

be depicted on appropriate aeronautical charts. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9F, dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and, therefore, is issuing it as a direct final rule. Previous actions of this nature have not been controversial and have not resulted in adverse comments or objections. The amendment will enhance safety for all flight operations by designating an area where VFR pilots may anticipate the presence of IFR aircraft at lower altitudes, especially during inclement weather conditions. A greater degree of safety is achieved by depicting the area on aeronautical charts. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

Although this action is in the form of a final rule and was not preceded by a notice of proposed rulemaking, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended or withdrawn in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the

effectiveness of this action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy-related aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this action will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 98-ACE-46." The postcard will be date stamped and returned to the commenter.

Agency Findings

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

According to the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ACE KS E5 Concordia, KS [Revised]

Concordia, Blosser Municipal Airport, KS (Lat. 39°32'57" N., long. 97°39'08" W.)
Concordia NDB (Lat. 39°33'12" N., long. 97°39'04" W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Blosser Municipal Airport and within 2.5 miles each side of the 016° bearing from the Concordia NDB extending from the 6.4-mile radius to 7 miles northeast of the airport.

* * * * *

Issued in Kansas City, MO, on October 21, 1998.

Christopher R. Blum,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 98-30241 Filed 11-10-98; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

15 CFR Parts 740 and 742

[Docket No. 980918239-8239-01]

RIN 0694-AB78

Exports of High Performance Computers; Post-shipment Verification Reporting Procedures

AGENCY: Bureau of Export Administration, Commerce.

ACTION: Final rule.

SUMMARY: The Bureau of Export Administration (BXA) is amending the Export Administration Regulations (EAR) (15 CFR parts 730-799) by revising the requirements for exports of high performance computers. This rule

revises post-shipment verification (PSV) reporting procedures originally implemented as a result of the National Defense Authorization Act (NDAA) for fiscal year 1998 (Pub L. 105-85, 111 Stat. 1629).

DATES: This rule is effective November 12, 1998.

FOR FURTHER INFORMATION CONTACT: William Arvin, Bureau of Export Administration, Telephone: (202) 482-5775.

SUPPLEMENTARY INFORMATION:

Background

The National Defense Authorization Act (NDAA) for Fiscal Year 1998 contained provisions regarding exports and reexports of high performance computers. The NDAA established requirements for advance notification of exports and reexports of high performance computers and post-shipment verifications of such exports. On February 3, 1998, BXA published in the **Federal Register** a rule amending the EAR to implement these provisions (63 FR 5448). This rule revises the post-shipment verification reporting procedures.

To address the volume of post-shipment verifications (PSVs) generated by the NDAA on high performance computer exports, BXA's Export Enforcement has created the High Performance Computer (HPC) Team. This rule directs PSV report submission to the HPC team. Rather than submit PSV reports within 30 days of export, as was previously required, exporters may now submit the reports no later than the last day of the month following the month in which the export took place. As part of the commodity description, reports must specify model number, serial number, and composite theoretical performance (CTP) in millions of theoretical operations per second (MTOPS) for each item. Exporters may no longer submit reports by facsimile.

Although the Export Administration Act (EAA) expired on August 20, 1994, the President invoked the International Emergency Economic Powers Act and continued in effect, to the extent permitted by law, the provisions of the EAA and the EAR 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 15, 1997 (62 FR 43629), and August 13, 1998 (63 FR 44121).

Rulemaking Requirements

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

2. Notwithstanding any other provision of law, no person is required to, 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 involves collections of information subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). These collections have been approved by the Office of Management and Budget under control number 0694-0088, Multi-Purpose Application," which carries a burden hour estimate of 52.5 minutes per submission and control number 0694-0107, "National Defense Authorization Act," Advance Notifications and Post-Shipment Verification reports. Reports in support of Post-Shipment Verifications require 15 minutes per submission, whether the Post-Shipment Verification is conducted on an export authorized under a license or License Exception CTP.

3. This rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under Executive Order 12612.

4. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a military and foreign affairs function of the United States (Sec. 5 U.S.C. 553(a)(1)). Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this final rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 5 U.S.C. 553 or by any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable.

Therefore, this rule is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis. Comments should be sent to Hillary Hess, Director, Regulatory Policy Division, Bureau of Export Administration, Department of Commerce, P.O. Box 273, Washington, DC 20044.

List of Subjects

15 CFR Part 740

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

15 CFR Part 742

Exports, Foreign trade.

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

PART 740—[AMENDED]

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

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; E.O. 12924, 59 FR 43437, 3 CFR, 1994 Comp., p. 917 (1995); E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228 (1997); Notice of August 15, 1995, 3 CFR, 1995 Comp. 501 (1996); Notice of August 14, 1996, 61 FR 42527, 3 CFR, 1996 Comp., p. 298 (1997); Notice of August 13, 1997, 62 FR 43629, 3 CFR, 1997 Comp., p.306 (1998); Notice of August 13, 1998 (63 FR 44121, August 17, 1998); and P.L. 105-85, 111 Stat. 1629.

2. Section 740.7 is amended by revising paragraph (d)(4)(v) to read as follows:

§ 740.7 Computers (CTP).

* * * * *

(d) * * *

(4) *NDAA notification.* * * *

(v) *Post-shipment verification.* * * *

(A) *Information that must be included in each post-shipment report.* No later than the last day of the month following the month in which the export takes place, the exporter must submit the following information to BXA at the address listed in paragraph (d)(4)(v)(B) of this section:

(1) Exporter name, address, and telephone number;

(2) NDAA notification number;

(3) Date of export;

(4) End-user name, point of contact, address, telephone number;

(5) Carrier;

(6) Air waybill or bill of lading number;

(7) Commodity description, quantities—listed by model numbers, serial numbers, and CTP level in MTOPS; and

(8) Certification line for exporters to sign and date. The exporter must certify that the information contained in the report is accurate to the best of his or her knowledge.

(B) *Mailing address.* A copy of the post-shipment report[s] required under paragraph (d)(4)(v)(A) of this section shall be delivered to one of the following addresses. Note that BXA will not accept reports sent C.O.D.

(1) For deliveries by U.S. postal service:
Bureau of Export Administration, U.S. Department of Commerce, P.O. Box 273, Washington, D.C. 20044, Attn: HPC Team.

(2) For courier deliveries:
U.S. Department of Commerce, Office of the Assistant Secretary, For Export Enforcement, Room H3721, 14th Street and Constitution Ave. NW, Washington, DC 20230, Attn: HPC Team

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PART 742—[AMENDED]

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

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 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, 43 FR 20947, 3 CFR, 1978 Comp., p. 179 (1979); E.O. 12851, 58 FR 33181, 3 CFR 1993 Comp., p. 608 (1994); E.O. 12924, 59 FR 43437, 3 CFR, 1994 Comp., p. 917 (1995); E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950 (1995); E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228 (1997); Notice of August 15, 1995, 3 CFR, 1995 Comp. 501 (1996); Notice of August 14, 1996, 61 FR 42527, 3 CFR 1996 Comp., p. 298 (1997); Notice of August 13, 1997 62 FR 43629, 3 CFR, 1997 Comp., p. 306 (1998); Notice of August 13, 1998 (63 FR 44121, August 17, 1998); and P.L. 105-85, 111 Stat. 1629.

4. Section 742.12 is amended by revising paragraph (b)(3)(iv) to read as follows:

§ 742.12 High performance computers.

* * * * *

(b) * * *

(3) * * *

(iv) *Post-shipment verification.* * * *

(A) *Information that must be included in each post-shipment report.* No later than the last day of the month following the month in which the export takes place, the exporter must submit the following information to BXA at the address listed in paragraph (b)(3)(iv)(B) of this section:

- (1) Exporter name, address, and telephone number;
- (2) License number;
- (3) Date of export;
- (4) End-user name, point of contact, address, telephone number;

- (5) Carrier;
- (6) Air waybill or bill of lading number;
- (7) Commodity description, quantities—listed by model numbers, serial numbers, and CTP level in MTOPS; and
- (8) Certification line for exporters to sign and date. The exporter must certify that the information contained in the report is accurate to the best of his or her knowledge.

(B) *Mailing address.* A copy of the post-shipment report[s] required under paragraph (b)(3)(vi)(A) of this section shall be delivered to one of the following addresses. Note that BXA will not accept reports sent C.O.D.

(1) For deliveries by U.S. postal service:
Bureau of Export Administration, U.S. Department of Commerce, P.O. Box 273, Washington, D.C. 20044, Attn: HPC Team.

(2) For courier deliveries:
U.S. Department of Commerce, Office of the Assistant Secretary For Export Enforcement, Room H3721, 14th Street and Constitution Ave. NW, Washington, DC 20230, Attn: HPC Team.

* * * * *

Dated: November 4, 1998.

R. Roger Majak,
Assistant Secretary for Export Administration.
[FR Doc. 98-30250 Filed 11-10-98; 8:45 am]
BILLING CODE 3510-33-P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 200, 240, 249

[Release No. 34-40594A; File No. S7-30-97]

RIN 3235-AH16

OTC Derivatives Dealers; Correction

AGENCY: Securities and Exchange Commission.

ACTION: Correction to final regulation.

SUMMARY: This document contains a correction to final regulations (34-40594), which were published Tuesday,

November 3, 1998, (63 FR 59362). The regulations establish a new regulatory framework under the Securities Exchange Act of 1934 that tailor capital, margin, and other broker-dealer regulatory requirements to a class of registered dealers, called OTC derivatives dealers, that are active in over-the-counter derivatives markets.

EFFECTIVE DATE: January 4, 1999.

FOR FURTHER INFORMATION CONTACT: Michael Macchiaroli, Associate Director, at (202) 942-0132, Thomas K. McGowan, Assistant Director, at (202) 942-0177, or Christopher M. Salter, Attorney, at (202) 942-0148, Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street, N.W., Mail Stop 10-1, Washington, DC 20549.

SUPPLEMENTARY INFORMATION:

I. Background

The final regulations that are the subject of these corrections supersede Part IIB of Form X-17A-5 on the effective date and effect OTC derivatives dealers required to file Part IIB of Form X-17A-5 pursuant to Securities Exchange Act Rule 17a-12 (17 CFR 240.17a-12).

II. Need for Correction

As published the final regulations contain errors which may prove to be misleading and are in need of clarification.

III. Correction of Publication

Accordingly, the publication on November 3, 1998 of final regulations (34-40594), which were the subject of FR Doc. 98-29007, is corrected as follows:

Part IIB of Form X-17A-5 (referenced in § 249.617) which was published beginning on page 59407 and ending on page 59434 is corrected to read as follows:

* * * * *

Dated: November 5, 1998.

By the Commission.

Jonathan G. Katz,
Secretary.