countries and by nationals of countries identified in this section.

PART 125—LICENSES FOR THE EXPORT OF TECHNICAL DATA AND CLASSIFIED DEFENSE ARTICLES

3. The authority citation for part 125 continues to read as follows:

Authority: Sections 2 and 38, Pub. L. 90–629, 90 Stat. 744 (22 U.S.C. 2752, 2778; E.O. 11958, 42 FR 4311; 3 CFR, 1977 Comp. p. 79; 22 U.S.C. 2658.

4. Section 125.4(d) is added to read as follows:

§ 125.4 Exemptions of general applicability.

* * * * *

(d)(1) Defense services for the items identified in § 123.16(b)(10) of this subchapter exported by accredited U.S. institutions of higher learning are exempt from the licensing requirements of this subchapter when the export is:

(i) To countries identified in § 123.16(b)(10)(i) of this subchapter and exclusively to nationals of such countries when engaged in international fundamental research conducted under the aegis of an accredited U.S. institution of higher learning; and

(ii) In direct support of fundamental research as defined in § 120.11(8) of this subchapter being conducted either at accredited U.S. institutions of higher learning or an accredited institution of higher learning, a governmental research center or an established government funded private research center located within the countries identified in § 123.16(b)(10)(i) of this subchapter; and

(iii) Limited to discussions on assembly of any article described in § 123.16(b)(10) of this subchapter and or integrating any such article into a scientific, research, or experimental satellite.

(2) The exemption in paragraph (d)(1) of this section, while allowing accredited U.S. institutions of higher learning to participate in technical meetings with foreign nationals from countries specified in § 123.16(b)(10)(i) of this subchapter for the purpose of conducting space scientific fundamental research either in the United States or in these countries when working with information that meets the requirements of § 120.11 of this subchapter in activities that would generally be controlled as a defense service in accordance with § 124.1(a) of this subchapter, does not cover:

(i) Any level of defense service or information involving launch activities including the integration of the satellite or spacecraft to the launch vehicle;

(ii) Articles and information listed in the Missile Technology Control Regime (MTCR) Annex or classified as significant military equipment; or

(iii) The transfer of or access to technical data, information, or software that is otherwise controlled by this subchapter.

Dated: March 11, 2002.

John R. Bolton,

Under Secretary, Arms Control and International Security, Department of State.

[FR Doc. 02–7347 Filed 3–28–02; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF STATE

22 CFR Part 126

[Public Notice 3951]

International Traffic in Arms Regulations; Amendment to the List of Proscribed Destinations

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: This rule amends the International Traffic in Arms Regulations (ITAR) by removing Armenia and Azerbaijan from the list of proscribed destinations for the exports and imports of defense articles and defense services.

EFFECTIVE DATE: March 29, 2002.

FOR FURTHER INFORMATION CONTACT: Mary Sweeney, Office of Defense Trade Controls, Bureau of Political-Military Affairs, Department of State (202) 663–2700.

SUPPLEMENTARY INFORMATION: Armenia and Azerbaijan were added to the list of proscribed destinations at section 126.1(a) of the ITAR in the **Federal Register** publication of July 22, 1993 (58 FR 39312). The Department of State is amending the ITAR to reflect that it is no longer the policy of the United States to deny licenses, other approvals, exports and imports of defense articles and defense services, destined for or originating in Armenia or Azerbaijan. This action is being taken in the interests of foreign policy and national security pursuant to section 38 of the Arms Export Control Act. Requests for licenses or other approvals for Armenia or Azerbaijan involving items covered by the U.S. Munitions List (22 CFR part 121) will be reviewed on a case-by-case basis.

This amendment involves a foreign affairs function of the United States and, therefore, is not subject to the procedures required by 5 U.S.C. 553 and 554. It is exempt from review under Executive Order 12866 but has been reviewed internally by the Department to ensure consistency with the purposes thereof. This rule does not require analysis under the Regulatory Flexibility Act or the Unfunded Mandates Reform Act. It has been found not to be a major rule within the meaning of the Small Business Regulatory Enforcement Act of 1966. It will not have substantial direct effects on the States, 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 section 6 of Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to warrant application of Executive Orders 12372 and 13123. However, interested parties are invited to submit written comments to the Department of State, Office of Defense Trade Controls, ATTN: Regulatory Change, removal of Armenia and Azerbaijan, 12th Floor, H1200, 2401 E Street NW., Washington, DC 20522–0112. Such persons must be so registered with the Department's Office of Defense Trade Controls (DTC) pursuant to the registration requirements of section 38 of the Arms Export Control Act.

List of Subjects in 22 CFR Part 126

Arms and munitions, Exports.

Accordingly, for the reasons set forth above, title 22, chapter I, subchapter M, part 126, is being amended as follows:

PART 126—GENERAL POLICIES AND PROVISIONS

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

Authority: Secs. 2, 38, 40, 42, and 71, Pub. L. 90–629, 90 Stat. 744 (22 U.S.C. 2752, 2778, 2780, 2791, and 2797); 22 U.S.C. 2778; E.O. 11958, 42 FR 4311; 3 CFR, 1977 Comp., p. 79; 22 U.S.C. 2658; 22 U.S.C. 287c; E.O. 12918, 59 FR 28205, 3 CFR, 1994 Comp., p. 899.

2. Section 126.1(a) is revised to read as follows:

§ 126.1 Prohibited exports and sales to certain countries.

(a) *General.* It is the policy of the United States to deny licenses, other approvals, exports and imports of defense articles and defense services, destined for or originating in certain countries. This policy applies to Afghanistan, Belarus, Cuba, Iran, Iraq, Libya, North Korea, Syria, and Vietnam. This policy also applies to countries with respect to which the United States maintains an arms embargo (*e.g.* Burma, China, Haiti, Liberia, Rwanda, Somalia, Sudan and Democratic Republic of the

Congo (formerly Zaire)) or whenever an export would not otherwise be in furtherance of world peace and the security and foreign policy of the United States. Comprehensive arms embargoes are normally the subject of a State Department notice published in the **Federal Register**. The exemptions provided in the regulations in this subchapter, except §§ 123.17 and 125.4(b)(13) of this subchapter, do not apply with respect to articles originating in or for export to any proscribed countries or areas.

* * * * *

Dated: February 22, 2002.

John R. Bolton,

Under Secretary, Arms Control and International Security, Department of State.

[FR Doc. 02–7346 Filed 3–28–02; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 658

[FHWA Docket No. 1997–2234 (formerly 87–5 and 89–12)]

RIN 2125–AC30

Truck Length and Width Exclusive Devices

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the regulations that concern the exclusion of devices from the measurement of vehicle length and width. All previous interpretations related to exclusions from measurements of vehicle length and width are superseded to the extent they are inconsistent with these regulations. Also, a technical correction is being made to the information on length limitations for multiple cargo carrying units in appendix C for the State of Michigan. The primary goal of this proceeding is to consolidate the basic information from all previous policy notices on the topic, and to provide regulatory standards for making future judgments on the length and/or width exclusion status of specific devices.

EFFECTIVE DATE: This final rule is effective April 29, 2002.

FOR FURTHER INFORMATION CONTACT: Mr. Tom Klimek, Office of Freight Management and Operations, (202–366–2212); or Mr. Raymond Cuprill, Office of the Chief Counsel (202–366–0791), Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

Internet users may access all comments received by the U.S. DOT Dockets, Room PL–401 by using the universal resource locator (URL): *http://dmses.dot.gov.* It is available 24 hours each day, 365 days each year. Electronic submission and retrieval help and guidelines are available under the help section of the web site.

An electronic copy of this document may be downloaded by using a computer, modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512–1661. Internet users may reach the Office of the Federal Register's home page at: *http://www.nara.gov/fedreg* and the Government Printing Office's web page at: *http://www.access.gpo.gov/nara.*

Background

The first Federal legislation to cover maximum vehicle dimensions, involved establishing a maximum width of 96 inches for vehicles using the Interstate System. This occurred in 1956 as part of the landmark legislation that accelerated construction of the Interstate System. The 1956 law included a ''grandfather'' clause that enabled States to retain regulations in effect on July 1, 1956, if they allowed a vehicle width greater than 96 inches. The grandfather clause also covered any items a State may have excluded from width measurement.

The practice of excluding certain devices from width measurement, however, did not develop as an issue until States were required to begin certifying enforcement of size and weight laws annually to the FHWA in 1975. Certification was the result of the enactment of what is now 23 U.S.C. 141, as part of the Federal-aid Highway Amendments of 1974.

As a result of the expansion of size and weight enforcement brought on by the certification requirement, it came to the attention of the FHWA that only half of the States had a grandfather right to exclude certain devices from width measurement. The remaining States were allowing the exclusions based largely on a definition of vehicle width originally developed by the American Association of State Highway Officials (AASHO)[1] in 1963, and included in AASHO's 1963 ''Policy on Maximum Dimensions and Weights of Motor Vehicles to be Operated Over the Highways of the United States.''[2] The definition read, ''Width: The total outside transverse dimension of a vehicle including any load or load-holding devices thereon, but excluding approved safety devices and tire bulge due to load.''

The differences between the AASHO policy and the FHWA's interpretation of the applicability of grandfather rights, resulted in significant confusion not only for the States, but also for the trucking industry. Since the AASHO policy from 1946 provided the basis for the original 96-inch width legislation, the FHWA determined that the subsequently issued AASHO definition was an acceptable basis on which to revise agency policy. Accordingly, the FHWA adopted the AASHTO definition of vehicle width on June 28, 1979 (44 FR 37710). In taking this action, the FHWA also determined that the only ''approved safety devices'' permitted to exceed 96 inches would be rear-view mirrors, turn signal lamps, and hand-holds for cab entry/egress.

The next significant legislative action on vehicle size was the Surface Transportation Assistance Act of 1982 (STAA) (Pub. L. 97–424, 96 Stat. 2097). In order to avoid a repeat of the interpretation problems regarding vehicle width, section 411(h) of the STAA gave the Secretary of Transportation the authority to exclude from the measurement of vehicle length any safety and energy conservation devices found necessary for the safe and efficient operation of commercial motor vehicles (CMVs). That authority is now codified at 49 U. S. C. 31111(d). Section 416(b) of the STAA, now 49 U.S.C. 31113(b), authorized similar exclusions when measuring vehicle width. Section 411(h) also provided that no device excluded from length measurement by the Secretary could have, by design or use, the capability to carry cargo.

Since enactment of the STAA, the FHWA has issued three policy notices in the **Federal Register** that identified some 55 devices as length or width exclusive. Copies of the notices are available on-line under the FHWA docket number cited at the beginning of this document. (See 49 FR 23302, June 5, 1984; 51 FR 1367, January 13, 1986; and 52 FR 7834, March 13, 1987.) The

[1] Now the American Association of State Highway and Transportation Officials (AASHTO).

[2] The current version of this policy titled ''Guide For Maximum Vehicle Weight and Dimensions'' is available from AASHTO by telephone (800) 231–3475, facsimile (800) 525–3362, mail at AASHTO, P.O. Box 96716, Washington, DC 20090–6716, or online at *http://www.transportation.org/publications/bookstore.nsf.*