

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from GEA Technical Publications, Attention: N. Hanna MZ340M2, 1000 Western Avenue, Lynn, MA 01910; telephone (781) 594-2906, fax (781) 594-0600. Copies may be inspected at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

(g) This amendment becomes effective on July 27, 1999.

Issued in Burlington, Massachusetts, on May 17, 1999.

**David A. Downey,**

*Assistant Manager, Engine and Propeller Directorate, Aircraft Certification Service.*

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## DEPARTMENT OF COMMERCE

### Bureau of Export Administration

#### 15 CFR Parts 738 and 740

[Docket No. 990318078-9078-01]

RIN 0694-AB89

#### Addition of Macau to the Export Administration Regulations

**AGENCY:** Bureau of Export Administration, Commerce.

**ACTION:** Final rule.

**SUMMARY:** The Bureau of Export Administration (BXA) is amending the Export Administration Regulations (EAR) in preparation of the return of the Portuguese Colony of Macau (Macau) to the sovereignty of the People's Republic of China (PRC) on December 20, 1999. This final rule adds Macau as a separate destination on the Commerce Country Chart for export licensing purposes.

**DATES:** This rule is effective May 28, 1999.

**FOR FURTHER INFORMATION CONTACT:** James A. Lewis, Office of Strategic Trade and Foreign Policy Controls, Bureau of Export Administration, Telephone: (202) 482-4196.

**SUPPLEMENTARY INFORMATION:** This final rule adds Macau as a distinct destination on the Commerce Country Chart for export licensing purposes. Specifically, this rule amends the EAR in the following ways:

1. In Supplement No. 1 to part 738 of the EAR, Macau is added to the Commerce Country Chart. As noted on the Chart, licensing requirements for exports and reexports to Macau are imposed on items subject to the EAR

controlled for the following reasons: chemical and biological weapons, nuclear nonproliferation, national security, missile technology, regional stability, and crime control.

2. In § 740.7 of the EAR, Macau is listed under Computer Tier 3 for License Exception CTP purposes. Exporters are reminded to consult § 742.12 regarding license requirements on high performance computers for Computer Tier 3 destinations.

3. In Supplement No. 1 to part 740, Macau is added to Country Groups D:1, D:3, and D:4.

Note that a Statement of Ultimate Consignee and Purchaser (Form BXA 711) may be required for exports of items under a license. See part 748 of the EAR for end-use certificate requirements.

This action is taken consistent with the provisions of the Export Administration Act (EAA) and after consultation the Secretary of State. BXA submitted a foreign policy report to the Congress indicating the imposition of new foreign policy controls on May 20, 1999.

Although the Export Administration Act (EAA) expired on August 20, 1994, the President invoked the International Emergency Economic Powers Act and continued in effect the EAR, and to the extent permitted by law, the provisions of the EAA, as amended, in Executive Order 12924 of August 19, 1994, as extended by the President's notices of August 15, 1995 (60 FR 42767), August 14, 1996 (61 FR 42527) August 13, 1997 (62 FR 43629) and August 13, 1998 (63 FR 44121).

#### Savings Clause

Shipments of items no longer eligible for NLR authorization, or items which now require NDAA notification, as a result of this regulatory action that were on deck for loading, on lighter, laden aboard an exporting carrier, or en route aboard a carrier to a port of export before June 11, 1999, may be exported up to and including June 25, 1999. Any such items not exported before midnight June 25, 1999, will require an export license or NDAA notification in accordance with this regulation.

#### Rule Making Requirements

1. This final rule has been determined to be significant for purposes of E.O. 12866.

2. Notwithstanding any other provision of law, no person is required to respond to nor be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act, unless that collection of

information displays a current valid OMB Control Number. This regulation involves collections previously approved by the Office of Management and Budget under control numbers 0694-0088, "Multi-Purpose Application," which carries a burden hour estimate of 45 minutes per manual submission and 40 minutes per electronic submission. Miscellaneous and recordkeeping activities account for 12 minutes per submission. In addition, information is also collected under OMB control number 0694-0107, "National Defense Authorization Act," Advance Notifications and Post-Shipment Verification reports.

3. This rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under Executive Order 12612.

4. The provisions of the Administrative Procedure Act requiring notice of proposed rule making, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a military or foreign affairs function of the United States (see 5 U.S.C. 553(a)(1)). Further, no other law requires that a notice of proposed rule making and an opportunity for public comment be given for this rule. Because a notice of proposed rule making and opportunities for public comment are not required to be given for this rule by 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are inapplicable. Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis. Comments should be submitted to Frank J. Ruggiero, Office of Exporter Services, Bureau of Export Administration, Department of Commerce, P.O. Box 273, Washington, D.C. 20044.

#### List of Subjects

##### 15 CFR Part 738

Administrative practice and procedure, Exports, Foreign trade.

##### 15 CFR Part 740

Administrative practice and procedure, Exports, Foreign trade, Reporting and recordkeeping requirements.

Accordingly, parts 738 and 740 of the Export Administration Regulations (15 CFR Parts 730-774) are amended as follows:

1. The authority citation for 15 CFR part 738 continues to read as follows:

**Authority:** 50 U.S.C. app. 2401 *et seq.*, 1701 *et seq.*, app. 5; 10 U.S.C. 7420; 7430(e); 18 U.S.C. 2510 *et seq.*; 22 U.S.C. 287c; 22 U.S.C. 3201 *et seq.*; 6004; Sec. 201, Pub. L. 104-58, 109 Stat. 557 (30 U.S.C. 185(s)); 185(u); 42 U.S.C. 2139a, 6212; 43 U.S.C. 1354; 46 U.S.C. app. 466c; E.O. 12924, 3 CFR, 1994 Comp., p. 917; E.O. 13026, 3 CFR, 1996

Comp., p. 228; Notice of August 13, 1998, 3 CFR, 1998 Comp., p. 294.

2. The authority citation for 15 CFR Part 740 is revised to read as follows:

**Authority:** 50 U.S.C. app. 2401 *et seq.*; 1701 *et seq.*; E.O. 12924, 3 CFR, 1994 Comp., p. 917; E.O. 13026, 3 CFR, 1996 Comp., p. 228; Notice of August 13, 1998, 3 CFR, 1998

Comp., p. 294; Pub. L. 105-85, 111 Stat. 1629.

**PART 738—[AMENDED]**

3. Supplement No. 1 to Section 738 is amended by adding “Macau” in alphabetical order to read as follows:

**SUPPLEMENT NO. 1 TO PART 738.—COMMERCE COUNTRY CHART**  
[Reason for Control]

Countries	Chemical and biological weapons			Nuclear non-proliferation		National security		Missile tech	Regional stability		Fire-arms convention FC 1	Crime control			Anti-terrorism	
	CB 1	CB 2	CB 3	NP 1	NP 2	NS 1	NS 2	MT 1	RS 1	RS 2		CC 1	CC 2	CC 3	AT 1	AT 2
Macau ..	X	*	X	X		X	X	X	X	X		X				*
		*		*		*		*		*		*				*

\* \* \* \* \*  
**PART 740—[AMENDED]**

**§ 740.7 [Amended]**  
4. Section 740.7 is amended by revising the phrase “ Lithuania,

Macedonia (The Former Yugoslav Republic of),” in paragraph (d)(1) to read “Lithuania, Macau, Macedonia (The Former Yugoslav Republic of),”.

5. Supplement No. 1 to part 740 is amended by adding, in alphabetical

order, “Macau” to Country Group D to read as follows:

**SUPPLEMENT NO. 1 TO PART 740.—COUNTRY GROUP D**

Country	[D: 1] National Security	[D: 2] Nuclear	[D: 3] Chemical & Biological	[D: 4] Missile Technology
Macau .....	X		X	X

\* \* \* \* \*  
Dated: May 20, 1999.

**R. Roger Majak,**  
*Assistant Secretary for Export Administration.*  
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**DEPARTMENT OF COMMERCE**  
**Bureau of Export Administration**  
**15 CFR Parts 742, 745 and 774**  
[Docket No. 990416098-9098-01]  
RIN 0694-AB67

**Corrections to Revisions to the Export Administration Regulations**

**AGENCY:** Bureau of Export Administration, Commerce.  
**ACTION:** Final rule.

**SUMMARY:** On May 18, 1999, the Bureau of Export Administration published an

interim rule (64 FR 27138 ) implementing the export control provisions of the Chemical Weapons Convention. This rule corrects inadvertent errors that appeared in the May 18 rule.

**DATES:** This rule is effective May 28, 1999.

**FOR FURTHER INFORMATION CONTACT:** Nancy Crowe, Regulatory Policy Division, Bureau of Export Administration, at (202) 482-2440.

**SUPPLEMENTARY INFORMATION:** Although the Export Administration Act (EAA) expired on August 20, 1994, the President invoked the International Emergency Economic Powers Act and continued in effect the EAR, and, to the extent permitted by law, the provisions of the EAA in Executive Order 12924 of August 19, 1994, extended by Presidential notice of August 13, 1998 (63 FR 55121, August 17, 1998).

**Rulemaking Requirements**

1. This interim rule has been determined to be not significant for purposes of E.O. 12866.
2. Notwithstanding any other provision of law, no person is required to, nor shall any person be subject to a penalty for failure to comply with a collection of information, subject to the Paperwork Reduction Act (PRA), unless that collection of information displays a currently valid OMB Control Number. This rule involves a collection of information subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). These collections have been approved by the Office of Management and Budget under control number 0694-0088.
3. This rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under Executive Order 12612.
4. The provisions of the Administrative Procedure Act (5 U.S.C.