CODE 4710-29-P**

## Department of State

[Public Notice: 7465]

### Statutory Debarment and Reinstatement of BAE Systems plc

#### Bureau of Political-Military Affairs; Statutory Debarment and Reinstatement of BAE Systems plc and Policy of Denial Concerning Certain Non-U.S. Subsidiaries 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, acting pursuant to section 127.7(c) of the International Traffic in Arms Regulations (“ITAR”) (22 CFR Parts 120–130), imposed a statutory debarment on BAE Systems plc (“BAES”) as a result of its conviction of conspiracy (18 U.S.C. 371) to violate certain provisions of U.S. law, including section 38 of the Arms Export Control Act, as amended, (“AECA”) (22 U.S.C. 2778) and at the same time reinstated BAES. Concurrently, pursuant to section 126.7 of the ITAR, the Department of State is providing notice of a presumption of denial (also referred to as a policy of denial) regarding certain of BAES’ non-U.S. subsidiaries because of their substantial involvement in activities related to the conviction.

These non-U.S. subsidiaries are: BAE Systems CS&S International, Red Diamond Trading Ltd., and Poseidon Trading Investments Ltd.

**DATES:** *Effective Date(s):* May 16, 2011.

**FOR FURTHER INFORMATION CONTACT:**

Office of Defense Trade Controls Compliance, Bureau of Political-Military Affairs, Department of State (202) 632–2798.

**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, including technical data, or defense services where the applicant, or any party to the export, has been convicted of violating certain statutory provisions, including provisions of the AECA, and conspiracy (18 U.S.C. 371) to violate the AECA. The statute permits limited exceptions to be made on a case-by-case basis. In implementing this provision, section 127.7(c) of the ITAR provides for a “statutory debarment” of any person who has been convicted of violating or conspiring to violate the AECA. Persons subject to a 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 court of the United States, and as such the administrative debarment procedures outlined in Part 128 of the ITAR are not applicable.

On March 2, 2010, the United States District Court in the District of Columbia, filed judgment against BAES for conspiracy to violate, *inter alia*, the AECA and the ITAR, in violation of section 38 of the AECA and parts 127 and 130 of the ITAR. Notice is hereby given that, pursuant to section 38(g)(4) of the AECA and section 127.7(c) of the ITAR, BAES, headquartered in Farnborough, England, in the United Kingdom of Great Britain and Northern Ireland, was statutorily debarred on May 16, 2011, but that in accordance with section 38(g)(4) of the AECA and section 127.7 of the ITAR, and in conjunction with a Consent Agreement between the Department and BAES, the statutory debarment was concurrently rescinded. Ineligible status and statutory debarment may be terminated after consultation with other appropriate U.S. agencies, 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 reviewed the circumstances and consulted with other appropriate U.S. agencies, and determined that BAES took appropriate steps to address the causes of the violations and to mitigate any law enforcement concerns.

Further notice is hereby given that the Department of State, pursuant to section 38 of the AECA and section 126.7 of the ITAR, imposed on May 16, 2011 a policy of denial on the following BAES’ non-U.S. subsidiaries: BAE Systems CS&S International, Red Diamond Trading Ltd., and Poseidon Trading Investments Ltd., including their divisions and business units, and successor entities. This means that there will be an initial presumption of denial for all applications for licenses and other approvals involving these subsidiaries unless upon case-by-case review the Department determines that it is in the foreign policy or national security interests of the United States to provide an approval. Section 126.7(a) of the ITAR provides that any application for an export license or other approval under the ITAR may be disapproved, and any license or other approval or exemption granted may be revoked, suspended, or amended without prior notice, in part, whenever: (1) An applicant or any party to the export or the agreement has been convicted of violating any of the U.S. criminal statutes enumerated in section 120.27 of the ITAR, which include the AECA; (2) the Department of State believes that 22 U.S.C. 2778, any regulation contained in the ITAR, or the terms of any U.S. Government export authorization has been violated by any party to the export or other person having a significant interest in the transaction; or, (3) whenever the Department of State deems such action to be in furtherance of world peace, the national security or the foreign policy of the United States, or is otherwise advisable. All new applications for licenses or other approvals to which BAE Systems CS&S International, Red Diamond Trading Ltd., and Poseidon Trading Investments Ltd., including their divisions and business units, and successor entities are a party will be reviewed consistent with this presumption of denial.

Exceptions, also known as “transaction exceptions,” may be made to the policy of denial on a case-by-case basis. However, such a “transaction exception” would be granted only after a full review of all circumstances, and 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 policy of denial for BAE Systems CS&S International, Red Diamond Trading Ltd., and Poseidon Trading Investments Ltd., including their divisions and business units, and successor entities will continue until it is lifted by the Department.

This notice is provided for the purpose of making the public aware that BAE Systems CS&S International, Red Diamond Trading Ltd., and Poseidon Trading Investments Ltd., including their divisions and business units, and successor entities are under a policy of denial and are presumed not to be qualified to participate directly or indirectly in activities regulated by the ITAR except as outlined herein. This includes engaging in any brokering activities; use of exemptions by or for the benefit of the BAES non-U.S. subsidiaries listed above; 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. Notwithstanding the foregoing language, all licenses, agreements, and other authorizations involving those parties under a policy of denial issued prior May 16, 2011 are not affected and are not revoked. In the event of reorganization, the terms of the policy of denial will follow and apply to all affected entities or units.

Dated: May 16, 2011.

**Andrew J. Shapiro,**

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

[FR Doc. 2011-12628 Filed 5-20-11; 8:45 am]

**BILLING CODE 4710-25-P**

**DEPARTMENT OF THE TREASURY**

**Submission for OMB Review;  
Comment Request**

May 18, 2011.

The Department of the Treasury will submit the following public information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13 on or after the date of publication of this notice. A copy of the submissions may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding these information collections should be addressed to the OMB reviewer listed and to the Treasury PRA Clearance Officer, Department of the Treasury, 1750 Pennsylvania Avenue, NW., Suite 11010, Washington, DC 20220.

**DATES:** Written comments should be received on or before June 22, 2011 to be assured of consideration.

**Alcohol and Tobacco Tax And Trade Bureau (TTB)**

*OMB Number:* 1513-0017.

*Type of Review:* Extension without change of a currently approved collection.

*Title:* Drawback on Beer Exported.

*Form:* TTB F 5130.6

*Abstract:* When tax-paid beer is removed from a brewery and ultimately exported, the brewer exporting the beer is eligible for a drawback (refund) of Federal taxes paid. By completing this form and submitting documentation of exportation, the brewer may receive a refund of Federal taxes paid.

*Respondents:* Private Sector: Businesses or other for-profits.

*Estimated Total Burden Hours:* 5,000.

*OMB Number:* 1513-0034.

*Type of Review:* Extension without change of a currently approved collection.

*Title:* Schedule of Tobacco Products, Cigarette Papers, or Tubes Withdrawn from the Market.

*Forms:* TTB F 5200.7.

*Abstract:* TTB F 5200.7 is used by persons who intend to withdraw tobacco products from the market for which the taxes have already been paid or determined. The form describes the products that are to be withdrawn to determine the amount of tax to be claimed later as a tax credit or refund.

The form notifies TTB when withdrawal or destruction is to take place, and TTB may elect to supervise withdrawal or destruction.

*Respondents: Private Sector:* Businesses or other for-profits.

*Estimated Total Burden Hours:* 1,539.

*OMB Number:* 1513-0062.

*Type of Review:* Extension without change of a currently approved collection.

*Title:* Usual and Customary Business Records Relating to Denatured Spirits—TTB REC 5150/1.

*Abstract:* Denatured Spirits are used for non-beverage industrial purposes in the manufacture of personal household products. The manufacturer maintains and TTB inspects records to ensure spirits accountability. By ensuring that spirits have not been diverted to beverage use, TTB protects tax revenue and public safety. These are normal business records that the manufacturer already keeps.

*Respondents:* Private Sector: Businesses or other for-profits; State, Local, and Tribal Governments.

*Estimated Total Burden Hours:* 1.

*OMB Number:* 1513-0113.

*Type of Review:* Extension without change of a currently approved collection.

*Title:* Special Tax "Renewal" Registration and Return/Special Tax Location Registration Listing.

*Form:* 5630.5R.

*Abstract:* 26 U.S.C. Chapter 52 authorizes collection of special taxes from persons engaging in certain tobacco businesses. TTB F 5630.5R is used to compute tax and as an application for registry.

*Respondents:* Private Sector: Businesses or other for-profits.

*Estimated Total Burden Hours:* 100.

*Clearance Officer:* Gerald Isenberg, Alcohol and Tobacco Tax and Trade Bureau, Room 200 East, 1310 G Street, NW., Washington, DC 20005; (202) 453-2165.

*OMB Reviewer:* Shagufta Ahmed, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503; (202) 395-7873.

**Dawn D. Wolfgang,**

*Treasury PRA Clearance Officer.*

[FR Doc. 2011-12577 Filed 5-20-11; 8:45 am]

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