

extending from 5-mile radius area to 8.0 miles southeast of the airport.

This amendment becomes effective at 0901 Utc. May 5, 1988.

Issued in Kansas City, Missouri, on December 11, 1987.

Clarence E. Newbern,

Assistant Manager, Air Traffic Division.

[FR Doc. 87-29654 Filed 12-24-87; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 372, 387, 388, and 399

[Docket No. 71265-7265]

Electronic Submission of Validated License Applications

AGENCY: Export Administration, Commerce.

ACTION: Final rule.

SUMMARY: In order to reduce the paperwork burden on exporters, Export Administration is establishing a new procedure whereby exporters may apply electronically, rather than in writing, to the Office of Export Licensing for a validated export license. Initially, license applications submitted electronically will be processed only for exports and reexports to Country Groups T and V, (except the People's Republic of China) of commodities other than supercomputers. Exporters will be advised of any future expansion of this procedure. This rule sets forth the requirements for eligibility, records maintenance, and other features of the electronic submission program.

In addition, this rule removes a paragraph on legal liability from Part 372 because such liability is covered in Part 387, "Enforcement."

EFFECTIVE DATE: This rule is effective January 2, 1988.

FOR FURTHER INFORMATION CONTACT: Thomas deButts, Office of Export Licensing, Export Administration, Telephone: (202) 377-8540.

SUPPLEMENTARY INFORMATION: 1. Because this rule concerns a foreign and military affairs function of the United States, it is not a rule or regulation within the meaning of section 1(a) of Executive Order 12291, and it is not subject to the requirements of that Order. Accordingly, no preliminary or final Regulatory Impact Analysis has to be or will be prepared.

2. This rule involves a collection of information subject to the requirements of the Paperwork Reduction Act of 1980

(44 U.S.C. 3501 *et seq.*). This collection has been approved by the Office of Management and Budget under control number 0625-0001.

3. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by section 553 of the Administrative Procedure Act (5 U.S.C. 553), or by any other law, under sections 603(a) and 604(a) of the Regulatory Flexibility Act (5 U.S.C. 603(a) and 604(a)) no initial or final Regulatory Flexibility Analysis has to be or will be prepared.

4. Section 13(a) of the Export Administration Act of 1979, as amended (50 U.S.C. app. 2412(a)), exempts this rule from all requirements of section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553), including those requiring publication of a notice of proposed rulemaking, an opportunity for public comment, and a delay in effective date. This rule is also exempt from these APA requirements because it involves a foreign and military affairs function of the United States. Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule. Accordingly, it is being issued in final form. However, as with other Department of Commerce rules, comments from the public are always welcome. Comments should be submitted to Vincent Greenwald, Office of Technology and Policy Analysis, Export Administration, U.S. Department of Commerce, P.O. Box 273, Washington, DC 20044.

List of Subjects in 15 CFR Parts 372, 387, 388, and 399:

Administrative practice and procedure, Boycotts, Exports, Law enforcement, Penalties, Reporting and recordkeeping requirements.

Accordingly, the Export Administration Regulations (15 CFR Parts 368-399) are amended as follows:

1. The authority citation for Parts 372, 387, and 399 continues to read as follows:

Authority: Pub. L. 96-72, 93 Stat. 503 (50 U.S.C. app. 2401 *et seq.*), as amended by Pub. L. 97-145 of December 29, 1981 and by Pub. L. 99-64 of July 12, 1985; E.O. 12525 of July 12, 1985 (50 FR 28757, July 16, 1985); Pub. L. 95-223 of December 28, 1977 (50 U.S.C. 1701 *et seq.*); E.O. 12532 of September 9, 1985 (50 FR 36861, September 10, 1985) as affected by notice of September 4, 1986 (51 FR 31925, September 8, 1986); Pub. L. 99-440 of October 2, 1986 (22 U.S.C. 5001 *et seq.*); and E.O. 12571 of October 27, 1986 (51 FR 39505, October 29, 1986).

2. The authority citation for Part 388 continues to read as follows:

Authority: Pub. L. 96-72, 93 Stat. 503 (50 U.S.C. app. 2401 *et seq.*), as amended by Pub. L. 97-145 of December 29, 1981 and by Pub. L. 99-64 of July 12, 1985; E.O. 12525 of July 12, 1985 (50 FR 28757, July 16, 1985).

PART 372—[AMENDED]

3. In § 372.1, the first sentence of paragraph (a) is revised; paragraph (c) is revised; paragraph (d) is removed; and paragraphs (e) through (h) are redesignated (d) through (g) respectively, as follows:

§ 372.1 General provisions.

(a) *Scope.* The Export Administration Regulations shall apply to individual export license applications and to individual validated licenses issued by the Office of Export Licensing (OEL), whether submitted in writing or electronically. * * *

(c) *Responsibility of licensee.* Any applicant to whom an export license is issued becomes the licensee. The licensee will be held accountable for the use of the license, whether as a principal (exporting for his own account) or as an agent (including an agent acting for the account of a foreign principal who is not subject to the jurisdiction of the United States). The licensee assumes responsibility for effecting the export, for proper use of the license, and for performance of all its terms and conditions. The obligations arising under the provisions of the Export Administration Act of 1979, as amended, and the Export Administration Regulations are the same whether the license application is submitted and issued in writing or electronically. * * *

§ 372.4 [Amended]

4. In § 372.4, the title of paragraph (a) is revised to read "Applying in writing for a validated license"; the title of paragraph (a)(1) is revised to read "Form and manner of filing a written application"; paragraph (a)(1) is redesignated (a)(1)(i), paragraph (a)(2) is redesignated (c), and paragraphs (a) (3) and (4) are redesignated (a)(1) (ii) and (iii).

5. In § 372.4, paragraph (b) is redesignated (a)(2) and paragraphs (b) (1), (2), and (3) are redesignated (a)(2) (i), (ii) and (iii); paragraphs (c) through (h) are redesignated (d) through (i); and new paragraph (b) is added, reading as follows:

§ 372.4. [Amended]

(b) *Applying electronically for a validated license.* An individual

validated license may be applied for electronically by an applicant that has been authorized to do so in accordance with this Part. An authorization to submit license applications electronically may be limited or withdrawn by the Department of Commerce at any time.

(1) *Requesting application instructions and approval to submit electronic applications.* To apply for validated licenses through electronic submission, the applicant company should request application instructions from the Department of Commerce by submitting to the Office of Export Licensing (OEL) a letter containing the name of the applicant company and the address, phone number, and name of the principal contact person of the applicant company. The letter should be mailed to the Office of Export Licensing, Department of Commerce, P.O. Box 273, Washington, DC 20044. For hand delivery, letters should be delivered to Office of Export Licensing, Room 2705, Department of Commerce, 14th Street and Pennsylvania Avenue NW., Washington, DC 20230. All correspondence should include "ATTN: Electronic Submission" on the envelope. Following the receipt of the license application instructions from the OEL, the applicant company may request approval to submit license applications electronically as set forth in those instructions.

(2) *Assignment and use of company and personal identification numbers.* (i) Each applicant company granted permission to submit validated license applications electronically will be assigned a company identification number. Each individual approved by OEL to submit license applications electronically for the applicant company will be assigned a personal identification number ("PIN"). A PIN will be assigned only to an individual the applicant company has certified to OEL to be authorized by the applicant company to act for it with respect to electronic submissions under these regulations.

(ii) An applicant company submitting license applications electronically shall reveal the assigned company identification number only to the PIN holders, their supervisors, employees, or agents of the applicant company with a commercial justification for knowing the company identification number.

(iii) An individual PIN holder shall not:

- (A) Disclose the PIN to anyone;
- (B) Record the PIN either in writing or electronically;
- (C) Authorize another person to use such PIN; or

(D) Use the PIN following termination by the Department of Commerce or by the applicant company of his authorization or approval for PIN use.

(iv) To prevent misuse of the PIN—
(A) If a PIN is lost, stolen or otherwise compromised, the applicant company and the PIN holder shall report the loss, theft or compromise of the PIN immediately by calling the OEL at (202) 377-8536 and shall confirm the report in writing within two business days to OEL at the address provided in paragraph (b)(1) of this section.

(B) An applicant company shall be responsible for immediately notifying OEL whenever a PIN holder leaves the employ of the applicant company or otherwise ceases to be authorized by the applicant company to submit license applications electronically on its behalf.

(3) *Electronic submission of a validated license application.* (i) Upon approval of the applicant company's request to use electronic submission, OEL will provide instructions on the method to transmit the license application electronically. These instructions may be modified by the Department of Commerce from time to time. In addition, OEL may direct that any electronic license application be resubmitted in writing, in whole or in part for any reason, including the desire of OEL in a particular case to receive documentation in support of the license application that does not lend itself to electronic submission.

(ii) The electronic submission of a validated license application shall constitute an export control document. Such submissions shall provide the same information as written applications, except the applicant company need not submit the supporting documentation required by Part 375. However, the applicant company must retain these documents in its possession consistent with the provisions of § 387.13. The applicant company and PIN holder submitting the application shall be deemed to make all representations and certifications as if the submission were made in writing by the applicant company and signed by the submitting PIN holder. Electronic submission of a license application will be considered complete upon the transmittal of the application to the Department of Commerce or to an entity under contract to receive such applications for the Department of Commerce.

(4) *Maintenance of records.* An applicant company shall maintain a log, either manually or electronically, specifying the date and time of each electronic submission, the ECCNs of commodities on each electronic

submission, and the name of the employee or agent submitting the license application. This log may not be altered. Written corrections must be made in a manner that does not erase or cover original entries. If the log is maintained electronically, corrections may only be made as notations.

(5) *Updating.* An applicant company shall promptly notify OEL of any change in its name or address. An applicant company that wishes to have an individual added as a PIN holder shall so advise OEL and proceed in accordance with the instructions OEL will provide. Applicant companies should make periodic reviews to ensure that PINs are held only by individuals whose current responsibilities make it necessary and appropriate that they act for the applicant company in this capacity.

* * * * *

§ 372.8 [Amended]

6. In § 372.8, paragraph (c)(3) is amended by revising the reference to "§ 372.1(f)" to read "372.1(e)".

§ 372.10 [Amended]

7. In § 372.10, the introductory paragraph is amended by revising the reference to "§ 372.1(f)" to read "§ 372.1(e)".

§ 372.12 [Amended]

8. In § 372.12, the introductory paragraph is amended by revising the reference to "§ 372.4(b)" to read "372.4(i)".

§ 372.13 [Amended]

9. In § 372.13, paragraph (a) is amended by revising the reference to "§ 372.1(f)" to read "§ 372.1(e)".

PART 387—[AMENDED]

§ 387.13 [Amended]

10. In § 387.13, Paragraph (c) is amended by inserting "372.4," between "372.1," and "372.5,".

PART 388—[AMENDED]

§ 388.3 [Amended]

11. In § 388.3, footnote 2 to paragraph (a)(1) is amended by revising the reference to "§ 372.1(h)" to read "§ 372.1(g)".

§ 388.19 [Amended]

12. In § 388.19, paragraph (a)(1) is amended by revising the reference to "372.1(e)" to read "372.1(d)".

PART 399—[AMENDED]**§ 399.1 [Amended]**

13. In § 399.1, paragraph (h) is amended by revising the reference to "§ 372.4(d)" to read "§ 372.4(e)".

Dated: December 22, 1987.

Vincent F. DeCain,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 87-29640 Filed 12-24-87; 8:45 am]

BILLING CODE 3510-DT-M

CONSUMER PRODUCT SAFETY COMMISSION**16 CFR Part 1608****Rules and Regulations Under the Flammable Fabrics Act; Continuing Guaranties**

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending administration and enforcement rules implementing the Flammable Fabrics Act (FFA) to provide that persons and firms may file continuing guaranties in accordance with section 8 of the FFA with the Office of the Secretary of the Consumer Product Safety Commission, and obtain forms for such guaranties from the Office of the Secretary. The Commission is issuing this amendment because it recently revised its rules of organization and functions to provide that the Office of the Secretary shall maintain records of continuing guaranties filed with the Commission under provisions of the FFA.

EFFECTIVE DATE: December 23, 1987.

FOR FURTHER INFORMATION CONTACT: Mary Toro, Division of Regulatory Management, Directorate for Compliance and Administrative Litigation, Consumer Product Safety Commission, Washington, DC 20207; telephone: (301) 492-6400.

SUPPLEMENTARY INFORMATION: The Flammable Fabrics Act (FFA) (15 U.S.C. 1191 *et seq.*) Prohibits the manufacture for sale, importation into the United States, or introduction in commerce of any product of wearing apparel or interior furnishing made of fabric or related material, or of any fabric or related material used or intended for use in such products, which fails to comply with an applicable standard of flammability issued under that act. Provisions of the FFA authorize the Commission to obtain administrative orders to cease and desist and injunctions to prohibit violations of the

act, and to seize items which fail to comply with an applicable standard of flammability. Additionally, provisions of section 7 of the FFA (15 U.S.C. 1196) authorize the Commission to seek criminal penalties against any person who "willfully" violates the FFA.

Section 8(a) of the FFA (15 U.S.C. 1197(a)) provides that no person shall be subject to criminal prosecution under section 7 of the FFA if that person establishes a guaranty received in good faith which meets all requirements set forth in section 8 of the FFA. A guaranty does not provide the holder any defense to an administrative action for an order to cease and desist from further violation of an application flammability standard, nor to any civil action for injunction or seizure brought under the FFA.

A guaranty under the FFA is a statement to the effect that reasonable and representative tests made in accordance with the applicable standard or standards issued under the FFA show that the products, fabrics, or related materials covered by the guaranty conform with applicable flammability standards. Section 8(a) of the FFA provides that a guaranty may be in the form of a guaranty from the seller to the buyer of the items covered by the guaranty or a continuing guaranty filed with the Commission.

Regulations containing suggested forms of guaranties are codified at 16 CFR Part 1608. Provisions of § 1608.3(a) set forth procedures for filing a continuing guaranty with the Commission, and state that persons and firms should file such guaranties with the Bureau of Compliance of the Commission. Recently the Commission revised its rules of organization and functions (16 CFR Part 1000) to provide, among other things, that the Office of the Secretary shall maintain records of continuing guaranties filed with the Commission under provisions of section 8(a) of the FFA.

For this reason, the Commission is amending 16 CFR 1608.3(a) to provide that persons and firms may file continuing guaranties under section 8 of the FFA with the Office of the Secretary of the Consumer Product Safety Commission, and obtain forms for such guaranties from the Office of the Secretary.

Generally, the Administrative Procedure Act (APA) (5 U.S.C. 553) requires that agencies must give notice of proposed rulemaking and provide opportunity for interested parties to submit written comments on the proposal before a rule can be issued or amended. However, 5 U.S.C. 553(b)(3) provides that notice of proposed

rulemaking and public participation are not required when the agency makes a finding for good cause that such notice and opportunity for comment are "impracticable, unnecessary, or contrary to the public interest."

The Commission finds for good cause that notice of proposed rulemaking and opportunity for comment are not necessary for issuance of the amendment published below because the only purpose of the amendment is to specify the office within the Commission to receive continuing guaranties filed with the Commission in accordance with provisions of section 8(a) of the FFA. In this instance, providing notice of proposed rulemaking and opportunity for submission of comments would be a meaningless gesture.

Similarly, the APA requires at 5 U.S.C. 553 that a "substantive rule" must be published at least 30 days before its effective date, unless the agency finds otherwise for good cause and publishes that findings with the final rule.

The amendment published below does not alter or affect any substantive provisions of the rules implementing the Flammable Fabrics Act; it changes only the name of the office within the Commission to receive continuing guaranties filed with the Commission and to provide forms for preparing such guaranties. For this reason, the requirement of 5 U.S.C. 553 for publication of a final substantive rule at least 30 days before its effective date is not applicable, and the amendment published below shall become effective immediately.

Accordingly, pursuant to section 30(b) of the Consumer Product Safety Act (15 U.S.C. 2079(b)) and section 5(c) of the FFA (15 U.S.C. 1194(c)), the Commission amends Title 16, Chapter II, Subchapter D, Part 1608, as follows:

PART 1608—GENERAL RULES AND REGULATIONS UNDER THE FLAMMABLE FABRICS ACT

1. The authority citation for Part 1608 continues to read as follows:

Authority: Sec. 5, 67 Stat. 112, as amended 81 Stat. 570 (15 U.S.C. 1194).

§ 1608.3 [Amended]

2. In § 1608.3(a), all references to "the Bureau of Compliance" are changed to "the Office of the Secretary."

Dated: December 21, 1987.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 87-29597 Filed 12-24-87; 8:45 am]

BILLING CODE 6355-01-M

**COMMODITY FUTURES TRADING
COMMISSION****17 CFR Part 30****Foreign Futures and Options
Transactions****AGENCY:** Commodity Futures Trading
Commission.**ACTION:** Postponement of effective date
of rules.**SUMMARY:** On August 5, 1987, the
Commission published in the *Federal
Register* final rules governing foreign
futures and options transactions in the
United States. 52 FR 28980. The *Federal
Register* release specified that the rules
would become effective on January 4,
1988.

Recent events in the markets,
however, have resulted in delays in the
implementation of this new regulatory
system. In order to ensure that all
affected parties have sufficient time to
implement the new regulatory system,
the Commission has determined to
postpone the effective date of the rules
to February 1, 1988.

DATES: Accordingly, notice is hereby
given that the effective date of the
Commission's final rules governing
foreign futures and options transactions
in the United States (52 FR 28980,
August 5, 1987) is postponed to February
1, 1988.**FOR FURTHER INFORMATION CONTACT:**
Jane C. Kang, Attorney, Division of
Trading and Markets, Commodity
Futures Trading Commission, 2033 K
Street, NW., Washington, DC 20581.
Telephone: (202) 254-8955.

Issued in Washington, DC, on December 21,
1987, by the Commission.

Jean A. Webb,

Secretary to the Commission.

[FR Doc. 87-29586 Filed 12-24-87; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR Part 165**

[CCGD7 87-27]

**Regulated Navigation Area; Brunswick,
GA****AGENCY:** Coast Guard, DOT.**ACTION:** Final rule.**SUMMARY:** The Coast Guard is
establishing a Regulated Navigation
Area in the Port of Brunswick, GA. All
vessels over 500 Gross Tons departing
the Port of Brunswick, GA, at any time

other than during flood current, will be
required to approach the Sidney Lanier
Bridge (U.S. Route 17) in such a manner
as to be shaped up for bridge transit
before passing a point of no return and
being committed to the transit. These
regulations are necessary because of a
history of allisions with the bridge.

EFFECTIVE DATE: January 27, 1988.**FOR FURTHER INFORMATION CONTACT:**
Chief Warrant Officer Danny R. Buck,
project officer, (912) 944-4371 at Marine
Safety Office, Savannah, GA.**SUPPLEMENTARY INFORMATION:** On
September 3, 1987, the Coast Guard
published a notice of proposed
rulemaking in the *Federal Register* for
these regulations (52 FR 33435).
Interested persons were requested to
submit comments. Two comments were
received. Both were in favor of
establishing the regulated navigation
area as proposed, and the rule is being
implemented without change.**Drafting Information**

The drafters of this notice are Chief
Warrant Officer Danny R. Buck, U.S.
Coast Guard, project officer, and
Lieutenant Commander S.T. Fuger, Jr.,
U.S. Coast Guard, project attorney,
Seventh Coast Guard District Legal
Office.

Discussion of Comments

The Georgia Department of
Transportation commented as follows:
"The Georgia Department of
Transportation as operator of the Sidney
Lanier Bridge highly endorses the
proposed new rules.

The minimum inconvenience to
shipping interest necessitated by the
proposed new rule is far outweighed by
the decreased changes of another
allision (sic) with the bridge. We highly
encourage the permanent adoption of
the proposed rule."

In its comments, the Brunswick Bar
Pilots Association likewise favorably
endorsed the proposed rulemaking and
further stated: "Under your order #13-
87, this procedure has been employed
and accepted with very little adverse
comment by the Masters of the vessels
involved * * *. At this time I do not
believe that this required procedure
would be detrimental to development or
increased use of the East River
Terminals."

Economic Assessment and Certification

These proposed regulations are
considered to be non-major under
Executive Order 12291 on Federal
Regulation and nonsignificant under
Department of Transportation regulatory
policies and procedures (44 FR 11034;

February 26, 1979). The economic impact
of this proposal is expected to be so
minimal that a full regulatory evaluation
is unnecessary.

The rule permits two different
maneuvers for affected outbound
vessels approaching the bridge.
Compliance is projected to add
approximately 15 minutes to one hour to
a vessel's outbound harbor transit time,
depending on which maneuver is
selected.

Since the impact of this proposal is
expected to be minimal, the Coast
Guard certifies that, if adopted, it will
not have a significant economic impact
on a substantial number of small
entities.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation
(water), Security measures, Vessels,
Waterways.

Final Regulations

In consideration of the foregoing, Part
165 of Title 33, Code of Federal
Regulations is hereby amended as
follows:

PART 165—[AMENDED]

1. The authority citation for Part 165
continues to read as follows:

Authority: 33 U.S.C. 1225 and 1231; 50
U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05-1(g),
6.04-6, and 160.5.

2. Section 165.735 is added to read as
follows:

**§ 165.735 Brunswick, Georgia, Turtle
River, Vicinity of Sydney Lanier Bridge.**

Except during the flood tide, every
vessel over 500 GRT departing the Port
of Brunswick for sea shall do so only
from the Turtle River, so as to be shaped
up for bridge transit:

(a) Before reaching Turtle River Buoy
"1" (Light List Number 6050); or,

(b) Before reaching the intersection of
Brunswick Harbor Range and Turtle
River Lower Range, provided that the
vessel:

(1) Be equipped with an operable bow
thruster or have tug assistance; and

(2) Be stopped and maneuvered with
no appreciable way on until aligned
with the centerline axis of the Turtle
River Channel.

Dated: December 11, 1987.

H.B. Thorsen,

Rear Admiral, U.S. Coast Guard, Commander,
Seventh Coast Guard District.

[FR Doc. 87-29515 Filed 12-24-87; 8:45 am]

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