

minimal, further regulatory evaluation is not necessary.

Moreover, I certify that this rule will not have a significant economic impact on a substantial number of small entities, since the rule only changes the filing location. Because of the very limited procedural effect of this rule, notice and comment on this rulemaking is unnecessary.

This rule does not significantly affect the environment, and therefore an environmental impact statement is not required under the National Environmental Policy Act of 1969. It has also been reviewed under Executive Order 12612, Federalism, and it has been determined that it does not have sufficient implications for federalism to warrant preparation of a Federalism Assessment. This rule does not impose any unfunded mandates as defined by the Unfunded Mandates Reform Act of 1995. Finally, this rule does not impose any collection of information requirements requiring review under the Paperwork Reduction Act of 1995.

This rule is not subject to Congressional review provisions of 5 U.S.C. 801(a)(1) because it is limited to a change in agency procedure and practice and does not substantially affect the rights or obligations of non-agency parties. This rule only addresses the location for filing commuter air carrier fitness applications.

List of Subjects in 14 CFR Part 201

Air carriers, Reporting and recordkeeping requirements.

Accordingly, for the reasons set forth above, 14 CFR Part 201 is amended as follows:

PART 201—AIR CARRIER AUTHORITY UNDER SUBTITLE VII OF TITLE 49 OF THE UNITED STATES

1. The authority citation for part 201 continues to read as follows:

Authority: 5 U.S.C. 1008; 49 U.S.C. Chapters 401, 411, 413, 415, 417.

2. Paragraph (b) of section 201.1 is amended by revising the last sentence to read as follows:

§ 201.1. Formal requirements.

* * * * *

(b) * * * An executed original plus two (2) true copies of the fitness data shall be filed with DOT Dockets, PL-401, 400 7th Street, SW., Washington, DC 20590-0002. Requests for confidential treatment of documents should be filed in accordance with the requirements of part 302 of this chapter.

Issued in Washington, DC on January 12, 1999.

Charles A. Hunnicutt,
Assistant Secretary for Aviation and International Affairs.

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DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Part 212

Filing of Airline Codesharing Agreements and Statements of Authorization for Codesharing

AGENCY: Office of the Secretary, Department of Transportation.

ACTION: Final rule.

SUMMARY: The Department is changing the location specified in 14 CFR Part 212 for the filing of applications for statements of authorization to operate codeshare services between U.S. and foreign air carriers, and between foreign air carriers, including the accompanying codeshare agreements between U.S. and foreign air carriers. These applications will now be filed with DOT Dockets, 400 7th Street, SW., Washington, DC 20590-0002, instead of with the Office of International Aviation.

DATES: This regulation is effective on February 22, 1999.

FOR FURTHER INFORMATION CONTACT: Terri Bingham or George Wellington, Office of the Secretary, Office of International Aviation, X-40, Department of Transportation, 400 7th Street, SW., Washington, DC 20590. Telephone: (202) 366-2390 or 366-2391.

SUPPLEMENTARY INFORMATION: The Department's regulations require that airlines file applications for statements of authorization to engage in defined "long-term" wet leases between U.S. and foreign air carriers, and between foreign air carriers. The rules (14 CFR 212.10) establish the detailed filing requirements for these applications. The Department has previously determined that codeshare services constitute a form of "wet lease" applications, and that, therefore, codeshare applications should be considered under the same procedural and decisional rules applicable to wet-lease operations. The Department also requires that underlying codeshare agreements and other agreements, if any, accompany the application. These applications are now filed with the Director, Office of International Aviation. This office maintains its own "docket" for these

applications, which is available to the public for review in that Office.

In his Regulatory Reinvention Initiative Memorandum of March 4, 1995, President Clinton directed Federal agencies to conduct a page-by-page review of all of their regulations and to "eliminate or revise those that are outdated or otherwise in need of reform." In response to that directive, the Department has undertaken a review of its aviation economic regulations contained in 14 CFR Chapter II to determine whether changes should be made to promote economic growth, create jobs, or eliminate unnecessary costs or other burdens on the economy. Among the regulations reviewed are those governing the filing of these applications.

When the rule about the filing location for wet leases was initially adopted, few codeshare applications were filed with the Department, and those that were filed resulted in generally limited public comments and few significant public interest issues. With the growing popularity of codeshare operations, the volume of applications has markedly increased, as has the number of comments received and the scope of the public interest issues presented. Indeed, with many of these applications, significant public interest issues are now likely to be faced by the Department, such as those relating to exclusivity arrangements between the applicant codeshare partners. These issues in turn have lengthened the review process involved, and resulted in more extensive public comment and interest. This change thereby has heightened the need for filing procedures that maximize transparency and public awareness. Public access to these codeshare filings in the Office of International Aviation is more difficult than if the filings had been made part of a public docket in DOT Dockets. Filings in DOT Dockets are also now easily available to public and staff on the internet and are saved in unalterable form electronically. We believe that the public interest would thus be better served if these filings were made to DOT Dockets and made part of a public docket. No other changes to the requirements for these filings are being made. Since this rule only involves a change of filing location, public comment on this rule would be impracticable, unnecessary, and contrary to the public interest.

Analysis of Regulatory Impacts

This rule is not a "significant regulatory action" within the meaning of Executive Order 12866. It is also not significant within the definition in

DOT's Regulatory Policies and Procedures, 49 FR 11034 (1979), because it does not involve any change in important Departmental policies. Because the economic impact should be minimal, further regulatory evaluation is not necessary.

Moreover, I certify that this rule will not have a significant economic impact on a substantial number of small entities, since it only changes the filing location.

This rule does not significantly affect the environment, and therefore an environmental impact statement is not required under the National Environmental Policy Act of 1969. It has also been reviewed under Executive Order 12612, Federalism, and it has been determined that it does not have sufficient implications for federalism to warrant preparation of a Federalism Assessment. This rule does not impose any unfunded mandates as defined by the Unfunded Mandates Reform Act of 1995. Finally, this rule does not contain any collection of information requirements requiring review under the Paperwork Reduction Act of 1995.

This rule is not subject to congressional review provisions of 5 U.S.C. 801(a)(1) because it is limited to a change in agency procedure and practice and does not substantially affect the rights or obligations of non-agency parties. This rule only addresses the location for filing applications for statements of authorization to operate codeshare services.

List of Subjects for 14 CFR Part 212

Air Carriers, Charter flights, Reporting and recordkeeping requirements, Surety bonds.

Accordingly, for the reasons set forth above, 14 CFR Part 212 is amended as follows:

PART 212—CHARTER RULES FOR U.S. AND FOREIGN DIRECT AIR CARRIERS

1. The authority citation for part 212 continues to read as follows:

Authority: 49 U.S.C. 40101, 40102, 40109, 40113, 41101, 41103, 41504, 41702, 41708, 41712, 46101.

2. Paragraph (a) of section 212.10 is amended by revising the third sentence, and paragraph (f)(1) of section 212.10 is amended by adding a new sentence after the first sentence to read as follows:

§ 212.10 Application for statement of authorization.

(a) * * * Except for an application for a long-term wet lease involving a codeshare agreement, an original and two copies of an application shall be

submitted to the Department of Transportation, Office of International Aviation, U.S. Air Carrier Licensing Division, X-44 (for an application by a certificated air carrier), or Foreign Air Carrier Licensing Division, X-45 (for an application by a foreign air carrier), 400 7th Street, SW., Washington, DC 20590; an original and two copies of an application for a long-term wet lease involving a codeshare agreement shall be submitted to DOT Dockets, PL-401, 400 7th Street, SW., Washington, DC 20590, or by electronic submission to DOT Dockets according to procedures at the DOT Dockets website. * * *

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(f)(1) * * * Such information with respect to codeshare applications and responsive pleadings will be available for public inspection at DOT Dockets or at the DOT Dockets website. * * *

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Issued in Washington, D.C. on January 12, 1999.

Charles A. Hunnicutt,

Assistant Secretary for Aviation and International Affairs.

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DEPARTMENT OF COMMERCE

Bureau of Export Administration

15 CFR Parts 742 and 743

[Docket No. 980911233-9007-03]

RIN 0694-AB80

Correction to Encryption Items

AGENCY: Bureau of Export Administration, Commerce.

ACTION: Interim rule.

SUMMARY: On December 31, 1998 (63 FR 72156), the Bureau of Export Administration published an interim rule revising the Export Administration Regulations (EAR) to streamline U.S. controls for exports and reexports of encryption commodities and software. This revision implemented the Administration's September 1998 policy initiative for exports and reexports of encryption commodities and software to U.S. subsidiaries, insurance companies, health and medical end-users, on-line merchants and foreign commercial firms.

This regulation amends the EAR by correcting three inadvertent typographic errors in the Encryption Items regulation which appeared in the **Federal Register** on December 31, 1998.

EFFECTIVE DATE: This rule is effective January 21, 1999.

FOR FURTHER INFORMATION CONTACT: Frank Ruggiero, Regulatory Policy Division, Bureau of Export Administration, Telephone: (202) 482-2440.

SUPPLEMENTARY INFORMATION:

On December 31, 1998, the Bureau of Export Administration published a regulation updating its encryption policy. This regulation corrects three typographical errors in that notice.

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 EAR and, to the extent permitted by law, the provisions of the EAA in Executive Order 12924 of August 19, 1994, as extended by the President's notices of August 15, 1995 (60 FR 42767), August 14, 1996 (61 FR 42527), August 13, 1997 (62 FR 43629) and August 13, 1998 (63 FR 44121).

Rulemaking Requirements

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

2. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid Office of Management and Budget Control Number. This rule contains collections of information subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). These collections have been approved by the Office of Management and Budget under control numbers 0694-0088, "Multi-Purpose Application," which carries a burden hour estimate of 52.5 minutes per submission; and 0694-0104, "Commercial Encryption Items Transferred from the Department of State to the Department of Commerce." The Department has submitted to OMB an emergency request for approval of the changes to the collection of information under OMB control number 0694-0104. Comments on collection 0694-0104 will be accepted until March 1, 1999.

3. This rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under E.O. 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