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Jay J. Pardee,

*Manager, Engine and Propeller Directorate,
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DEPARTMENT OF COMMERCE

Bureau of Export Administration

15 CFR Part 774

[Docket No. 990701179-9179-01]

RIN 0694-AB90

Expansion of License Exception CIV Eligibility for "Microprocessors" Controlled by ECCN 3A001

AGENCY: Bureau of Export Administration, Commerce.

ACTION: Interim rule with request for comments.

SUMMARY: The Bureau of Export Administration (BXA) maintains the Commerce Control List (CCL), which identifies those items subject to Department of Commerce export licensing requirements. Consistent with technological changes, this interim rule adjusts the License Exception CIV eligibility level for microprocessors controlled by Export Control Classification Number (ECCN) 3A001 from a composite theoretical performance (CTP) of equal to or less than 1200 million theoretical operations per second (MTOPS) to a CTP of equal to or less than 1900 MTOPS. License Exception CIV is available for exports and reexports to civil end-users for civil end-uses in Country Group D:1.

BXA will continue review of the technical levels for microprocessors and will adjust levels in the future, as needed, to account for changes in technology.

DATES: This rule is effective July 8, 1999. Comments on this rule must be received on or before August 9, 1999.

ADDRESSES: Written comments should be sent to Patricia Muldonian, Regulatory Policy Division, Bureau of Export Administration, Department of Commerce, P.O. Box 273, Washington, DC 20044.

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

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 EAA, 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), August 13, 1997 (62 FR 43629), and August 13, 1998 (63 FR 44121).

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 respond to, 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 (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.*) This collection has 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. 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 interim 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. or by any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable.

However, because of the importance of the issues raised by these regulations, this rule is issued in interim form and comments will be considered in the development of final regulations.

Accordingly, the Department encourages interested persons who wish to comment to do so at the earliest possible time to permit the fullest consideration of their views.

The period for submission of comments will close on August 9, 1999.

The Department will consider all comments received before the close of the comment period in developing final regulations. Comments received after the end of the comment period will be considered if possible, but their consideration cannot be assured. The Department will not accept public comments accompanied by a request that a part or all of the material be treated confidentially because of its business proprietary nature or for any other reason. The Department will return such comments and materials to the person submitting the comments and will not consider them in the development of final regulations. All public comments on these regulations will be a matter of public record and will be available for public inspection and copying. In the interest of accuracy and completeness, the Department requires comments in written form.

Oral comments must be followed by written memoranda, which will also be a matter of public record and will be available for public review and copying. Communications from agencies of the United States Government or foreign governments will not be made available for public inspection.

The public record concerning these regulations will be maintained in the Bureau of Export Administration Freedom of Information Records Inspection Facility, Room 4525, Department of Commerce, 14th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20230. Records in this facility, including written public comments and memoranda summarizing the substance of oral communications, may be inspected and copied in accordance with regulations published in Part 4 of Title 15 of the Code of Federal Regulations. Information about the inspection and copying of records at the facility may be obtained from Henry Gaston, Bureau of Export Administration Freedom of Information Officer, at the above address or by calling (202) 482-0500.

List of Subjects in 15 CFR Part 774

Exports, Foreign trade, Reporting and recordkeeping requirements.

Accordingly, part 774 of the Export Administration Regulations (15 CFR parts 730 through 799) is amended as follows:

PART 774—[AMENDED]

1. The authority citation for part 774 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 10 U.S.C. 720; 10 U.S.C. 7430(e); 18 U.S.C. 2510 *et seq.*; 22 U.S.C. 287c; 22 U.S.C. 3201 *et seq.*; 22 U.S.C. 6004;

30 U.S.C. 185(s), 185(u); 42 U.S.C. 2139a; 42 U.S.C. 6212; 43 U.S.C. 1354; 46 U.S.C. app. 466c; 50 U.S.C. app. 5; E.O. 12924, 59 FR 43437, 3 CFR, 1994 Comp., p. 917; Notice of August 15, 1995, 60 FR 42767, 3 CFR, 1995 Comp., p. 501; Notice of August 14, 1996, 61 FR 42527, 3 CFR, 1996 Comp., p. 298; Notice of August 13, 1997, 62 FR 43629, 3 CFR, 1997 Comp. p. 306; Notice of August 13, 1998, 63 FR 44121, 3 CFR, 1998 Comp. p. 294.

Supplement No. 1 to Part 774— [Amended]

2. In Supplement No. 1 to part 774 (the Commerce Control List), Category 3—Electronics, Export Control Classification Number (ECCN) 3A001 is amended by revising the License Exceptions section to read as follows:

3A001—Electronic components, as follows (see List of Items Controlled).

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License Exceptions

LVS: N/A for MT

\$1500: 3A001.c

\$3000: 3A001.b.1, b.2, b.3, .d, .e and .f

\$5000: 3A001.a, and .b.4 to b.7

GBS: Yes, except 3A001.a.1.a, b.1, b.3 to b.7, .c to .f

CIV: Yes, except 3A001.a.1, a.2, a.3.a (for processors with a CTP greater than 1900 Mtops), a.5, a.6, a.9, a.10, and a.12, .b, .c, .d, .e, and .f

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Eileen M. Albanese,

Acting Assistant Secretary for Export Administration.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 902

50 CFR Part 622

[Docket No. 980427104-8227-02; I.D. 120597B]

RIN 0648-AK29

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery Off the Southern Atlantic States; Certification of Bycatch Reduction Devices; OMB Control Numbers

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to prescribe additional procedures for the

testing and certification of bycatch reduction devices (BRDs) for use in penaeid shrimp trawls in the exclusive economic zone (EEZ) in the South Atlantic. The use of BRDs in all such trawls became mandatory under the final rule implementing Amendment 2 to the Fishery Management Plan for the Shrimp Fishery of the South Atlantic Region (FMP). This rule completes implementation of the Testing Protocol for BRD Certification and includes a paragraph providing details on the testing and certification procedures. It also adds four previously omitted measures to the list of measures that may be implemented or modified through the framework procedures contained in Amendment 2 for adjusting management measures. Finally, NMFS informs the public of the approval by the Office of Management and Budget (OMB) of the collection-of-information requirement associated with this rule and publishes the OMB control number for this collection. The testing and certification procedures prescribed by this rule are intended to foster the development of alternative BRDs that meet the bycatch reduction criterion for Spanish mackerel and weakfish, while minimizing inconvenience to fishermen and/or loss of shrimp. The addition of management measures that may be adjusted via the framework procedures is intended to fully implement the amendment's provisions for enhancing the ability of the South Atlantic Fishery Management Council (Council) and NMFS to react in a timely manner to changes in the fishery or to new data.

DATES: This rule is effective July 8, 1999, except that the amendment to § 622.48(h) is effective August 9, 1999.

ADDRESSES: Comments regarding the collection-of-information requirement associated with this rule should be sent to Edward E. Burgess, Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702, and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503 (Attention: NOAA Desk Officer).

Requests for copies of the *Bycatch Reduction Device Testing Protocol Manual* should be sent to the South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407-4699; Phone: 843-571-4366; Fax: 843-769-4520.

FOR FURTHER INFORMATION CONTACT: Peter J. Eldridge, 727-570-5305.

SUPPLEMENTARY INFORMATION: The shrimp fishery in the EEZ of the South Atlantic is managed under the FMP. The FMP was prepared by the Council and

is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

On June 3, 1998, NMFS published and requested comments on a proposed rule (63 FR 30174) to implement the measures that are now incorporated in this final rule. The background and rationale for the proposed rule and associated measures are contained in the preamble to the proposed rule and are not repeated here.

Comments on the Proposed Rule

No comments on the proposed rule were received.

Changes From the Proposed Rule

In § 622.41(g)(3)(ii), the exemption language is revised to be more precise and to be consistent with similar provisions elsewhere in the regulations.

In the appendix containing an additional paragraph from the Testing Protocol for BRD Certification, NMFS changes the mandatory language requiring state directors to collect, review, and submit information to NMFS. NMFS has reviewed the administrative record and finds this change is consistent with the Council's intent and with OMB's collection-of-information approval based on the Testing Protocol Manual.

In addition, NMFS revises that paragraph to more accurately reflect the information that may be collected based on the manual's data collection forms approved by OMB.

Under NOAA Administrative Order 205-11, 7.01, dated December 17, 1990, the Under Secretary for Oceans and Atmosphere, Department of Commerce, has delegated authority to sign material for publication in the **Federal Register** to the Assistant Administrator for Fisheries, NOAA (AA).

Classification

The Regional Administrator, Southeast Region, NMFS, with the concurrence of the AA, determined that the measures implemented by this rule are necessary for the conservation and management of the shrimp fishery off the southern Atlantic states and that the measures are consistent with the Magnuson-Stevens Act and other applicable law.

This final rule has been determined to be not significant for purposes of E.O. 12866.

The Chief Counsel for Regulation of the Department of Commerce has certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule would not