

(ii) Disks with less than 3,500 CSN on the effective date of this AD, inspect prior to accumulating 5,000 CSN.

(2) Disks that have been reoperated in accordance with PW Service Bulletin (SB) No. 5815, Revision 2, dated July 31, 1992, or prior revisions, that have not been fluorescent penetrant inspected or eddy current inspected since reoperation, perform an initial FPI for cracks in all 40 cooling air holes in Chapter/Section 70-33, SPOP 84, as follows:

(i) Disks with 3,500 CIS or more since reoperation on the effective date of this AD, inspect prior to accumulating 5,000 CIS since reoperation, or within 1,500 CIS after the effective date of this AD, whichever occurs later.

(ii) Disks with less than 3,500 CIS since reoperation on the effective date of this AD, inspect prior to accumulating 5,000 CIS since reoperation.

(3) Disks that have been fluorescent penetrant inspected, or eddy current inspected, since introduction into service or since reoperation, in accordance with PW SB No. 5744, Revision 3, dated March 31, 1993, or prior revisions, or PW JT9D-7Q, -7Q3 Engine Manual, P/N 777210, 72-51-00, Inspection -03, or PW JT9D-59A, -70A Engine Manual, P/N 754459, 72-51-00, Heavy Maintenance Check -03, perform an FPI for cracks in all 40 cooling air holes, prior to accumulating 5,000 CIS since last FPI or ECI, or within 250 CIS after the effective date of this AD, whichever occurs later, in accordance with PW Turbojet Engine Standard Practices Manual, P/N 585005, Chapter/Section 70-33, SPOP 84.

(4) Thereafter, perform FPI for cracks in all 40 cooling air holes at intervals not to exceed 5,000 CIS since last FPI, in accordance with PW Turbojet Engine Standard Practices Manual, P/N 585005, Chapter/Section 70-33, SPOP 84.

(5) Prior to further flight, remove from service cracked disks, and replace with serviceable parts.

(b) For second stage HPT disks, P/N 5001802-01, or hub assembly, P/N 808242, installed in PW JT9D-7R4D, -7R4D1, -7R4E, and -7R4E1 (AI-500) engines, accomplish the following:

(1) Disks that have not been fluorescent penetrant inspected since introduction into service, perform an initial FPI for cracks in all 30 tie bolt holes in accordance with PW SB No. JT9D-7R4-72-536, Revision 2, dated April 30, 1998, as follows:

(i) Disks with 6,000 CSN or more on the effective date of this AD, inspect within 2,000 CIS after the effective date of this AD.

(ii) Disks with less than 6,000 CSN on the effective date of this AD, inspect prior to accumulating 8,000 CSN.

(2) Disks that have been fluorescent penetrant inspected since introduction into service, perform an FPI for cracks in all 30 tie bolt holes, prior to accumulating 8,000 CIS since last FPI, or within 250 CIS after the effective date of this AD, whichever occurs later, in accordance with PW SB No. JT9D-7R4-72-536, Revision 2, dated April 30, 1998.

(3) Thereafter, perform FPI for cracks in all 30 tie bolt holes at intervals not to exceed 8,000 CIS since last FPI, in accordance with

PW SB No. JT9D-7R4-72-536, Revision 2, dated April 30, 1998.

(4) Prior to further flight, remove from service cracked disks, and replace with serviceable parts.

(c) Report findings of cracked turbine disks within 10 working days after inspection to Tara Goodman, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (781) 238-7130, fax (781) 238-7199, Internet: "Tara.Goodman@faa.dot.gov". Reporting requirements have been approved by the Office of Management and Budget and assigned OMB control number 2120-0056.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Engine Certification Office. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Engine Certification Office.

**Note 2:** Information concerning the existence of approved alternative method of compliance with this AD, if any, may be obtained from the Engine Certification Office.

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the aircraft to a location where the requirements of this AD can be accomplished.

(f) The inspections shall be done in accordance with the following PW SB:

Document Number	Pages	Revision	Date
JT9D-7R4-72-536 .....	1	2 .....	April 30, 1998.
	2	Original .....	February 28, 1997.
	3, 4	2 .....	April 30, 1998.
	5, 6	Original .....	February 28, 1997.
	7	2 .....	April 30, 1998.
	8-10	1 .....	October 13, 1997.
Total pages: 10.			

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 Pratt & Whitney, 400 Main St., East Hartford, CT 06108; telephone (860) 565-6600, fax (860) 565-4503. 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 29, 1998.

Issued in Burlington, Massachusetts, on July 6, 1998.

**Jay J. Pardee,**

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

[FR Doc. 98-18649 Filed 7-10-98; 9:33 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF COMMERCE

### Bureau of Export Administration

#### 15 CFR Parts 740, 746, and 774

[Docket No. 980522136-8136-01]

RIN 0694-AB69

#### Exports to the Federal Republic of Yugoslavia (Serbia and Montenegro); Imposition of Foreign Policy Controls

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

**ACTION:** Final rule.

**SUMMARY:** Reacting to the use of excessive force by Serbian police forces against civilians in Kosovo, as well as acts of violence by the Kosovar Albanian extremists and fulfilling United States obligations to implement an international arms embargo

mandated by the United Nations Security Council, the United States has banned the sale and supply of arms and related matériel of all types to the Federal Republic of Yugoslavia (Serbia and Montenegro). To supplement the State Department controls on items on the U.S. Munitions List, the Bureau of Export Administration (BXA) is designating certain items on the Commerce Control List (CCL) that are subject to the arms embargo and establishing a policy of denial to the Federal Republic of Yugoslavia (Serbia and Montenegro) on such items. No embargoed items may be exported to the Federal Republic of Yugoslavia (Serbia and Montenegro) under any License Exception, including shipments of limited value (LVS).

In addition, this rule makes certain editorial revisions to the Export

Administration Regulations relating to embargoes and other special controls.

**EFFECTIVE DATE:** This rule is effective July 14, 1998.

**FOR FURTHER INFORMATION CONTACT:** Patricia Muldonian, Regulatory Policy Division, Bureau of Export Administration, Telephone: (202) 482-2440.

**SUPPLEMENTARY INFORMATION:**

**Background**

In Resolution 1160 of March 31, 1998, the United Nations Security Council (UNSC) directs all member states to prohibit the sale or supply to the Federal Republic of Yugoslavia, including Kosovo, by their nationals or from their territories or using their flag vessels and aircraft, of arms and related matériel of all types, such as weapons and ammunition, military vehicles and equipment, and spare parts for the aforementioned and to prevent arming and training for terrorist activities there. Therefore, consistent with the UNSC Resolution 1160, the Bureau of Export Administration is imposing new license requirements and a policy of denial on arms-related items and certain other items on the Commerce Control List that could be used for terrorist activities or to repress the civilian population. These items include shotguns, ammunition, military vehicles, equipment for production of military explosives, bulletproof vests, night vision equipment, crime and crowd control equipment, and items that may be used to arm and train individuals for terrorist activities. Many of these items are already subject to license application requirements under the Export Administration Regulations for export to the Federal Republic of Yugoslavia (Serbia and Montenegro). However, this action imposes export license requirements on additional items, such as water cannons.

Executive Order 12918 of May 26, 1994 delegates authority, *inter alia*, under section 5 of the United Nations Participation Act, 22 U.S.C. 287c, to take such actions as may be necessary to carry out this arms embargo against the Federal Republic of Yugoslavia (Serbia and Montenegro) to the Secretary of Commerce and the Secretary of State, for the types of arms and related matériel that come under their respective jurisdictions. To carry out this delegation to the Secretary of Commerce, the Bureau of Export Administration (BXA) sets forth the policies in § 746.9 of the EAR and designates certain items on the Commerce Control List (CCL) that are subject to the arms embargo and a

policy of denial to the Federal Republic of Yugoslavia (Serbia and Montenegro), effective July 14, 1998. The Department of State has maintained a denial policy against issuing licenses or other authorizations for defense articles and services to the Federal Republic of Yugoslavia (Serbia and Montenegro) since 1991. This action is taken consistent with the provisions of the EAA and after consultation with the Secretary of State. BXA submitted a foreign policy report to the Congress indicating the imposition of new foreign policy controls on June 30, 1998.

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, as extended by the President's notices of August 15, 1995 (60 FR 42767), August 14, 1996 (61 FR 42527) and August 13, 1997 (62 FR 43629).

**Rulemaking Requirements**

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

2. This rule involves a collection of information subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). These collections have been approved by the Office of Management and Budget under control number 0694-0088. Notwithstanding any other provision of law, no person is required to respond nor shall any person 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 currently valid OMB Control Number.

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. 553) requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a military and foreign affairs function of the United States (Sec. 5 U.S.C. 553(a)(1)). Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this final rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 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 not applicable.

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 Patricia Muldonian, Regulatory Policy Division, Bureau of Export Administration, Department of Commerce, P.O. Box 273, Washington, DC 20044.

**List of Subjects**

*15 CFR Part 740*

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

*15 CFR Part 746*

Embargoes, Exports, Foreign trade, Reporting and recordkeeping requirements.

*15 CFR Part 774*

Exports, Foreign trade, Reporting and recordkeeping requirements.

Accordingly, parts 740, 746, and 774 of the Export Administration Regulations (15 CFR parts 730-799) are amended as follows:

1. The authority citation for part 740 is revised to read as follows:

**Authority:** 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; E.O. 12924, 3 CFR, 1994 Comp., p. 917; E.O. 13020, 3 CFR, 1996 Comp. p. 219; E.O. 13026, 3 CFR, 1996 Comp., p. 228; Notice of August 13, 1997 (62 FR 43629, August 15, 1997).

2. The authority citation for part 746 is revised to read as follows:

**Authority:** 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 287c, 6004; E.O. 12918, 59 FR 28205, 3 CFR, 1994 Comp., p. 899; E.O. 12924, 3 CFR, 1994 Comp., p. 917; Notice of August 13, 1997 (62 FR 43629, August 15, 1997).

3. The authority citation for part 774 is revised to read as follows:

**Authority:** 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 10 U.S.C. 7420, 7430(e); 18 U.S.C. 2510 *et seq.*; 22 U.S.C. 287c, 3201 *et seq.*, 6004; 30 U.S.C. 185(u); 42 U.S.C. 2139a, 6212; 43 U.S.C. 1354; 46 U.S.C. app. 466c; 50 U.S.C. app. 5; Sec. 201, Pub. L. 104-58, 109 Stat. 557 (30 U.S.C. 185(s)); E.O. 12924, 3 CFR, 1994 Comp., p. 917; E.O. 13020, 3 CFR, 1996 Comp. p. 219; E.O. 13026, 3 CFR, 1996 Comp., p. 228; Notice of August 13, 1997 (62 FR 43629, August 15, 1997).

**PART 740—[AMENDED]**

4. Supplement No. 1 to part 740 is amended by revising Country Group E, to read as follows:

**Supplement No. 1 to Part 740**

\* \* \* \* \*

**Country Group E**

Country	[E:1] UN embargo	[E-2] uni-lateral embargo
Angola .....	X	.....
Cuba .....	.....	X
Iraq .....	X	.....
Korea, North .....	.....	X
Libya .....	X	X
Rwanda .....	X	.....
Serbia & Montenegro	X	.....

**PART 746—[AMENDED]**

5. Section 746.8 is amended by revising paragraph (b)(1)(ii) to read as follows:

**§ 746.8 Rwanda.**

\* \* \* \* \*

(b) \* \* \* (1) \* \* \*

(ii) Items described by ECCNs ending in "018"; and 0A982, 0A984, 0A985, 0A986, 0A988, 0B986, 0E984, 1A005, 5A980, 6A002.a.1, a.2, a.3 and c, 6A003.b.3 and b.4, 6E001, 6E002, and 9A991.a.

\* \* \* \* \*

6. A new section 746.9 is added to read as follows:

**§ 746.9 The Federal Republic of Yugoslavia (Serbia and Montenegro).**

Under Resolution 1160 of March 31, 1998, the United Nations Security Council (UNSC) directs all member states to prevent the sale or supply to the Federal Republic of Yugoslavia, including Kosovo, by their nationals or from their territories or using their flag vessels and aircraft, of arms and related matériel of all types, such as weapons and ammunition, military vehicles and equipment and spare parts for the aforementioned, and to prevent the arming and training for terrorist activities there. Executive Order 12918 of May 26, 1994 (3 CFR, 1994 Comp., p. 899) authorizes the Secretary of State and the Secretary of Commerce, under section 5 of the United Nations Participation Act and other authorities available to the respective Secretaries, to take all actions necessary to implement any arms embargo mandated by resolution of the United Nations Security Council.

(a) *License requirements.* Under Executive Order 12918 of May 26, 1994, and in conformity with United Nations Security Council (UNSC) Resolution 1160 of March 31, 1998, an embargo applies to the sale or supply to the Federal Republic of Yugoslavia, including Kosovo, of arms and related

matériel of all types and regardless of origin, such as weapons and ammunition, military vehicles and equipment, and spare parts for such items. You will therefore need a license for the sale, supply or export to the Federal Republic of Yugoslavia (Serbia and Montenegro) from the United States of embargoed items, as listed in paragraphs (a)(1) (i) and (ii) of this section. You will also need a license for the sale, supply, export or reexport to the Federal Republic of Yugoslavia (Serbia and Montenegro) of such items by any United States person in any foreign country or other location. (Reexport controls imposed by this embargo apply only to reexports by U.S. persons. Reexport controls on U.S.-origin items to the Federal Republic of Yugoslavia (Serbia and Montenegro) set forth in other parts of the EAR remain in effect.) You will also need a license for the use of any U.S.-registered aircraft or vessel to supply or transport to the Federal Republic of Yugoslavia (Serbia and Montenegro) any such items. These requirements apply to embargoed items, regardless of origin.

(i) *Crime Control and Detection Equipment* as identified on the CCL under CC Columns No. 1, 2 or 3 in the Country Chart column of the "License Requirements" section of the applicable ECCN.

(ii) Items described by ECCNs ending in "018"; and 0A982, 0A984, 0A985, 0A986, 0A988, 0A989, 0B986, 0E984, 1A005, 1C998, 2A993, 6A002.a.1, a.2, a.3, b and c, 6A003.b.3 and b.4, 6E001, 6E002, and 9A991.a.

(2) *Date of embargo.* The licensing requirements in this section are effective on July 14, 1998.

(b) *Licensing policy.* Applications for export or reexport of all items listed in paragraphs (a)(1)(i) and (ii) of this section are subject to a general policy of denial. Consistent with United Nations Security Council Resolution 1160, this embargo is effective notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or any contract entered into or any license or permit granted prior to July 14, 1998, except to the extent provided in regulations, orders, directives or licenses that may be issued in the future under Executive Order 12918 or under the EAR.

(c) *Related controls.* The Department of State, Office of Defense Trade Controls, maintains related controls on arms and military equipment under the International Traffic in Arms Regulations (22 CFR parts 120–130). You should also contact the Department of the Treasury's Office of Foreign Assets Control concerning any

restrictions which might apply to U.S. persons involving financial transactions with the Federal Republic of Yugoslavia (Serbia and Montenegro).

**Supplement No. 3 to Part 746 [Removed and Reserved]**

7. Supplement No. 3 to part 746 is removed and reserved.

**PART 774—[AMENDED]****Supplement No. 1 to Part 774—[Amended]**

8. In Category 0—Nuclear Materials, Facilities, and Equipment [and Miscellaneous Items], the following Export Control Classification Numbers (ECCNs) are amended:

a. By revising the "License Requirements" section and the "License Exceptions" section for ECCN 0A018;

b. By revising the entry heading and the "License Requirements" section for ECCN 0A982;

c. By revising the "License Requirements" section for ECCNs 0A984, 0A985, 0A986, 0A988, 0B986 and 0E984;

d. By adding a new entry for 0A989; and

e. By revising the "License Requirements" section and the "License Exceptions" section for ECCN 0E108, to read as follows:

**0A018 Items on the International Munitions List.****License Requirements**

*Reason for Control:* NS, AT, UN

Control(s)	Country chart
NS applies to entire entry.	NS Column 1.
AT applies to entire entry.	AT Column 1.
UN applies to entire entry.	Rwanda; Federal Republic of Yugoslavia (Serbia and Montenegro).

**License Exceptions**

LVS: \$1,500, except \$0 for Rwanda and the Federal Republic of Yugoslavia (Serbia and Montenegro)

GBS: N/A

CIV: N/A

\* \* \* \* \*

0A982 *Saps; thumbcuffs, leg irons, shackles, and handcuffs; straight jackets, plastic handcuffs, conventional steel military helmets, police helmets and shields; and parts and accessories, n.e.s.*

**License Requirements**

*Reason for Control:* CC, UN

Control(s)	Country chart
CC applies to entire entry. UN applies to entire entry.	CC Column 1.  Rwanda; Federal Republic of Yugoslavia (Serbia and Montenegro).

\* \* \* \* \*

**0A984** Shotguns, barrel length 18 inches (45.72 cm) inches or over; buckshot shotgun shells; except equipment used exclusively to treat or tranquilize animals, and except arms designed solely for signal, flare, or saluting use; and parts, n.e.s.

#### License Requirements

*Reason for Control:* CC, UN

Control(s)	Country chart
CC applies to shotguns with a barrel length over 18 in. (45.72 cm) but less than 24 in. (60.96 cm) or buckshot shotgun shells controlled by this entry, regardless of end-user.	CC Column 1.
CC applies to shotguns with a barrel length greater than or equal to 24 in. (60.96 cm), regardless of end-user.	CC Column 2.
CC applies to shotguns with a barrel length greater than or equal to 24 in. (60.96 cm) if for sale or resale to police or law enforcement.	CC Column 3.
UN applies to entire entry.	Rwanda; Federal Republic of Yugoslavia (Serbia and Montenegro).

\* \* \* \* \*

**0A985** Optical sighting devices for firearms (including shotguns controlled by 0A984); discharge type arms (for example, stun guns, shock batons, electric cattle prods, immobilization guns and projectiles, etc.) except equipment used exclusively to treat or tranquilize animals, and except arms designed solely for signal, flare, or saluting use; and parts, n.e.s.

#### License Requirements

*Reason for Control:* CC, UN

Control(s)	Country chart
CC applies to entire entry.	CC Column 1.

Control(s)	Country chart
UN applies to entire entry.	Rwanda; Federal Republic of Yugoslavia (Serbia and Montenegro).

\* \* \* \* \*

**0A986** Shotgun shells, except buckshot shotgun shells, and parts.

#### License Requirements

*Reason for Control:* UN

UN applies to entire entry. A license is required for items controlled by this entry to Rwanda and the Federal Republic of Yugoslavia (Serbia and Montenegro). The Commerce Country Chart is not designed to determine licensing requirements for this entry. See part 746 of the EAR for additional information.

\* \* \* \* \*

**0A988** Conventional military steel helmets as described by 0A018.f.1; and machetes.

#### License Requirements

*Reason for Control:* UN

#### Controls(s)

UN applies to entire entry. A license is required for conventional military steel helmets as described by 0A018.f.1 to Rwanda and the Federal Republic of Yugoslavia (Serbia and Montenegro). A license is required for machetes to Rwanda. The Commerce Country Chart is not designed to determine licensing requirements for this entry. See part 746 of the EAR for additional information.

\* \* \* \* \*

**0A989** Water cannon and specially designed components for water cannon.

#### License Requirements

*Reason for Control:* UN

#### Control(s)

UN applies to entire entry. A license is required for items controlled by this entry to the Federal Republic of Yugoslavia (Serbia and Montenegro). The Commerce Country Chart is not designed to determine licensing requirements for this entry. See § 746.9 of the EAR for additional information.

#### License Exceptions

LVS: N/A

GBS: N/A

CIV: N/A

#### List of Items Controlled

*Unit:* \$ value

*Related Controls:* N/A

*Related Definitions:* N/A

*Items:* The list of items controlled is contained in the ECCN heading.

**0B986** Equipment specially designed for manufacturing shotgun shells; and ammunition hand-loading equipment for both cartridges and shotgun shells.

#### License Requirements

*Reason for Control:* UN

#### Control(s)

UN applies to entire entry. A license is required for items controlled by this entry to Rwanda and the Federal Republic of Yugoslavia (Serbia and Montenegro). The Commerce Country Chart is not designed to determine licensing requirements for this entry. See part 746 of the EAR for additional information.

\* \* \* \* \*

**0E018** "Technology" for the "development", "production", or "use" of items controlled by 0A018.b through 0A018.e.

#### License Requirements

*Reason for Control:* NS, UN, AT

Control(s)	Country chart
NS applies to entire entry.	NS Column 1.
UN applies to entire entry.	Rwanda; Federal Republic of Yugoslavia (Serbia and Montenegro).
AT applies to entire entry.	AT Column 1.

#### License Exceptions

CIV: N/A

TSR: Yes, except N/A for Rwanda and the Federal Republic of Yugoslavia (Serbia and Montenegro)

\* \* \* \* \*

**0E984** "Technology" for the "development" or "production" of shotguns controlled by 0A984 and buckshot shotgun shells.

#### License Requirements

*Reason for Control:* CC, UN

Control(s)	Country chart
CC applies to "technology" for shotguns with a barrel length over 18 in. (45.72 cm) but less than 24 in. (60.96 cm) and shotgun shells, regardless of end-user.	CC Column 1.

Control(s)	Country chart
CC applies to "technology" for shot-guns with a barrel length greater than or equal to 24 in. (60.96 cm), regardless of end-user.	CC Column 2.
CC applies to "technology" for shot-guns with a barrel length greater than or equal to 24 in. (60.96 cm) if for sale or resale to police or law enforcement.	CC Column 3.
UN applies to entire entry.	Rwanda; Federal Republic of Yugoslavia (Serbia and Montenegro).

\* \* \* \* \*

9. In Category 1—Materials, Chemicals, "Microorganisms" & "Toxins", the following Export Control Classification Numbers (ECCNs) are amended:

a. By revising the "License Requirements" section for ECCNs 1A005 and 1D018;

b. By adding a new entry for 1C998; and

c. By revising the "License Requirements" section and the "License Exceptions" section for ECCNs 1B018 and 1C018, to read as follows:

*1A005 Body armor, and specially designed components therefor, not manufactured to military standards or specifications, nor to their equivalents in performance.*

#### License Requirements

*Reason for Control:* NS, AT, UN

Control(s)	Country chart
NS applies to entire entry.	NS Column 2.
AT applies to entire entry.	AT Column 1.
UN applies to entire entry.	Rwanda; Federal Republic of Yugoslavia (Serbia and Montenegro).

\* \* \* \* \*

*1B018 Equipment on the International Munitions List.*

#### License Requirements

*Reason for Control:* NS, MT, RS, AT, UN

Control(s)	Country chart
NS applies to entire entry.	NS Column 1.

Control(s)	Country chart
MT applies to equipment for the "production" of rocket propellants.	MT Column 1.
RS applies to 1B018.a.	RS Column 2.
AT applies to entire entry.	AT Column 1.
UN applies to entire entry.	Rwanda; Federal Republic of Yugoslavia (Serbia and Montenegro).

#### License Exceptions

LVS: \$3000 for 1B018.a for countries WITHOUT an "X" in RS Column 2 on the Country Chart contained in Supplement No. 1 to part 738 of the EAR \$5000 for 1B018.b N/A for Rwanda and the Federal Republic of Yugoslavia (Serbia and Montenegro)

GBS: N/A

CIV: N/A

\* \* \* \* \*

*1C018 Materials on the International Munitions List.*

#### License Requirements

*Reason for Control:* NS, AT, UN

Control(s)	Country chart
NS applies to entire entry.	NS Column 1.
AT applies to entire entry.	AT Column 1.
UN applies to entire entry.	Rwanda; Federal Republic of Yugoslavia (Serbia and Montenegro).

#### License Exceptions

LVS: \$3000, except N/A for Rwanda and the Federal Republic of Yugoslavia (Serbia and Montenegro)

GBS: Yes for items listed in Advisory Note to 1C018, except N/A for Rwanda and the Federal Republic of Yugoslavia (Serbia and Montenegro)

CIV: N/A

\* \* \* \* \*

*1C998 Detonation cords and equipment and explosive material (n.e.s.).*

#### License Requirements

*Reason for Control:* UN

Control(s)	Country chart
UN applies to entire entry.	Federal Republic of Yugoslavia (Serbia and Montenegro).

#### License Exceptions

LVS: N/A

GBS: N/A

CIV: N/A

#### List of Items Controlled

*Unit:* \$ value

*Related Controls:* N/A

*Related Definitions:* Items contained in this entry are those materials other than materials subject to the licensing authority of the U.S. Department of State, Office of Defense Trade Controls (see 22 CFR part 121) and ECCN 1C018. *Items:* The list of items controlled is contained in the ECCN heading.

*1D018 "Software" specially designed or modified for the "development", "production", or "use" of items controlled by 1B018.*

#### License Requirements

*Reason for Control:* NS, MT, AT, UN

Control(s)	Country chart
NS applies to entire entry.	NS Column 1.
MT applies to "software" for the "development", "production", or "use" of items controlled by 1B018 for MT reasons.	MT Column 1.
AT applies to entire entry.	AT Column 1.
UN applies to entire entry.	Rwanda; Federal Republic of Yugoslavia (Serbia and Montenegro).

\* \* \* \* \*

10. In Category 2—Materials Processing, Export Control Classification Numbers (ECCNs) are amended:

a. By revising the "License Requirements" section for ECCN 2A993; and

b. By revising the "License Requirements" section and the "License Exceptions" sections for ECCNs 2B018, 2D018, and 2E018, to read as follows:

*2A993 Explosive detection systems, consisting of an automated device, or combination of devices, with the ability to detect the presence of different types of explosives, in passenger checked baggage, without need for human skill, vigilance, or judgment.*

#### License Requirements

*Reason for Control:* AT, UN

Control(s)	Country chart
AT applies to entire entry.	AT Column 1.
UN applies to entire entry.	Federal Republic of Yugoslavia (Serbia and Montenegro).

\* \* \* \* \*

**2B018 Equipment on the International Munitions List.****License Requirements**

*Reason for Control:* NS, MT, RS, AT, UN.

Control(s)	Country chart
NS applies to entire entry.	NS Column 1.
MT applies to specialized machinery, equipment, and gear for producing rocket systems (including ballistic missile systems, space launch vehicles, and sounding rockets) and unmanned air vehicle systems (including cruise missile systems, target drones, and reconnaissance drones) usable in systems that are controlled for MT reasons including their propulsion systems and components, and pyrolytic deposition and densification equipment.	MT Column 1.
RS applies to entire entry.	RS Column 2.
AT applies to entire entry.	AT Column 1.
UN applies to entire entry.	Rwanda; Federal Republic of Yugoslavia (Serbia and Montenegro).

**License Exceptions**

LVS: \$3000, except N/A for Rwanda and the Federal Republic of Yugoslavia (Serbia and Montenegro).

GBS: Yes for Advisory Note in this entry to 2B018, except N/A for Rwanda and the Federal Republic of Yugoslavia (Serbia and Montenegro).

CIV: N/A

\* \* \* \* \*

**2D018 "Software" for the "development", "production" or "use" of equipment controlled by 2B018.**

**License Requirements**

*Reason for Control:* NS, MT, AT, UN.

Control(s)	Country chart
NS applies to entire entry.	NS Column 1.
MT applies to "software" for equipment controlled by 2B018 for MT reasons.	MT Column 1.

Control(s)	Country chart
AT applies to entire entry.	AT Column 1.
UN applies to entire entry.	Rwanda; Federal Republic of Yugoslavia (Serbia and Montenegro).

**License Exceptions**

CIV: N/A

TSR: Yes, except N/A for Rwanda and the Federal Republic of Yugoslavia (Serbia and Montenegro)

\* \* \* \* \*

**2E018 "Technology" for the "use" of equipment controlled by 2B018.**

**License Requirements**

*Reason for Control:* NS, MT, AT, UN

Control(s)	Country chart
NS applies to entire entry.	NS Column 1.
MT applies to "technology" for equipment controlled by 2B018 for MT reasons.	MT Column 1.
AT applies to entire entry.	AT Column 1.
UN applies to entire entry.	Rwanda; Federal Republic of Yugoslavia (Serbia and Montenegro).

**License Exceptions**

CIV: N/A

TSR: Yes, except N/A for Rwanda and the Federal Republic of Yugoslavia (Serbia and Montenegro)

\* \* \* \* \*

11. In Category 6—Sensors and Lasers, the following Export Control Classification Numbers (ECCNs) are amended:

a. By revising the "License Requirements" section for ECCNs 6A002, and 6A003;

b. By revising the entry heading and the "License Requirements" section for ECCNs 6E001 and 6E002; and

c. By revising the "License Requirement" section and the "License Exceptions" section for ECCN 6A018, to read as follows:

**6A002 Optical sensors.**

**License Requirements**

*Reason for Control:* NS, MT, CC, RS, AT, UN

Control(s)	Country chart
NS applies to entire entry.	NS Column 2.

Control(s)	Country chart
MT applies to optical detectors in 6A002.a.1, a.3, and .e that are specially designed or rated as electromagnetic (including "lasers") and ionized particle radiation resistant.	MT Column 1.
RS applies to 6A002.a.1, a.2, a.3 and .c.	RS Column 1.
CC applies to police-model infrared viewers in 6A002.c.	CC Column 1,
AT applies to entire entry.	AT Column 1.
UN applies to 6A002.a.1, a.2 a.3, and c.	Rwanda; Federal Republic of Yugoslavia (Serbia and Montenegro).
UN applies to 6A002.b.	Federal Republic of Yugoslavia (Serbia and Montenegro).

**LICENSE REQUIREMENT NOTES:** See § 743.1 of the EAR for reporting requirements for exports under License Exceptions.

\* \* \* \* \*

**6A003 Cameras.**

**License Requirements**

*Reason for Control:* NS, NP, RS, AT, UN

Control(s)	Country chart
NS applies to entire entry.	NS Column 2.
NP applies to items controlled in paragraphs 6A003.a.2, a.3 and a.4.	NP Column 1.
RS applies to items controlled in 6A003.b.3 and b.4.	RS Column 1.
AT applies to entire entry.	AT Column 1.
UN applies to items controlled in 6A003.b.3 and b.4.	Rwanda; Federal Republic of Yugoslavia (Serbia and Montenegro).

\* \* \* \* \*

**6A018 Magnetic, pressure, and acoustic underwater detection devices specially designed for military purposes and controls and components therefor.**

**License Requirements**

*Reason for Control:* NS, AT, UN

Control(s)	Country chart
NS applies to entire entry.	NS Column 1.
AT applies to entire entry.	AT Column 1.

Control(s)	Country chart
UN applies to entire entry.	Rwanda; Federal Republic of Yugoslavia (Serbia and Montenegro).

**License Exceptions**

LVS: \$5000, except N/A for Rwanda and the Federal Republic of Yugoslavia (Serbia and Montenegro)

GBS: N/A

CIV: N/A

\* \* \* \* \*

**6E001** "Technology" according to the General Technology Note for the "development" of equipment, materials or "software" controlled by 6A (except 6A991, 6A992, 6A994, 6A995, 6A996, 6A997 or 6A998), 6B (except 6B995), 6C (except 6C992 or 6C994) or 6D (except 6D991, 6D992, or 6D993).

**License Requirements**

Reason for Control: NS, MT, NP, RS, CC, AT, UN

Control(s)	Country chart
NS applies to "technology" for items controlled by 6A001 to 6A008, 6B004 to 6B008, 6C002 to 6C005, or 6D001 to 6D003.	NS Column 1.
MT applies to "technology" for items controlled by 6A002, 6A007, 6A008, 6A102, 6A107, 6A108, 6B008, 6B108, 6D001, 6D002, 6D102 or 6D103 for MT reasons.	MT Column 1.
NP applies to "technology" for equipment controlled by 6A003, 6A005, 6A202, 6A203, 6A205, 6A225 or 6A226 for NP reasons.	NP Column 2.
RS applies to "technology" for equipment controlled by 6A002 or 6A003 for RS reasons.	RS Column 1.
CC applies to "technology" for equipment controlled by 6A002 for CC reasons.	CC Column 1.
AT applies to entire entry.	AT Column 1.
UN applies to "technology" for equipment controlled by 6A002 or 6A003 for UN reasons..	Rwanda; Federal Republic of Yugoslavia (Serbia and Montenegro).

**License Requirement Notes:** See § 743.1 of the EAR for reporting requirements for exports under License Exceptions.

\* \* \* \* \*

**6E002** "Technology" according to the General Technology Note for the "production" of equipment or materials controlled by 6A (except 6A991, 6A992, 6A994, 6A995, 6A996, 6A997 or 6A998), 6B (except 6B995), or 6C (except 6C992 or 6C994).

**License Requirements**

Reason for Control: NS, MT, NP, RS, AT, CC, UN

Control(s)	Country chart
NS applies to "technology" for equipment controlled by 6A001 to 6A008, 6B004 to 6B008, or 6C002 to 6C005.	NS Column 1.
MT applies to "technology" for equipment controlled by 6A002, 6A007, 6A008, 6A102, 6A107, 6A108, 6B008, or 6B108 for MT reasons.	MT Column 1.
NP applies to "technology" for equipment controlled by 6A003, 6A005, 6A202, 6A203, 6A205, 6A225 or 6A226 for NP reasons.	NP Column 1.
RS applies to "technology" for equipment controlled by 6A002 or 6A003 for RS reasons.	RS Column 1.
CC applies to "technology" for equipment controlled by 6A002 for CC reasons.	CC Column 1.
AT applies to entire entry.	AT Column 1.
UN applies to "technology" for equipment controlled by 6A002 or 6A003 for UN reasons.	Rwanda; Federal Republic of Yugoslavia (Serbia and Montenegro).

**License Requirement Notes:** See § 743.1 of the EAR for reporting requirements for exports under License Exceptions.

\* \* \* \* \*

12. In Category 8—Marine, Export Control Classification Number (ECCN) 8A018 is amended by revising the "License Requirements" section and the "License Exceptions" section to read as follows:

**8A018** *Items on the International Munitions List.*

**License Requirements**

Reason for Control: NS, AT, UN

Control(s)	Country chart
NS applies to entire entry.	NS Column 1.
AT applies to entire entry.	AT Column 1.
UN applies to entire entry.	Rwanda; Federal Republic of Yugoslavia (Serbia and Montenegro).

**License Exceptions**

LVS: \$5000, except N/A for Rwanda and the Federal Republic of Yugoslavia (Serbia and Montenegro)

GBS: N/A

CIV: N/A

\* \* \* \* \*

13. In Category 9—Propulsion Systems, Space Vehicles and Related Equipment, the following Export Control Classification Number (ECCNs) are amended:

a. By revising the "License Requirements" section and "License Exceptions" section for ECCN 9A018; and

b. By revising the "License Requirements" section for ECCN 9A991, 9D018 and 9E018, to read as follows:

**9A018** *Equipment on the International Munitions List.*

**License Requirements**

Reason for Control: NS, RS, AT, UN

Control(s)	Country chart
NS applies to entire entry.	NS Column 1.
RS applies to 9A018.a and b.	RS Column 2.
AT applies to entire entry.	AT Column 1.
UN applies to entire entry	Rwanda; Federal Republic of Yugoslavia (Serbia and Montenegro).

**License Exceptions**

LVS: \$1500, except N/A for Rwanda and for the Federal Republic of Yugoslavia (Serbia and Montenegro)

GBS: N/A

CIV: N/A

\* \* \* \* \*

**9A991** "Aircraft", *n.e.s.*, and gas turbine engines not controlled by 9A001 or 9A101 and parts and components, *n.e.s.*

**License Requirements**

Reason for Control: AT, UN

Control(s)	Country chart
AT applies to entire entry. UN applies to 9A991.a.	AT Column 1.  Rwanda; Federal Republic of Yugoslavia (Serbia and Montenegro).

\* \* \* \* \*

9D018 "Software" for the "use" of equipment controlled by 9A018.

#### License Requirements

*Reason for Control:* NS, RS, AT, UN

Control(s)	Country chart
NS applies to entire entry.	NS Column 1.
RS applies to 9A018.a and .b.	RS Column 2.
AT applies to entire entry.	AT Column 1.
UN applies to entire entry.	Rwanda; Federal Republic of Yugoslavia (Serbia and Montenegro).

\* \* \* \* \*

9E018 "Technology" for the "development", "production", or "use" of equipment controlled by 9A018.

#### License Requirements

*Reason for Control:* NS, RS, AT, UN

Control(s)	Country chart
NS applies to entire entry.	NS Column 1.
RS applies to 9A018.a and .b.	RS Column 2.
AT applies to entire entry.	AT Column 1.
UN applies to entire entry	Rwanda; Federal Republic of Yugoslavia (Serbia and Montenegro).

\* \* \* \* \*

Dated: July 2, 1998.

**Iain S. Baird,**

*Acting Assistant Secretary for Export Administration.*

[FR Doc. 98-18417 Filed 7-13-98; 8:45 am]

BILLING CODE 3510-DT-P

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 948

[WV-078-FOR]

#### West Virginia Regulatory Program

**AGENCY:** Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

**ACTION:** Final rule.

**SUMMARY:** OSM is approving the clarification of three final rule decisions, the removal of a required amendment, and the vacating of its retroactive approval of amendments to the West Virginia permanent regulatory program (hereinafter referred to as the West Virginia program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The clarifications concern West Virginia statutes pertaining to administrative appeals and the State Environmental Quality Board, and the required amendment pertains to termination of jurisdiction. These actions are intended to comply with a settlement agreement reached in *West Virginia Mining and Reclamation Association (WVMRA) v. Babbitt*, No. 2: 96-0371 (S.D. W.Va.).

**EFFECTIVE DATE:** July 14, 1998.

**FOR FURTHER INFORMATION CONTACT:** Mr. Roger W. Calhoun, Director, Charleston Field Office, Telephone: (304) 347-7158.

#### SUPPLEMENTARY INFORMATION:

- I. Background on the Virginia Program
- II. Submission of the Amendment
- III. Director's Findings
- IV. Summary and Disposition of Comments
- V. Director's Decision
- VI. Procedural Determinations

#### I. Background on the West Virginia Program

On January 21, 1981, the Secretary of the Interior conditionally approved the West Virginia program. Background information on the West Virginia program, including the Secretary's findings, the disposition of comments, and the conditions of the approval can be found in the January 21, 1981, **Federal Register** (46 FR 5915-5956). Subsequent actions concerning the West Virginia program and previous amendments are codified at 30 CFR 948.10, 948.12, 948.13, 948.15, and 948.16.

#### II. Submission of the Amendment

In a series of three letters dated June 28, 1993, and July 30, 1993 (Administrative Record Nos. WV-888,

WV-889 and WV-893), the West Virginia Division of Environmental Protection (WVDEP) submitted an amendment to its approved permanent regulatory program that included numerous revisions to the West Virginia Surface Coal Mining and Reclamation Act (referred to herein as "the Act", WVSCMRA § 22A-3-1 *et seq.*) and the West Virginia Surface Mining Reclamation Regulations (CSR § 38-2-1 *et seq.*). OSM approved the proposed revisions on durable rock fills on August 16, 1995, (60 FR 42437-42443) and approved, with exceptions, the proposed revisions on bonding on October 4, 1995, (60 FR 51900-51918). OSM approved, with exceptions, the remaining amendments on February 21, 1996, (61 FR 6511-6537). See 30 CFR 948.15 for the provisions that were partially approved by OSM. See 30 CFR 948.16 for required amendments.

On April 18, 1996, the WVMRA, the West Virginia Coal Association, and the Tri-State Coal Operators Association, Inc. filed an appeal, pursuant to section 526(a)(1) of SMCRA, 30 U.S.C. 1276(a)(1), challenging certain OSM decisions contained in the February 21, 1996, Federal Register Notice, including the decision to make approval of the amendment retroactive. (Administrative Record Number WV-1027). On October 29, 1997, the parties reached a settlement agreement with respect to six of the seven counts contained in the above referenced case. (Administrative Record Number WV-1077). The other count, pertaining to the use of passive treatment systems after final bond release, was decided by the United States District Court for the Southern District of West Virginia in OSM's favor. See *WVMRA v. Babbitt*, No. 2: 96-0371 (S.D. W.Va. July 11, 1997) (Administrative Record Number WV-1072). OSM proposed this rulemaking in order that it may fulfill its obligations with respect to five of the six counts of the appeal which are addressed by settlement agreement. The remaining count addressed in the settlement agreement, pertaining to the windrowing of materials on the downslope in steep slope areas, is the subject of another proposed rulemaking, announced in the June 10, 1997, **Federal Register**. See 62 FR 31543, 31545.

The proposed rulemaking was published in the February 23, 1998, **Federal Register** (63 FR 8891). No one requested an opportunity to speak at a public hearing, so none was held.

#### III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, are the Director's