DEPARTMENT OF COMMERCE

Bureau of Export Administration

15 CFR Part 772

[Docket No. 90762-9162]

Procedures for Duplicate License Requests

AGENCY: Bureau of Export Administration, Commerce.

ACTION: Final rule.

SUMMARY: The Bureau of Export Administration (BXA) maintains a procedure for requesting duplicate export licenses (BXA-622P) if an export license is lost or destroyed. BXA is amending the duplicate license procedures in § 772.10 of the Export Administration Regulations to reflect that exporters need not submit information regarding quantity and value of commodities shipped under the original license when requesting a duplicate license. This procedure provides specific guidance and establishes a procedure on how to submit a duplicate license request.

EFFECTIVE DATE: This rule is effective December 18, 1989.

FOR FURTHER INFORMATION CONTACT: Chuck Guernieri, Exporter Assistance Staff, Office of Export Licensing, U.S. Department of Commerce, Washington, DC 20230 (Telephone: (202) 377-4811).

Rulemaking Requirements

This rule is consistent with Executive Orders 12291 and 12661.

2. 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 also is 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 Patricia Muldonian, Office of Technology and Policy Analysis, Export Administration, Department of Commerce, P.O. Box 273, Washington, DC 20044.

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. This rule contains a collection of information subject to 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 0694-0031. Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Administration, Bureau of Export Administration, Room 3889, Department of Commerce, Washington, DC 20230, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 (Attn: Paperwork Reduction Project—0694-0031.

List of Subjects in 15 CFR Part 772

Administrative practice and procedure, Exports.

Accordingly, the Export Administration Regulations (15 CFR parts 730-799) are amended as follows:

PART 772—[AMENDED]

1. The authority citation for 15 CFR part 772 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 15, 1985) and Pub. L. 100-418 of August 23, 1988; Pub. L. 95-223, (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.*); E.O. 12571, October 27, 1986 (51 39505, October 29, 1986).

2. Section 772.10 is revised to read as follows:

§ 772.10 Duplicate license.

(a) If a license is lost or destroyed, the licensee may obtain a duplicate of the license by submitting a letter to the Office of Export Licensing at the address listed in § 772.4(i) certifying:

(1) That the original license assigned Export License Number ____ issued to (name and address of licensee) has been lost or destroyed;

(2) The circumstances under which it was lost or destroyed;

(3) If the original license is found, the licensee will return either the original or duplicate license to the Office of Export Licensing.

(b) If shipment was made against the original license, those shipments must be counted against what may be shipped under the duplicate license.

(c) Any person to whom a duplicate license has been issued shall retain the duplicate license and maintain complete records in accordance with §§ 786.2(d) and 787.13, including any duplicate licenses (whether used or unused, valid or expired) and all supporting documents and shipping records. The Office of Export Licensing may require submission of such records upon notification.

(Approved by the Office of Management and Budget under control number 0694-0031)

Dated: October 11, 1989.

James M. LeMunyon,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 89-24365 Filed 10-16-89; 8:45 am]

BILLING CODE 3510-DT-M

DEPARTMENT OF STATE

22 CFR Parts 120, 122, 123, 126

[Public Notice 1137]

RIN 1400-AA23

International Traffic in Arms Regulations (ITAR)

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: This final rule makes certain administrative changes that enhance and clarify the regulations implementing section 38 of the Arms Export Control Act (the Act), which govern the export of defense articles and services. The final rule also makes some technical corrections to the regulatory amendments that were promulgated on April 4, 1988 (53 FR 11494).

EFFECTIVE DATE: October 17, 1989.

FOR FURTHER INFORMATION CONTACT: Clyde G. Bryant, Chief, Compliance Analysis Division, Office of Munitions Control, Department of State (202-875-6650).

SUPPLEMENTARY INFORMATION: This final rule makes some administrative changes to the International Traffic in

Arms Regulations (ITAR), 22 CFR parts 120–130, which implement section 38 of the Arms Export Control Act (the Act), 22 U.S.C. 2778 and govern the export of defense articles and defense services. It also makes certain technical corrections to the regulatory amendments that were promulgated on April 4, 1988 (53 FR 11494).

One important change is the extension of the validity of new export licenses from two to three years. This change does not affect existing licenses, but should eliminate unnecessary delays in the future by allowing exporters to renew licenses less frequently. This measure would also reduce the caseload of the Office of Munitions Control (OMC) in a manner that is fully consistent with U.S. security and foreign policy interests. As a result of this change, additional OMC resources can be devoted to increasing the level of scrutiny of certain license applications. The availability of additional resources should also result in more efficient review of many license applications.

Another change makes it clear that the Director of OMC has designated the Director of the Diplomatic Security Service, or his designee, as authorized to inspect and to copy records maintained by persons registered with OMC. Because of the increasing role being played by the Director of the Diplomatic Security Service in conducting pre-license and post-shipment verification checks, it is important that registrants be aware that designated personnel have the authority to inspect and to copy records concerning the manufacture, acquisition and disposition of defense articles and the provision of defense services.

A third change clarifies that the prohibition against permitting foreign persons to apply for export licenses and most other approvals does not extend to approvals to resell or transfer defense articles. Under § 123.9, the approval of OMC is required before such articles can be resold or retransferred to any country other than the country of end-use stated on the export license. A related change makes it clear that only U.S. persons may sign applications for export licenses and other approvals (excluding the retransfer approval discussed above). This requirement extends to the statements regarding eligibility that must accompany each application, approval and notification.

The remaining amendments are also technical or administrative in nature.

These amendments deal with a foreign affairs function of the United States and are thus excluded from the major rule procedures of Executive Order 12291 (46 FR 13193) and the procedures of 5 U.S.C. 553 and 554. The basic regulations that are amended by this final rule were the subject of public comment because of the desirability of obtaining public views. Because of the desire to increase the term of new export licenses from two to three years as soon as possible, and because the other changes are administrative or technical in nature, these amendments are being published as a final rule.

List of Subjects in 22 CFR Parts 120, 122, 123 and 126

Arms and munitions, Exports.

Accordingly, for the reasons set forth in the preamble, title 22, chapter I, subchapter M, (consisting of parts 120 through 130) of the Code of Federal Regulations, is amended as set forth below:

PART 120—PURPOSE, BACKGROUND AND DEFINITIONS

1. The authority citation for part 120 continues to read as follows:

Authority: Sec. 38, Arms Export Control Act, 90 Stat. 744 (22 U.S.C. 2778); E.O. 11958, 42 FR 4311; 22 U.S.C. 2658.

2. In § 120.1, revise paragraph (b) to read as follows:

§ 120.1 General.

* * * * *

(b) *Eligibility.* Licenses or other approvals (other than approvals obtained pursuant to § 123.9 of this subchapter) may be granted only to U.S. persons (as defined in § 120.23) and foreign governmental entities in the United States. Foreign persons (as defined in § 120.11) other than governments are not eligible. U.S. persons who have been convicted of violating the U.S. criminal statutes enumerated in § 120.24, or who have been debarred pursuant to part 127 of this subchapter, are also generally ineligible (*see* § 127.6(c) of this subchapter). Applications for licenses or requests for other approvals will generally be considered only if the applicant has registered with the Office of Munitions Control pursuant to part 122 of this subchapter. All applications and requests for approval must be signed by a responsible official who is a U.S. person and who has been empowered by the registrant to sign such documents.

3. In § 120.24, paragraph (e) is revised to read as follows:

§ 120.24 U.S. criminal statutes.

* * * * *

(e) Section 206 of the International Emergency Economic Powers Act (relating to foreign assets controls; 50 U.S.C. 1705);

* * * * *

PART 122—REGISTRATION OF MANUFACTURERS AND EXPORTERS

4. The authority citation for part 122 continues to read as follows:

Authority: Sec. 38, Arms Export Control Act, 90 Stat. 744 (22 U.S.C. 2778); E.O. 11958, 42 FR 4311; 22 U.S.C. 2658.

5. In § 122.2, paragraph (a) is revised to read as follows:

§ 122.2 Submission of registration statement.

(a) *General.* The Department of State Form DSP-9 (Registration Statement) and the transmittal letter required by paragraph (b) of this subsection must be submitted by an intended registrant with a payment by check or money order payable to the Department of State of one of the fees prescribed in § 122.3(a) of this subchapter. The Registration Statement and transmittal letter must be signed by a senior officer who has been empowered by the intended registrant to sign such documents. The intended registrant shall also submit documentation that demonstrates that it is incorporated or otherwise authorized to do business in the United States. The Office of Munitions Control will return to sender any Registration Statement that is incomplete, or that is not accompanied by the required letter or payment of the proper registration fee.

* * * * *

6. In § 122.4, the last sentence of paragraph (b) is revised to read as follows:

§ 122.4 Notification of changes in information furnished by registrants.

* * * * *

(b) * * * Such notice provides the Office of Munitions Control with the information necessary to determine whether the authority of section 38(g)(6) of the Arms Export Control Act regarding licenses or other approvals for certain sales or transfers (as opposed to exports) of articles or data should be invoked (*see* § 126.1(f) of this subchapter).

7. In § 122.5, paragraph (b) is revised to read:

§ 122.5 Maintenance of records by registrants.

* * * * *

(b) Records maintained under this section shall be available at all times for inspection and copying by the Director, Office of Munitions Control or a person designated by the Director (the Director of the Diplomatic Security Service or a person designated by the Director of the Diplomatic Security Service or another designee), or the Commissioner of the U.S. Customs Service or a person designated by the Commissioner.

PART 123—LICENSES FOR THE EXPORT OF DEFENSE ARTICLES

8. The authority citation for part 123 continues to read as follows:

Authority: Sec. 38, Arms Export Control Act, 90 Stat. 744 (22 U.S.C. 2778); E.O. 11938, 42 FR 4311; 22 U.S.C. 2658.

9. In § 123.23, revise paragraph (a) to read:

§ 123.23 Renewal and disposition of licenses.

(a) A license is valid for a period of three years. The license expires if the defense articles described in the license are not shipped within the three-year period.

* * * * *

PART 126—GENERAL POLICIES AND PROVISIONS

10. The authority citation for part 126 continues to read as follows:

Authority: Sec. 38, Sec. 42, Arms Export Control Act, 90 Stat. 744 (22 U.S.C. 2778, 2780); E.O. 11958, 42 FR 4311, E.O. 11322, 32 FR 119; 22 U.S.C. 2658; Sec. 317, Comprehensive Anti-Apartheid Act of 1986 (22 U.S.C. 5067); E.O. 12571, 51 FR 39505.

11. In § 126.13, the introductory text of paragraph (a) and paragraph (a)(4) are revised to read as follows:

§ 126.13 Required information.

(a) Pending revisions to the application forms, all applications for licenses (DSP–5, DSP–61, DSP–73, and DSP–85), all requests for approval of agreements and amendments thereto under part 124, all requests for other written authorizations, and all 30-day prior notifications of sales of significant military equipment under § 126.8(c) must include a letter signed by a responsible official empowered by the applicant and addressed to the Director, Office of Munitions Control, stating whether:

* * * * *

(4) The natural person signing the application or other request for approval, or notification (including the statement required by this subsection) is a citizen of the United States, has been lawfully admitted to the United States for permanent residence (and maintains such a residence) under the Immigration and Nationality Act (8 U.S.C. 1101(a), § 101(a) 20, 60 Stat. 163), or is an official of a foreign governmental entity in the United States.

* * * * *

Dated: October 3, 1989.

Reginald Bartholomew,

Under Secretary for Security Assistance, Science and Technology.

[FR Doc. 89–24367 Filed 10–16–89; 8:45 am]

BILLING CODE 4710–25–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. S–012A]

RIN 1218–AA53

Control of Hazardous Energy Sources (Lockout/Tagout)

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Final rule; approval of information collection requirements.

SUMMARY: This notice announces that the information collection requirements in OSHA's final rule on Control of Hazardous Energy Sources, 29 CFR 1910.147, which was published on September 1, 1989 (54 FR 36644), have been approved by the Office of Management and Budget through September 30, 1992, and have been assigned OMB Control Number 1218–0150. These requirements become effectve October 31, 1989.

DATES: Paragraphs (c)(4), (c)(9), and (f)(2) of 29 CFR 1910.147 shall become effective October 31, 1989. The information collection requirements are approved through September 30, 1992.

FOR FURTHER INFORMATION CONTACT: Mr. James F. Foster, Occupational Safety and Health Administration, Room N3649, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

SUPPLEMENTARY INFORMATION: On September 1, 1989 (54 FR 36644), OSHA issued its final rule on Control of Hazardous Energy Sources (Lockout/Tagout), 29 CFR 1910.147, which is to become effective October 31, 1989. When the final rule was published, the Agency noted that the information collection requirements contained in the final rule were to be submitted to the Office of Management and Budget (OMB) for review under the Paperwork Reduction Act. Paragraphs (c)(4), (c)(9), and (f)(2) of the final rule, which contain information collection requirements, were not to become effective until they had been approved by OMB. (The final rule erroneously referred to paragraph (c)(7) as having paperwork requirements. The correct citation should have referred to paragraph (c)(9)).

The above requirements have now been approved by OMB through September 30, 1992, and have been assigned OMB Control Number 1218–0150. Accordingly, these requirements will become effective at the same time as the other provisions of the final rule—October 31, 1989.

Public reporting burden for the collections of information contained in the final rule is estimated to average 4.18 hours per response, including the time for reviewing instruction, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Information Management, Department of Labor, Room N–1301, 200 Constitution Avenue NW., Washington, DC 20210; and to the Office of Management and Budget, Paperwork Reduction Project (1218–0150), Washington, DC 20503.

This document was prepared under the direction of Gerard F. Scannell, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

Accordingly, pursuant to sections 4, 6(b), 8(c) and 8(g) of the Occupational Safety and Health Act (29 U.S.C. 653, 655, 657), Secretary of Labor's Order No. 9–83 (48 FR 35736), and 29 CFR part 1911, 29 CFR part 1910 is amended as set forth below.

Signed at Washington, DC, this 12th day of October, 1989.

Gerard F. Scannell,

Assistant Secretary of Labor.

29 CFR part 1910 is amended as follows:

PART 1910—[AMENDED]

1. The authority citation for subpart J of part 1910 continues to read as follows:

Authority: Secs. 4, 6, and 8, Occupational Safety and Health Act of 1970, 29 U.S.C. 653, 655, 657; Secretary of Labor's Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), or 9–83 (48 FR 35736), as applicable.

Sections 1910.141, 1910.142, and 1910.147 also issued under 29 CFR Part 1911.

§ 1910.147 [Amended]

2. A parenthetical is added at the end of the regulatory text in § 1910.147,

between paragraph (f)(4) and the introductory note to the nonmandatory appendix, to read as follows: "(The information collection requirements contained in this section are approved by the Office of Management and Budget (OMB) and listed under OMB control number 1218–0150.)"

[FR Doc. 89–24467 Filed 10–16–89; 8:45 am]

BILLING CODE 4510–26–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 05–89–49]

Special Local Regulations for Marine Events; Trump Castle World Championships; Atlantic Ocean, Off Atlantic City, NJ

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special local regulations are adopted for the Trump Castle World Championships to be held off the southern New Jersey coast between Margate City at Great Egg Harbor Inlet and Brigantine Shoal on October 17, 19, and 21, 1989. These special local regulations are necessary to control vessel traffic in the immediate vicinity of this event. The effect will be to restrict general navigation in the regulated area for the safety of spectators and participants.

EFFECTIVE DATES: The regulations are effective for the following periods:

8:00 a.m. to 3:30 p.m., October 17, 1989.
6:30 a.m. to 3:30 p.m., October 19, 1989.
6:30 a.m. to 3:30 p.m., October 21, 1989.

FOR FURTHER INFORMATION CONTACT: QM1 Kevin R. Connors, Boating Affairs Branch, Boating Safety Division, Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704–5004, (804) 398–6204.

SUPPLEMENTARY INFORMATION: The Coast Guard published a notice of proposed rulemaking concerning these regulations in the **Federal Register** on August 8, 1989 (54 FR 32453). Interested persons were requested to submit comments. No comments were received in response to the notice of proposed rulemaking.

Drafting Information

The drafters of this notice are Mr. Billy J. Stephenson, project officer, Chief, Boating Affairs Branch, Fifth Coast Guard District, and Captain Michael K. Cain, project attorney, Fifth Coast Guard District Legal Staff.

Discussion of Proposed Regulations

The New York Offshore Powerboat Racing Association will sponsor this year's Trump Castle World Championships. The race will consist of between 100 to 150 powerboats, from 24 to 50 feet in length, racing approximately 150 nautical miles over a 30 nautical mile course. This year's event will be a three-day event instead of the one-day event held last year. Race headquarters will be located in Trump Castle, Atlantic City, New Jersey. Coast Guard patrol vessels will be positioned at Great Egg and Absecon Inlets to direct vessels to temporary spectator anchorages and to instruct transiting vessels on how to proceed safely around the race course.

The sponsor will provide committee boats to lead the race vessels in a procession to and from the race course. The sponsor also will provide more than 70 vessels to assist the Coast Guard and local government agencies in patrolling this event.

The race course has been altered slightly from the one used in 1988. It still remains a flattened, elongated triangle, but the course has been moved 200 yards farther seaward at the end nearest Great Egg Harbon Inlet. The change was made in order to relocate the Great Egg Harbor Inlet Spectator Anchorage Area between the shoreline at Ventnor City and the inshore leg of the race course.

Generally, the race course is the same as last year, extending along the New Jersey coastline from Great Egg Harbor Inlet to Brigantine Shoal Inner Buoy 4BS (LL 40), thence three nautical miles east, thence southwestward to Great Egg Harbor Inlet. The regulated area includes the waters of the Atlantic Ocean from the shoreline at Great Egg Harbor Inlet to the tank at Brigantine, New Jersey, and extends approximately 1000 yards beyond the outer leg of the race course, except where the course exceeds the three-mile territorial sea limit. The portion of the race course that exceeds the three-mile limit is not regulated by the Coast Guard. Nevertheless, vessel operators are advised to remain clear of the advisory area designated in § 2.(a)(2) of this rule. To provide for the safety of participants, spectators, and vessels transiting the area, the Coast Guard will restrict vessel movement in the regulated area and has established two temporary spectator anchorages (at Great Egg Harbor Inlet and Absecon Inlet) for what is expected to be a large spectator fleet.

In order to publicize these regulations, the Coast Guard will publish details in the Local Notice to Mariners and the **Federal Register**, and members of the Coast Guard Auxiliary will be present in the vicinity of the race site to inform vessel operators of these regulations and other applicable laws.

Economic Assessment and Certification

These regulations are not considered either major under Executive Order 12291 on Federal Regulation or significant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this regulation is expected to be so minimal that a full regulatory evaluation is unnecessary. Since the impact of this regulation is expected to be minimal, the Coast Guard certifies that these regulations will not have a significant economic impact on a substantial number of small entities.

Federalism Assessment

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the rulemaking does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Impact

This rulemaking has been thoroughly reviewed by the Coast Guard and it has been determined to be categorically excluded from further environmental documentation in accordance with section 2.B.2.c of Commandant Instruction M16475.1B. A Categorical Exclusion Determination statement has been prepared and has been placed in the rulemaking docket.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Final Regulations

In consideration of the foregoing, part 100 of title 33, Code of Federal Regulations is amended as follows:

PART 100—[AMENDED]

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. A temporary § 100.35–0549 is added to read as follows:

§ 100.35–0549 Atlantic Ocean, New Jersey Seacoast, off Atlantic City, New Jersey.

(a) *Definitions*—(1) *Regulated area.* The waters of the Atlantic Ocean bounded by the shoreline and a line drawn across the outermost points of land on either side of Absecon Inlet, and by a line drawn from the shoreline at