

(b) 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, Los Angeles Aircraft Certification Office, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Los Angeles Aircraft Certification Office.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles Aircraft Certification Office.

(c) 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 helicopter to a location where the requirements of this AD can be accomplished.

(d) This amendment becomes effective on April 28, 1999 to all persons except those persons to whom it was made immediately effective by Priority Letter AD 99-07-17, issued March 26, 1999, which contained the requirements of this amendment.

Issued in Fort Worth, Texas, on April 5, 1999.

Eric Bries,

*Acting Manager, Rotorcraft Directorate,
Aircraft Certification Service.*

[FR Doc. 99-9131 Filed 4-12-99; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF COMMERCE

Bureau of Export Administration

**15 CFR Parts 738, 740, 742, 748, 762,
and 774**

[Docket No. 981222316-8316-01]

RIN 0694-AB68

Exports of Firearms

AGENCY: Bureau of Export Administration, Commerce.

ACTION: Interim rule with request for comments.

SUMMARY: On April 18, 1998, President Clinton announced at the Santiago Summit in Chile that the United States would promulgate regulations based on the Organization of American States (OAS) Model Regulations for the Control of the International Movement of Firearms, their Parts and Components and Ammunition (referred to as the "OAS Model Regulations"). The Bureau of Export Administration (BXA) is revising the Export Administration Regulations (EAR) to implement export control measures agreed to by members of the OAS and set forth in the OAS Model Regulations. The OAS Model Regulations were developed to assist OAS member countries in implementing

the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (Firearms Convention). OAS member countries agreed to impose an import and export license requirement to effectively combat the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials. Though the Firearms Convention has yet to enter into force, most OAS member countries, including the United States, are taking actions in advance of the Convention's entry into force based on the OAS agreed Model Regulations to control the flow of firearms items because of their links to such activities as drug trafficking, terrorism, transnational organized crime, and mercenary and other criminal activities.

DATES: *Effective Date:* This rule is effective April 13, 1999.

Grace Period: A 90-day grace period will apply to the requirement to obtain the Firearms Import Certificate or equivalent official document. During the grace period, applications will be accepted whether or not supported by the Firearms Import Certificate.

COMMENTS: Comments on this rule must be received on or before May 28, 1999.

ADDRESSES: Written comments on this rule 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: Joan Roberts, Director, Foreign Policy Division, Bureau of Export Administration, Telephone: (202) 482-0171.

SUPPLEMENTARY INFORMATION:

Background

On November 14, 1997, twenty-nine members of the Organization of American States (OAS), including the United States, signed the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (Firearms Convention). Subsequently, the Bahamas and Trinidad and Tobago signed the Treaty bringing the number of signatories to thirty-one. The Firearms Convention requires all OAS Member States to establish a program to issue authorizations for the import and export of firearms. The Firearms Convention will enter into force after the deposit of instruments of ratification by two Signatory States. To date, only one Convention Signatory, Belize, has ratified the Treaty.

The Firearms Convention constitutes the first multilateral treaty of its kind in the world, and it is expected to enhance multilateral cooperation among the governments of the Americas in the battle against the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials. The problem of illicit transnational trade in firearms is of particular concern to the governments of North and South America due to the violence it breeds and the links it often has with organized criminal activity, such as drug trafficking and terrorism.

The OAS member countries include: Antigua and Barbuda, Argentina, the Bahamas, Barbados, Belize, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago, the United States, Uruguay, and Venezuela.

OAS members also approved, in November 1997, the Model Regulations for the Control of the International Movement of Firearms, Their Parts and Components and Ammunition (OAS Model Regulations) to promote harmonized procedures for import and export controls over the legal international movement of firearms. The OAS Model Regulations do not address explosives and related materials.

On April 18, 1998, at the Santiago Summit held in Chile, President Clinton announced that the United States would issue regulations based on the OAS Model Regulations and that the Firearms Convention would be sent to the Senate for its advice and consent for ratification. President Clinton stated that these measures will further multilateral cooperation to prevent and combat illicit transnational traffic in firearms and ammunition, while establishing and strengthening systems to enhance the tracing of firearms used in criminal activities.

The OAS Model Regulations affect most firearms items on the Commerce Control List (CCL) classified under the following Export Control Classification Numbers (ECCNs): (1) 0A984, Shotguns with a barrel length 18 inches or over and related parts, and buckshot shotgun shells; (2) 0A986, Shotgun shells, and related parts; and (3) 0A987, Optical sighting devices. Following the President's directive, BXA is imposing a new license requirement for exports to Canada of all items controlled by ECCN 0A984, 0A986, or 0A987. A license is already required for crime control

reasons albeit subject to different licensing policies for the export of most firearms items to other OAS member countries.

The OAS Model Regulations also set forth requirements for the government of OAS importing countries to issue an Import Certificate to the importer of firearms, which is to include the total quantity of firearms and a detailed description of the item(s). Accordingly, BXA is imposing a new Import Certificate requirement for export of items classified as ECCNs 0A984, 0A986, or 0A987 to all OAS member countries, including Canada. The Import Certificate or an equivalent official document must be sent by the importer to the exporter as support documentation for a license application. The exporter must obtain the Import Certificate or equivalent official document prior to applying for a license. While the exporter may submit the application on receipt of a facsimile copy of the Import Certificate or equivalent official document, he must have the original in his possession before export. The exporter must retain the Import Certificate or equivalent official document in his files and produce it if requested to do so by BXA, in accordance with the recordkeeping requirements of the EAR.

In addition, for clarity and consistency, this rule transfers optical sighting devices from ECCN 0A985 to a newly created ECCN 0A987.

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 Export Administration Regulations 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).

Under a policy of conforming actions under the Executive Order to those under the EAA, insofar as appropriate, the Department of Commerce notified the Congress of this imposition of foreign policy controls on December 28, 1998.

Rulemaking Requirements

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

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

that collection of information displays a currently valid OMB Control Number. This rule also contains a new collection-of-information requirement subject to the PRA that has received emergency approval under OMB control number 0694-0114. The new information requirement and estimated public burden hours include: import certificates and associated activities (5 minutes to one hour each) and licenses to Canada (42.5 minutes each). This rule also involves a collection of information approved by the Office of Management and Budget under control number 0694-0088, "Multi-Purpose Application," which carries a burden hour estimate of 42.5 minutes per submission. These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collections of information. Comments are invited on: (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Comments regarding these burden estimates or any other aspect of the collection of information, including suggestions for reducing the burdens, should be forwarded to Patricia Muldonian, Regulatory Policy Division, Office of Exporter Services, Bureau of Export Administration, Department of Commerce, P.O. Box 273, Washington, DC 20044, and David Rostker, Office of Management and Budget, OMB/OIRA, 725 17th Street, NW., NEOB Rm. 10202, Washington, DC 20503.

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. 553 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 being issued in interim form and BXA will consider comments in the development of the final regulations.

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

The period for submission of comments will close May 28, 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 persons 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.

The public record concerning these regulations will be maintained in the Bureau of Export Administration Freedom of Information Records Inspection Facility, Room 6881, 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) 482-5653.

List of Subjects

15 CFR Parts 738, 742 and 774

Exports, Foreign Trade.

15 CFR Parts 740 and 748

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

15 CFR Part 762

Administrative practice and procedures, Business and industry, Confidential business information, Exports, Foreign Trade, Reporting and recordkeeping requirements.

Accordingly, parts 738, 740, 742, 748, 762, and 774 of the Export Administration Regulations (15 CFR parts 730–799) are amended to read as follows:

1. The authority citation for parts 738 and 774 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*, 1701 *et seq.*, app. 5; 10 U.S.C. 7420, 7430(e); 18 U.S.C. 2510 *et seq.*; 22 U.S.C. 287c, 3201 *et seq.*, 6004; Sec. 201, Pub. L. 104–58, 109 Stat. 557 (30 U.S.C. 185(s), 185(u)); 42 U.S.C. 2139a, 6212; 43 U.S.C. 1354; 46 U.S.C. app. 466c; E.O. 12924, 3 CFR, 1994 Comp., p. 917; E.O. 13026, 3 CFR, 1996 Comp., p. 228; and Notice of August 13, 1998 (63 FR 44121, August 17, 1998).

2. The authority citation for parts 740, 748, and 762 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*, 1701 *et seq.*; E.O. 12924, 3 CFR, 1994 Comp., p. 917; E.O. 13026, 3 CFR, 1996 Comp., p. 228 (1997); Notice of August 13, 1998 (63 FR 44121, August 17, 1998); and Pub. L. 105–85, 111 Stat. 1629.

3. The authority citation for part 742 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*, 1701 *et seq.*; 18 U.S.C. 2510 *et seq.*; 22 U.S.C. 3201 *et seq.*; 42 U.S.C. 2139a; E.O. 12058, 3

CFR, 1978 Comp., p. 179; E.O. 12851, 3 CFR 1993 Comp., p. 608; E.O. 12924, 3 CFR, 1994 Comp., p. 917; E.O. 12938, 3 CFR, 1994 Comp., p. 950; E.O. 13026, 3 CFR, 1996 Comp., p. 228 (1997); Notice of August 13, 1998 (63 FR 44121, August 17, 1998); and Pub. L. 105–85, 111 Stat. 1629.

PART 738—[AMENDED]

§ 738.2 [Amended]

4. Section 738.2 is amended by adding “FC Firearms Convention” in alphabetical order to the list of Reasons for Control in paragraph (d)(2)(i)(A).

5. Supplement No. 1 to part 738, the Commerce Country Chart, is amended by adding “FC Column 1”. For the convenience of the reader, the chart is revised to read as follows:

Supplement No. 1 to Part 738—[Amended]

SUPPLEMENT NO. 1 TO PART 738—COMMERCE COUNTRY CHART

[Reason for control]

Countries	Chemical and biological weapons			Nuclear non-proliferation		National security		Missile tech	Regional stability		Fire-arms convention FC 1	Crime control			Anti-terrorism	
	CB 1	CB 2	CB 3	NP 1	NP 2	NS 1	NS 2	MT 1	RS 1	RS 2		CC 1	CC 2	CC 3	AT 1	AT 2
Afghanistan	X	X	X	X		X	X	X	X	X		X		X		
Albania	X	X		X		X	X	X	X	X		X	X			
Algeria	X	X		X		X	X	X	X	X		X		X		
Andorra	X	X		X		X	X	X	X	X		X		X		
Angola ¹	X	X		X		X	X	X	X	X		X		X		
Antigua and Barbuda	X	X		X		X	X	X	X	X	X	X		X		
Argentina	X			X		X	X	X	X	X	X	X		X		
Armenia	X	X	X	X		X	X	X	X	X		X	X			
Australia	X			X		X		X	X	X		X		X		
Austria	X			X		X		X	X	X		X		X		
Azerbaijan	X	X	X	X		X	X	X	X	X		X	X			
Bahamas, The	X	X		X		X	X	X	X	X	X	X		X		
Bahrain	X	X	X	X		X	X	X	X	X		X		X		
Bangladesh	X	X		X		X	X	X	X	X		X		X		
Barbados	X	X		X		X	X	X	X	X	X	X		X		
Belarus	X	X	X	X		X	X	X	X	X		X	X			
Belgium	X			X		X		X	X	X		X		X		
Belize	X	X		X		X	X	X	X	X	X	X		X		
Benin	X	X		X		X	X	X	X	X		X		X		
Bhutan	X	X		X		X	X	X	X	X		X		X		
Bolivia	X	X		X		X	X	X	X	X	X	X		X		
Bosnia and Herzegovina	X	X		X		X	X	X	X	X		X		X		
Botswana	X	X		X		X	X	X	X	X		X		X		
Brazil	X	X		X		X	X	X	X	X	X	X		X		
Brunei	X	X		X		X	X	X	X	X		X		X		
Bulgaria	X	X	X	X		X	X	X	X	X		X	X			
Burkina Faso	X	X		X		X	X	X	X	X		X	X			
Burma	X	X	X	X		X	X	X	X	X		X		X		
Burundi	X	X		X		X	X	X	X	X		X		X		
Cambodia	X	X		X		X	X	X	X	X		X	X			
Cameroon	X	X		X		X	X	X	X	X		X		X		
Canada											X					
Cape Verde	X	X		X		X	X	X	X	X		X		X		
Central African Republic	X	X		X		X	X	X	X	X		X		X		
Chad	X	X		X		X	X	X	X	X		X		X		
Chile	X	X		X		X	X	X	X	X	X	X		X		
China	X	X	X	X		X	X	X	X	X		X		X		
Colombia	X	X		X		X	X	X	X	X	X	X		X		
Comoros	X	X		X		X	X	X	X	X		X		X		
Congo	X	X		X		X	X	X	X	X		X		X		
Costa Rica	X	X		X		X	X	X	X	X	X	X		X		
Cote d'Ivoire	X	X		X		X	X	X	X	X		X		X		
Croatia	X	X		X		X	X	X	X	X		X		X		
Cuba																
Cyprus	X	X		X		X	X	X	X	X		X		X		
Czech Republic	X			X		X	X	X	X	X		X		X		

See part 746 of the EAR to determine whether a license is required in order to export or reexport to this destination.

SUPPLEMENT NO. 1 TO PART 738—COMMERCE COUNTRY CHART—Continued

[Reason for control]

Countries	Chemical and biological weapons			Nuclear non-proliferation		National security		Missile tech	Regional stability		Fire-arms convention FC 1	Crime control			Anti-terrorism	
	CB 1	CB 2	CB 3	NP 1	NP 2	NS 1	NS 2	MT 1	RS 1	RS 2		CC 1	CC 2	CC 3	AT 1	AT 2
Denmark	X					X		X	X							
Djibouti	X	X		X		X	X	X	X	X		X		X		
Dominica	X	X		X		X	X	X	X	X	X	X		X		
Dominican Republic	X	X		X		X	X	X	X	X	X	X		X		
Ecuador	X	X		X		X	X	X	X	X	X	X		X		
Egypt	X	X	X	X		X	X	X	X	X		X		X		
El Salvador	X	X		X		X	X	X	X	X	X	X		X		
Equatorial Guinea	X	X		X		X	X	X	X	X		X		X		
Eritrea	X	X		X		X	X	X	X	X		X		X		
Estonia	X	X		X		X	X	X	X	X		X	X			
Ethiopia	X	X		X		X	X	X	X	X		X		X		
Fiji	X	X		X		X	X	X	X	X		X	X			
Finland	X					X		X	X	X		X		X		
France	X					X		X	X							
Gabon	X	X		X		X	X	X	X	X		X		X		
Gambia, The	X	X		X		X	X	X	X	X		X		X		
Georgia	X	X	X	X		X	X	X	X	X		X	X			
Germany	X					X		X	X							
Ghana	X	X		X		X	X	X	X	X		X		X		
Greece	X					X		X	X							
Grenada	X	X		X		X	X	X	X	X	X	X		X		
Guatemala	X	X		X		X	X	X	X	X	X	X		X		
Guinea	X	X		X		X	X	X	X	X		X		X		
Guinea-Bissau	X	X		X		X	X	X	X	X		X		X		
Guyana	X	X		X		X	X	X	X	X	X	X		X		
Haiti	X	X		X		X	X	X	X	X	X	X		X		
Honduras	X	X		X		X	X	X	X	X	X	X		X		
Hong Kong	X	X		X		X	X ²	X	X	X		X		X		
Hungary	X					X	X	X	X	X		X		X		
Iceland	X			X		X	X	X	X							
India	X	X	X	X	X	X	X	X	X	X		X		X		
Indonesia	X	X		X		X	X	X	X	X		X		X		
Iran																
Iraq ¹																
Ireland	X					X		X	X	X		X		X		
Israel	X	X	X	X	X	X	X	X	X	X		X		X		
Italy	X					X		X	X							
Jamaica	X	X		X		X	X	X	X	X	X	X		X		
Japan	X					X		X	X							
Jordan	X	X	X	X		X	X	X	X	X		X		X		
Kazakhstan	X	X	X	X		X	X	X	X	X		X	X			
Kenya	X	X		X		X	X	X	X	X		X		X		
Kiribati	X	X		X		X	X	X	X	X		X		X		
Korea, North																
Korea, South	X					X	X ²	X	X	X		X		X		
Kuwait	X	X	X	X		X	X	X	X	X		X		X		
Kyrgyzstan	X	X	X	X		X	X	X	X	X		X	X			
Laos	X	X		X		X	X	X	X	X		X	X			
Latvia	X	X		X		X	X	X	X	X		X	X			
Lebanon	X	X	X	X		X	X	X	X	X		X		X		
Lesotho	X	X		X		X	X	X	X	X		X		X		
Liberia	X	X		X		X	X	X	X	X		X		X		
Libya																
Liechtenstein	X	X		X		X	X	X	X	X		X		X		
Lithuania	X	X		X		X	X	X	X	X		X	X			
Luxembourg	X					X		X	X							
FYROM (Macedonia)	X	X		X		X	X	X	X	X		X		X		
Madagascar	X	X		X		X	X	X	X	X		X		X		
Malawi	X	X		X		X	X	X	X	X		X		X		
Malaysia	X	X		X		X	X	X	X	X		X		X		
Maldives	X	X		X		X	X	X	X	X		X		X		
Mali	X	X		X		X	X	X	X	X		X		X		
Malta	X	X		X		X	X	X	X	X		X		X		
Marshall Islands	X	X		X		X	X	X	X	X		X		X		
Mauritania	X	X		X		X	X	X	X	X		X		X		
Mauritius	X	X		X		X	X	X	X	X		X		X		
Mexico	X	X		X		X	X	X	X	X	X	X		X		
Micronesia	X	X		X		X	X	X	X	X		X		X		
Moldova	X	X	X	X		X	X	X	X	X		X	X			
Monaco	X	X		X		X	X	X	X	X		X		X		
Mongolia	X	X	X	X		X	X	X	X	X		X	X			
Morocco	X	X		X		X	X	X	X	X		X		X		
Mozambique	X	X		X		X	X	X	X	X		X		X		
Namibia	X	X		X		X	X	X	X	X		X		X		
Nauru	X	X		X		X	X	X	X	X		X		X		
Nepal	X	X		X		X	X	X	X	X		X		X		

See part 746 of the EAR to determine whether a license is required in order to export or reexport to this destination.
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SUPPLEMENT NO. 1 TO PART 738—COMMERCE COUNTRY CHART—Continued

[Reason for control]

Countries	Chemical and biological weapons			Nuclear non-proliferation		National security		Missile tech	Regional stability		Fire-arms convention FC 1	Crime control			Anti-terrorism	
	CB 1	CB 2	CB 3	NP 1	NP 2	NS 1	NS 2	MT 1	RS 1	RS 2		CC 1	CC 2	CC 3	AT 1	AT 2
Netherlands	X					X		X	X							
New Zealand	X					X		X	X							
Nicaragua	X	X		X		X	X	X	X	X	X					
Niger	X	X		X		X	X	X	X	X	X					
Nigeria	X	X		X		X	X	X	X	X	X					
Norway	X					X		X	X							
Oman	X	X	X	X		X	X	X	X	X		X				
Pakistan	X	X	X	X	X	X	X	X	X	X		X				
Palau	X	X		X		X	X	X	X	X		X				
Panama	X	X		X		X	X	X	X	X	X					
Papua New Guinea	X	X		X		X	X	X	X	X	X					
Paraguay	X	X		X		X	X	X	X	X	X					
Peru	X	X		X		X	X	X	X	X	X					
Philippines	X	X		X		X	X	X	X	X	X					
Poland	X					X	X	X	X	X	X					
Portugal	X					X		X	X							
Qatar	X	X	X	X		X	X	X	X	X		X				
Romania	X					X	X	X	X	X		X				
Russia	X	X	X			X	X	X	X	X		X	X			
Rwanda ¹	X	X		X		X	X	X	X	X		X	X			
St. Kitts and Nevis	X	X	X	X		X	X	X	X	X	X					
St. Lucia	X	X		X		X	X	X	X	X	X					
St. Vincent and Grenadines	X	X		X		X	X	X	X	X	X					
San Marino	X	X		X		X	X	X	X	X		X				
Sao Tome and Principe	X	X		X		X	X	X	X	X		X				
Saudi Arabia	X	X	X	X		X	X	X	X	X		X				
Senegal	X	X		X		X	X	X	X	X		X				
Serbia and Montenegro	X	X		X		X	X	X	X	X		X				
Seycheles	X	X		X		X	X	X	X	X		X				
Sierra Leone	X	X		X		X	X	X	X	X		X				
Singapore	X	X		X		X	X	X	X	X		X				
Slovakia	X					X	X	X	X	X		X				
Slovenia	X	X		X		X	X	X	X	X		X				
Solomon Islands	X	X		X		X	X	X	X	X		X				
Somalia	X	X		X		X	X	X	X	X		X				
South Africa	X	X				X	X	X	X	X		X				
Spain	X					X		X	X							
Sri Lanka	X	X		X		X	X	X	X	X		X				
Sudan	X	X		X		X	X	X	X	X		X				
Suriname	X	X		X		X	X	X	X	X	X					
Swaziland	X	X		X		X	X	X	X	X	X					
Sweden	X					X		X	X	X		X				
Switzerland	X					X		X	X	X		X				
Syria	X	X	X	X		X	X	X	X	X		X				
Taiwan	X	X	X	X		X	X	X	X	X		X				
Tajikistan	X	X	X			X	X	X	X	X		X				
Tanzania	X	X		X		X	X	X	X	X		X				
Thailand	X	X		X		X	X	X	X	X		X				
Togo	X	X		X		X	X	X	X	X		X				
Tonga	X	X		X		X	X	X	X	X		X				
Trinidad and Tobago	X	X		X		X	X	X	X	X	X					
Tunisia	X	X		X		X	X	X	X	X		X				
Turkey	X	X		X		X		X	X	X		X				
Turkmenistan	X	X	X	X		X	X	X	X	X		X	X			
Tuvalu	X	X		X		X	X	X	X	X		X				
Uganda	X	X		X		X	X	X	X	X		X				
Ukraine	X	X	X			X	X	X	X	X		X	X			
United Arab Emirates	X	X	X	X		X	X	X	X	X		X				
United Kingdom	X					X		X	X							
Uruguay	X	X		X		X	X	X	X	X	X					
Uzbekistan	X	X	X	X		X	X	X	X	X		X	X			
Vanuatu	X	X		X		X	X	X	X	X		X				
Vatican City	X	X		X		X	X	X	X	X		X				
Venezuela	X	X		X		X	X	X	X	X	X					
Vietnam	X	X	X	X		X	X	X	X	X		X	X			
Western Sahara	X	X		X		X	X	X	X	X		X				
Western Samoa	X	X		X		X	X	X	X	X		X				
Yemen	X	X	X	X		X	X	X	X	X		X				
Zaire	X	X		X		X	X	X	X	X		X				
Zambia	X	X		X		X	X	X	X	X		X				
Zimbabwe	X	X		X		X	X	X	X	X		X				

¹ This country is subject to United Nations Sanctions. See part 746 of the EAR for additional OFAC licensing requirements that may apply to your proposed transaction.

² A license is required only for computers controlled by 4A001, 4A002, & 4A003 if the CTP is greater than 10,000 Mtops. A license is NOT required for any other items subject to NS Column 2.

PART 740—[AMENDED]

6. Section 740.14 is amended by adding a sentence to the end of paragraph (e)(1)(iii) to read as follows:

§ 740.14 Baggage (BAG).

* * * * *

(e) * * *

(1) * * *

(iii) * * * Note that since certain countries may require an Import Certificate or a U.S. export license before allowing the import of a shotgun, you should determine the import requirements of your country of destination in advance.

* * * * *

PART 742—[AMENDED]

7. Part 742 is amended by adding a new § 742.17 to read as follows:

§ 742.17 Exports of firearms to OAS member countries.

(a) *License requirements.* BXA maintains a licensing system for the export of shotguns and related items to all OAS member countries. This action is based on the Organization of American States (OAS) Model Regulations for the Control of the International Movement of Firearms, their Parts and Components and Munitions (OAS Model Regulations) which were developed to assist OAS member countries to implement the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (Firearms Convention).¹ Items subject to these controls are identified by "FC Column 1" in the "License Requirements" section of their Export Control Classification Number (ECCN) on the Commerce Control List (CCL). If "FC Column 1" of the Commerce Country Chart (Supplement No. 1 to part 738 of the EAR) is indicated for a particular country, a license is required for export to that destination. Licenses will generally be issued on an Import Certificate or equivalent official document, satisfactory to BXA, issued by the government of the importing country is also required for the export of such items to OAS member countries.

(b) *Licensing policy.* Applications supported by an Import Certificate or equivalent official document issued by the government of the importing country for such items will generally be approved, except there is a policy of denial for applications to export items linked to such activities as drug

trafficking, terrorism, and transnational organized crime.

(c) *Contract sanctity.* Contract sanctity provisions are not available for license applications under this § 742.17.

(d) *OAS Model Regulations.* The OAS Model Regulations on which regulations are based are designed by OAS member countries to combat illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials in North and South America because of their links to such activities as drug trafficking, terrorism, and transnational organized crime.

(e) *OAS member countries to which firearms controls under this section apply.* The OAS member countries include: Antigua and Barbuda, Argentina, the Bahamas, Barbados, Belize, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, St. Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago, the United States, Uruguay, and Venezuela.

(f) *Items/Commodities.* Items requiring a license under this section are ECCNs 0A984 (shotguns with a barrel length 18 inches or over and related parts, and buckshot shotgun shells), 0A986 (shotgun shells, and related parts) and 0A987 (optical sighting devices). (See Supplement No. 1 to Part 774 of the EAR.)

(g) *Validity period for licenses.* Although licenses generally will be valid for a period of two years, your ability to ship items that require an Import Certificate or equivalent official document under this section may be affected by the validity of the Import Certificate or equivalent official document (see § 748.14(f) of the EAR).

PART 748—[AMENDED]

8. Section 748.9 is amended by revising the introductory text of paragraph (a) to read as follows:

§ 748.9 Support documents for license applications.

(a) *Exemptions.* If you plan to submit a license application involving one of the following situations and your item is not a firearms item destined for an OAS member country, no support documentation is required. Simply submit the license application. If your item is a firearms item (Reason for Control identified as "FC" on the Commerce Control List, Supplement No. 1 to part 774 of the EAR) destined for

an OAS member country, proceed to § 748.14 of this part.

* * * * *

9. Part 748 is amended by adding a new Section 748.14 to read as follows:

§ 748.14 Import Certificate for firearms destined for Organization of American States member countries.

(a) *Scope.* Consistent with the OAS Model Regulations, BXA requires from all OAS member countries an Import Certificate issued by the government of the importing country for items classified as ECCNs 0A984, 0A986, or 0A987. For those OAS member countries that have not yet established or implemented an Import Certificate procedure, BXA will accept an equivalent official document (e.g., import license or letter of authorization) issued by the government of the importing country as supporting documentation for the export of firearms. This section describes the requirements for Import Certificates or official equivalents in support of license applications submitted to BXA for firearms items that are identified by "FC Column 1" in the "License Requirements" section of the Commerce Control List.

(b) *Import Certificate Procedure.* An Import Certificate or equivalent official document must be obtained from the government of the importing OAS member country for firearms items classified as ECCNs 0A984, 0A986, or 0A987. Except as provided by § 748.9(a) of the EAR, the applicant must obtain and retain on file either the original or certified copy of the Import Certificate, or an original or certified copy of equivalent official document issued by the government of the importing country in support of any license application for export of firearms items classified as 0A984, 0A986, or 0A987. All the recordkeeping provisions of § 762.2 of the EAR apply to this requirement. The applicant must clearly note the number and date of the Import Certificate or equivalent official document on all export license applications (BXA Form 748P, Multipurpose Application Form, Block 13) supported by that Certificate or equivalent official document. The applicant must also indicate in Block 7 of the application that the Certificate or equivalent official document has been received and will be retained on file. However, the applicant may submit an application before obtaining the original or certified copy of the Import Certificate, or the official original or certified copy of the equivalent document, provided that:

¹ Status of Convention as of April 13, 1999 had not entered into force.

(1) The applicant has received a facsimile of the Import Certificate or equivalent official document at the time the license application is filed; and

(2) The applicant states on the application that a facsimile of the Import Certificate or equivalent official document has been received and that no shipment will be made against the license prior to obtaining the original or certified copy of the Import Certificate or the original or certified copy of the equivalent official document issued by the importing country and retaining it on file. Generally, BXA will not consider any license application for the export of firearms items if the application is not supported by an Import Certificate or its official equivalent. If the government of the importing country will not issue an Import Certificate or its official equivalent, the applicant must supply the information described in paragraphs (g)(2)(i) and (g)(2)(vi) through (viii) of this section on company letterhead.

(c) *Countries to which firearms controls apply.* The firearms controls apply to all OAS member countries: Antigua and Barbuda, Argentina, the Bahamas, Barbados, Belize, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, St. Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago, the United States, Uruguay, and Venezuela.

(d) *Items/Commodities.* An Import Certificate or equivalent official document is required for items controlled under Export Control Classification Numbers (ECCNs) 0A984, 0A986, or 0A987.

(e) *Use of the Import Certificate.* An Import Certificate or equivalent official document can only be used to support one BXA Form-748P, Multipurpose Application. The BXA Form-748P, Multipurpose Application, must include the same items as those listed on the Import Certificate or the equivalent official document.

(f) *Validity period.* Import Certificates or equivalent official documents issued by an OAS member country will be valid for a period of one year or less. Although licenses generally are valid for two years, your ability to ship may be affected by the validity of the Import Certificate or equivalent official document.

(g) *How to obtain an Import Certificate for firearms items destined to OAS member countries.* (1) Applicants must request that the importer (e.g.,

ultimate consignee or purchaser) obtain the Import Certificate or an equivalent official document from the government of the importing country, and that it be issued covering the quantities and types of items that the applicant intends to export. Upon receipt of the Import Certificate or its official equivalent, the importer must provide the original or a certified copy of the Import Certificate or the original or a certified copy of the equivalent official document to the applicant. The applicant shall obtain the required documents prior to submitting a license application, except as provided in paragraphs (b)(1) and (b)(2) of this section.

(2) The Import Certificate or its official equivalent must contain the following information:

(i) Applicant's name and address. The applicant may be either the exporter, supplier, or order party.

(ii) Import Certificate Identifier/Number.

(iii) Name of the country issuing the certificate or unique country code.

(iv) Date the Import Certificate was issued, in international date format (e.g., 24/12/98 (24 December 1998), or 3/1/99 (3 January 1999)).

(v) Name of the agency issuing the certificate, address, telephone and facsimile numbers, signing officer name, and signature.

(vi) Name of the importer, address, telephone and facsimile numbers, country of residence, representative's name if commercial or government body, citizenship, and signature.

(vii) Name of the end-user(s), if known and different from the importer, address, telephone and facsimile numbers, country of residence, representative's name if commercial (authorized distributor or reseller) or government body, citizenship, and signature. Note that BXA does not require the identification of each end-user when the firearms items will be resold by a distributor or reseller if unknown at the time of export.

(viii) Description of the items approved for import including a technical description and total quantity of firearms, parts and components, ammunition and parts.

Note to paragraph (g)(2)(viii): You must furnish the consignee with a detailed technical description of each item to be given to the government for its use in issuing the Import Certificate. For example, for shotguns, provide the type, barrel length, overall length, number of shots, the manufacturer's name, the country of manufacture, and the serial number for each shotgun. For ammunition, provide the caliber, velocity and force, type of bullet, manufacturer's name and country of manufacture.

(ix) Expiration date of the Import Certificate in international date format (e.g., 24/12/98) or the date the items must be imported, whichever is earlier.

(x) Name of the country of export (i.e., United States).

(xi) *Additional information.* Certain countries may require the tariff classification number, by class, under the Brussels Convention (Harmonized Tariff Code) or the specific technical description of an item. For example, shotguns may need to be described in barrel length, overall length, number of shots, manufacturer's name and country of manufacture. The technical description is not the Export Control Classification Number (ECCN).

(h) *Where to obtain Import Certificates.* See Supplement No. 6 to this part for a list of the OAS member countries' authorities administering the Import Certificate System.

(i) *Alterations.* After an Import Certificate or official equivalent document is used to support the issuance of a license, no corrections, additions, or alterations may be made on the Certificate by any person. If you desire to explain any information contained on the Import Certificate or official equivalent document, you may attach a signed statement to the Import Certificate or official equivalent.

(j) *Request for return of Import Certificates.* A U.S. exporter may be requested by a foreign importer to return an unused Import Certificate. Refer to § 748.9(j) of this part for procedures and recordkeeping requirements for returning an Import Certificate retained by the applicant.

10. Part 748 is amended by adding a new Supplement No. 6 to read as follows:

**Supplement No. 6. To part 748—
Authorities Issuing Import Certificates
Under the Firearms Convention**

[Reserved]

[Status of Convention as of April 13, 1999 had not entered into force.]

PART 762—[AMENDED]

11. Section 762.2 is amended by revising paragraph (b)(36) and adding (b)(37) and paragraph (b)(38) to read as follows:

§ 762.2 Records to be retained.

* * * * *

(b) * * *

(36) § 766.10, Subpoenas;

(37) § 743.1, Wassenaar reports; and

(38) § 748.14, Exports of firearms.

PART 774—[AMENDED]

12. In Supplement No. 1 to part 774 (the Commerce Control List), 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 for ECCNs 0A984 and 0A986;

b. By revising the entry heading for ECCN 0A985; and

c. By adding a new ECCN 0A987, to read as follows:

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, FC, UN

Control(s)	Country Chart
FC applies to entire entry	FC Column 1
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 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.

* * * * *

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

License Requirements

Reason for Control: FC, UN

Control(s)	Country Chart
FC applies to entire entry	FC Column 1

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

* * * * *

0A987 Optical sighting devices for firearms (including shotguns controlled by 0A984); and parts, n.e.s.

License Requirements

Reason for Control: FC, CC, UN

Control(s)	Country Chart
FC applies to optical sights for firearms, including shotguns described in ECCN 0A984, and related parts.	FC Column 1
CC applies to entire entry	CC Column 1
UN applies to entire entry	Rwanda; Federal Republic of Yugoslavia (Serbia and Montenegro)

* * * * *

Dated: April 6, 1999.

R. Roger Majak,

Assistant Secretary for Export Administration.

[FR Doc. 99-9160 Filed 4-12-99; 8:45 am]

BILLING CODE 3510-33-P

UNITED STATES INFORMATION AGENCY

22 CFR Part 514

Exchange Visitor Program

ACTION: Final rule.

SUMMARY: To enhance the programmatic utility of the Short-Term Scholar category of exchange participation, the Agency is amending existing regulations to permit short-term scholar participants to lecture and consult at institutions not listed on their Form IAP-66.

EFFECTIVE DATE: This rule is effective April 13, 1999.

FOR FURTHER INFORMATION CONTACT: Sally J. Lawrence, Chief, Program Designation Branch, United States Information Agency, 301 4th Street, S.W., Washington, D.C. 20547; Telephone, (202) 401-9823.

SUPPLEMENTARY INFORMATION: The Short-Term Scholar category allows foreign

scholars to enter the United States for a period of up to six months to lecture, observe, consult, and participate in seminars, workshops, conferences, study tours, professional meetings, and other similar educational and professional activities. This category of exchange participation facilitates international collaboration between foreign scholars and their American colleagues and promotes professional relationships and institutional linkages.

Designated sponsors that utilize this category of exchange participation have suggested to the Agency that the overall effectiveness and utility of these exchanges would be enhanced if the participants were able to accept invitations to lecture and consult at institutions not listed on the participant's Form IAP-66. The Agency has reviewed this suggestion and agrees that the ability to accept such invitations, if they can be fulfilled without delaying or extending the duration of the participant's program, is a desirable program enhancement. Accordingly, the Agency is amending 22 CFR 514.21(f) to permit the program sponsor's responsible officer to authorize the participant's acceptance of such invitations.

In accordance with 5 U.S.C. 605(b), the Agency certifies that this rule does not have a significant adverse economic impact on a substantial number of small entities. This rule is not considered to be a major rule within the meaning of Section 1(b) of E.O. 12291, nor does it have federal implications warranting the preparation of a Federalism Assessment in accordance with E.O. 12612.

List of Subjects in 22 CFR Part 514

Cultural exchange programs.

Dated: April 7, 1999.

Les Jin,

General Counsel.

Accordingly, 22 CFR part 514 is amended as follows:

PART 514—EXCHANGE VISITOR PROGRAM

1. The authority citation for part 514 continues to read as follows:

Authority: 8. U.S.C. 1101(a)(15)(j), 1182, 1258; 22 U.S.C. 1431-1442, 2451-2460; Reorganization Plan No. 2 of 1977, 42 FR 62461, 3 CFR, 1977 Comp. p. 200; E.O. 12048, 43 FR 13361, 3 CFR, 1978 Comp. p. 168; USIA Delegation Order No. 85-5 (50 FR 27393).

2. Section 514.21 paragraph (f) is revised to read as follows:

§ 514.21 Short-term scholars.

* * * * *