106th Congress, 1st Session – – – – – – – – – – – – – House Document 106–132

SIX MONTH PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO ANGOLA

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

A SIX MONTH PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO THE NATIONAL UNION FOR THE TOTAL INDEPENDENCE OF ANGOLA THAT WAS DECLARED IN EXECUTIVE ORDER 12865 OF SEPTEMBER 26, 1993, PURSUANT TO 50 U.S.C. 1641(c)

SEPTEMBER 27, 1999.—Message and accompanying papers referred to the Committee on International Relations and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

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To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to the National Union for the Total Independence of Angola (UNITA) that was declared in Executive Order 12865 of September 26, 1993.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 27, 1999.*

President's Periodic Report on the National Emergency with respect to National Union for the Total Independence of Angola (UNITA)

I hereby report to the Congress on the developments since my last report of April 5, 1999, concerning the national emergency with respect to Angola that was declared in Executive Order 12865 of September 26, 1993. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c).

On September 26, 1993, I declared a national emergency with respect to the National Union for the Total Independence of Angola ("UNITA"), invoking the authority, *inter alia*, of the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) and the United Nations Participation Act of 1945 (22 U.S.C. 287c). Consistent with United Nations Security Council Resolution ("UNSCR") 864, dated September 15, 1993, the order prohibited the sale or supply by United States persons or from the United States, or using U.S.-registered vessels or aircraft, of arms and related matériel of all types, including weapons and ammunition, military vehicles, equipment and spare parts, and petroleum and petroleum products to the territory of Angola other than through designated points of entry. The order also prohibited such sale or supply to UNITA. U.S. persons are prohibited from activities which promote or are calculated to promote such sales or supplies, or from attempted violations, or from evasion or avoidance or transactions that have the purpose of evasion or avoidance, of the stated prohibitions. The order authorized the Secretary of the Treasury, in consultation with

the Secretary of State, to take such actions, including the promulgation of rules and regulations, as might be necessary to carry out the purposes of the order.

1. On December 10, 1993, the Treasury Department's Office of Foreign Assets Control ("OFAC") issued the UNITA (Angola) Sanctions Regulations (the "Regulations") (58 *Fed. Reg.* 64904) to implement Executive Order 12865.

On August 28, 1997, the United Nations Security Council adopted UNSCR 1127, expressing its grave concern at the serious difficulties in the peace process, demanding that the Government of Angola and in particular UNITA comply fully and completely with those obligations, and imposing additional sanctions against UNITA. Subsequently, the Security Council adopted UNSCR 1130 postponing the effective date of measures specified by UNSCR 1127 until 12:01 a.m. EST, October 30, 1997, at which time they went into effect.

On December 12, 1997, I issued Executive Order 13069 to implement in the United States the provisions of UNSCRs 1127 and 1130 (62 Fed. Reg. 65989, December 16, 1997), placing additional sanctions on UNITA, taking into account the provisions of United Nations Security Council Resolutions 1127 of August 28, 1997, and 1130 of September 29, 1997. Effective 12:01 a.m. EST on December 15, 1997, Executive Order 13069 closed all UNITA offices in the United States and prohibited various aircraft-related transactions. Specifically, section 2(a) of Executive Order 13069 prohibits the sale, supply, or making available in any form by United States persons, or from the United States or using U.S.-registered vessels or aircraft, of aircraft or aircraft components, regardless of their origin, to the territory of Angola, other than through designated points of entry, or to UNITA. Section 2(b) prohibits the insurance,

engineering, or servicing of UNITA aircraft by United States persons or from the United States. Section 2(c) prohibits the granting of take-off, landing, or overflight permission to any aircraft on flights or continuations of flights to or from the territory of Angola other than to or from designated places in Angola. Section 2(d) prohibits the provision of engineering and maintenance servicing, the certification of airworthiness, the payment of new insurance claims against existing insurance contracts, and the provision, renewal, or making available of direct insurance by a United States person or from the United States with respect to any aircraft registered in Angola, except designated aircraft, and with respect to any aircraft that has entered the territory of Angola other than through designated points of entry.

On August 18, 1998, I issued Executive Order 13098 (63 Fed. Reg. 44771, August 20, 1998), placing further sanctions on UNITA, taking into account the provisions of United Nations Security Council Resolutions 1173 of June 12, 1998, and 1176 of June 24, 1998. These additional sanctions went into effect at 12:01 a.m. EDT on August 19, 1998. Section 1 of Executive Order 13098 blocks all property and interests in property of UNITA, designated senior UNITA officials, and designated adult members of their immediate families if the property or property interests are in the United States, hereafter come within the United States, or are or hereafter come within the possession or control of United States persons. Section 2 of Executive Order 13098 prohibits the importation into the United States of all diamonds exported from Angola that are not controlled through the Certificate of Origin regime of the Angolan Government of Unity and National Reconciliation (the "GURN"). Section 2 also prohibits the sale or supply by United States persons or from

the United States or using U.S.-registered vessels or aircraft of equipment used in mining, and of motorized vehicles, watercraft, or spare parts for motorized vehicles or watercraft, regardless of origin, to the territory of Angola other than through a designated point of entry. Finally, section 2 prohibits the sale or supply by U.S. persons or from the United States or using U.S.-registered vessels or aircraft of mining services or ground or waterborne transportation services, regardless of their origin, to persons in designated areas of Angola to which the GURN's State administration has not been extended.

2. On August 12, 1999, OFAC amended the Regulations to implement Executive Orders 13069 and 13098 and to make technical and conforming changes (64 *Fed. Reg.* 43924, August 12, 1999). Since the amendments are extensive, Part 590 was reissued in its entirety. Additional prohibitions were added to the Regulations to reflect the new sanctions imposed in Executive Orders 13069 and 13098, and certain existing prohibitions were renumbered. A copy of the Regulations is attached to this report.

Section 590.202 of the Regulations has been amended to implement section 1 of Executive Order 13069, requiring the closure of all UNITA offices located in the United States. On December 31, 1997, OFAC had issued an order to the Center for Democracy in Angola ("CEDA" or "CDA") to immediately close its offices in the United States as required by Executive Order 13069. CEDA responded that it had closed its only U.S. office, located in Washington, D.C., in compliance with Executive Order 13069.

Section 590.203 of the Regulations has been amended to implement the aircraft-related prohibitions contained in section 2 of Executive Order 13069 that are within the Treasury

Department's jurisdiction. Thus, section 590.203 prohibits the sale, supply, or making available in any form by United States persons, or from the United States or using U.S.-registered vessels or aircraft, of aircraft or aircraft components, regardless of origin, to the territory of Angola, other than through a point of entry designated in new appendix B, or to UNITA. Section 590.203 also prohibits the insurance, engineering, or servicing by United States persons or from the United States of any aircraft owned or controlled by UNITA. Finally, section 590.203 prohibits the provision or making available of engineering and maintenance servicing, the payment of new claims against existing insurance contracts, and the provision, renewal, or making available of direct insurance by United States persons or from the United States with respect to aircraft registered in Angola other than aircraft designated in new appendix C, or with respect to any aircraft that have entered the territory of Angola other than through a point of entry designated in new appendix B. (Provisions in section 2 of Executive Order 13069 relating to the granting of take off, landing, and overflight permission to certain aircraft and the certification of airworthiness for certain aircraft are not addressed by this final rule, but instead are implemented by the Department of Transportation.)

Section 590.204 of the Regulations, implementing section 2(b) of Executive Order 13098, prohibits the sale or supply by United States persons, or from the United States or using U.S.-registered vessels or aircraft, of equipment used in mining, regardless of origin, to the territory of Angola other than through a point of entry designated in new appendix B. Section 590.205 of the Regulations, implementing section 2(c) of Executive Order 13098, imposes the same prohibition with respect

to motorized vehicles, watercraft, or spare parts for motorized vehicles or watercraft. Section 590.206 of the Regulations, implementing section 2(d) of Executive Order 13098, prohibits the sale or supply by United States persons, or from the United States or using U.S.-registered vessels or aircraft, of mining services or ground or waterborne transportation services, regardless of origin, to persons in areas of Angola to which the GURN's State administration has not been extended, as designated in new appendix D.

Section 590.207 of the Regulations, implementing section 1 of Executive Order 13098, blocks all property and interests in property that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of U.S. persons, including their overseas branches, of UNITA and those senior UNITA officials or adult members of their immediate families designated by the Secretary of the Treasury or the Secretary's delegate. As defined in section 590.314 of the Regulations, UNITA includes all persons owned or controlled by, or acting for on behalf of, UNITA. Sections 590.209 and 590.210 of the Regulations detail the effect of transfers of blocked property in violation of the Regulations and the required holding of blocked property in interest-bearing accounts and investment and reinvestment.

Section 590.208 of the Regulations, implementing section 2(a) of Executive Order 13098, prohibits the direct or indirect importation into the United States of all diamonds exported from Angola after August 18, 1998, unless those diamonds are controlled through the Certificate of Origin regime of the GURN.

Various new definitions were added to the Regulations, several existing definitions were revised, and all of the

definitions have been placed in alphabetical order and renumbered accordingly. Due to the substantial increase in regulated commodities that are not normally controlled for export as dual-use items, OFAC has decided to discontinue use of the Commerce Control List as the primary reference for defining the broad categories of commodities now regulated by the Regulations and to reference instead the relevant chapters, headings, and subheadings of the Harmonized Tariff Schedule of the United States ("HTS"). Thus, the term "aircraft or aircraft components" is defined in section 590.301 of the Regulations by reference to the relevant chapter of the HTS. Similarly, the terms "diamonds," "equipment used in mining," and "motorized vehicles, watercraft, or spare parts for motorized vehicles or watercraft" are defined in sections 590.305, 590.308, and 590.313 respectively by reference to the relevant HTS subheadings. For consistency, the existing definitions for "arms and related materiel" and "petroleum and petroleum products," now located at sections 590.302 and 590.316 respectively, have been modified by replacing the references to the Commerce Control List with references to the relevant chapters of the HTS. (However, in appendix A to part 590, which lists various arms and related materiel, references to Commerce Control List categories have been retained and updated as an additional guide for exporters.) The terms "controlled through the Certificate of Origin regime of the Angolan Government of Unity and National Reconciliation" and "mining services or ground or waterborne transportation services" are defined in sections 590.304 and 590.312 respectively, and numerous definitions are added to clarify the scope of the blocking ordered in section 590.207 of the Regulations. To implement the definition of "UNITA" in Executive Orders 13069 and 13098, the definition of the term "National Union for the Total

Independence of Angola," or "UNITA," located at section 590.314, is expanded to include "the Center for Democracy in Angola (CEDA)," the successor to the Free Angola Information Services, Inc. Finally, the definition of "effective date" in section 590.306 is amended to include the effective dates of all new prohibitions contained in the Regulations.

Subpart D of the Regulations has been amended to include interpretive sections relating to blocked property and interests in property and the new import and export restrictions. The existing interpretive sections concerning transshipments through the United States and transshipments through third countries are revised to include the commodities and services covered by the new prohibitions.

Subpart E of the Regulations has been amended to include several general licenses and to indicate that OFAC will consider granting specific licenses for transactions for medical and humanitarian purposes otherwise prohibited under sections 590.203 through 590.208 of the Regulations. Subpart F of the Regulations has been amended to reflect the relocation of sections relating to OFAC records and reports to subpart C of 31 CFR part 501. Technical and conforming changes were made to subpart G of the Regulations, relating to penalties. Subpart H of the Regulations has been amended to reflect the relocation of sections containing license application procedures and procedures relating to amendments, modifications, or revocations of licenses, administrative decisions, rulemaking, and requests for documents to subpart D of 31 CFR part 501.

Five new appendices were added to the Regulations. Appendix B to part 590 contains the list of points of entry in the territory of Angola designated for the purposes of the exceptions to certain prohibitions in sections 590.201, 590.203,

590.204, and 590.205. Appendix C to part 590 contains the list of designated aircraft to which certain prohibitions contained in section 590.203 do not apply. Appendix D to part 590 lists those areas to which the GURN's State administration has not been extended for purposes of the prohibition in section 590.206. Appendices E and F to part 590 are non-exhaustive lists of the items considered to be equipment used in mining, motorized vehicles, watercraft, and spare parts for motorized vehicles and watercraft, which are subject to the prohibitions in sections 590.204 and 590.205.

On June 25, 1999, pursuant to Executive Order 13098, OFAC amended Appendix A to 31 CFR chapter V, which contains the names of blocked persons, specially designated nationals, specially designated terrorists, foreign terrorist organizations, and specially designated narcotics traffickers designated pursuant to the various sanctions programs administered by OFAC. The amendment adds to Appendix A the names of 10 individuals who have been determined to be senior officials of UNITA (64 *Fed. Reg.* 34991, June 30, 1999). A copy of the amendment is attached to this report. All property and interests in property of these individuals that are in the United States, that come within the United States, or that come within control of U.S. persons are blocked. All transactions by U.S. persons or within the United States in property or interests in property of these individuals are prohibited unless licensed by OFAC.

3. OFAC has worked closely with the U.S. financial and exporting communities to assure a heightened awareness of the sanctions against UNITA, through the dissemination of publications, seminars, and a variety of media, including via the Internet, Fax-on-Demand, special fliers, and computer bulletin board information initiated by OFAC and posted through

the U.S. Department of Commerce and the U.S. Government Printing Office. There have been no license applications under the program since my last report. On October 1, 1998, OFAC issued an order to a U.S. Internet provider which resulted in the termination of a site posted on the World Wide Web by UNITA.

4. The expenses incurred by the Federal Government in the six-month period from March 26 through September 25, 1999 that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to UNITA are estimated at about $200,000, most of which represent wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the U.S. Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel) and the Departments of State (particularly the Office of Southern African Affairs) and Commerce.

I will continue to report periodically to the Congress on significant developments, pursuant to 50 U.S.C. 1703(c).

SANTACRUZ CASTRO, Ana Milena, c/o AUREAL INMOBILIARIA LTDA., Bogota, Colombia; c/o COMERCIALIZACION Y FINANCIACION DE AUTOMOTORES S.A., Cali, Colombia; c/o INMOBILIARIA SAMARIA LTDA., Cali, Colombia; c/o INVERSIONES EL PASO LTDA., Cali, Colombia; c/o INVERSIONES INTEGRAL LTDA., Cali, Colombia; c/o INVERSIONES SANTA LTDA., Cali, Colombia; c/o MIRALUNA LTDA., Cali, Colombia; c/o SAMARIA LTDA., Cali, Colombia; c/o SOCIEDAD CONSTRUCTORA LA CASCADA S.A., Cali, Colombia; c/o URBANIZACIONES Y CONSTRUCCIONES LTDA. DE CALI, Cali, Colombia; DOB 31 March 1965; Passports 31929808 (Colombia), AB151189 (Colombia); Cedula No. 31929808 (Colombia) (individual) [SDNT]

SARRIA HOLGUIN, Ramiro Hernan (Robert), Avenida 6N No. 23D-16 of. L301, Cali, Colombia; Carrera 100 No. 11-60 of. 603, AA 20903, Cali, Colombia; c/o INVERSIONES ARA LTDA., Cali, Colombia; c/o INVERSIONES MIGUEL RODRIGUEZ E HIJO, Cali, Colombia; c/o INVERSIONES RODRIGUEZ ARBELAEZ, Cali, Colombia; c/o INVERSIONES RODRIGUEZ MORENO, Cali, Colombia; c/o REPARACIONES Y CONSTRUCCIONES LTDA., Cali, Colombia; Cedula No. 6078583 (Colombia) (individual) [SDNT]

SEPULVEDA SEPULVEDA, Manuel Salvador, c/o ALKALA ASOCIADOS S.A., Cali, Colombia; c/o INMOBILIARIA U.M.V. S.A., Cali, Colombia; c/o INVHERESA S.A., Cali, Colombia; Cedula No. 16855038 (Colombia) (individual) [SDNT]

SERNA, Maria Norby, c/o ALKALA ASOCIADOS S.A., Cali, Colombia; c/o INVHERESA S.A., Cali, Colombia; Cedula No. 29475049 (Colombia) (individual) [SDNT]

VARGAS LOPEZ, Gustavo Adolfo, c/o AGROPECUARIA LA ROBLEDA S.A., Cali, Colombia; c/o COLOMBIANA DE CERDOS LTDA., Pereira, Colombia; c/o INDUSTRIA MADERERA ARCA LTDA., Cali, Colombia; c/o INVERSIONES VILLA PAZ S.A., Cali, Colombia; c/o MATADERO METROPOLITANO LTDA., Pereira, Colombia; Cedula No. 6457925 (Colombia) (individual) [SDNT]

ZAMBRANO MADRONERO, Carmen Alicia, c/o COSMEPOP, Bogota, Colombia; c/o PATENTES MARCAS Y REGISTROS S.A., Bogota, Colombia; Cedula No. 30738265 (Colombia) (individual) [SDNT]

4. Appendix A to 31 CFR chapter V is amended by removing in their entirety the entries for the following names from appendix A, section I: "ARBELAEZ ALZATE, Rafael", "BARRENEQUE GOMEZ, Jairo (a.k.a. BARRENECHE GOMEZ, Jairo)", "MILLAN RUBIO, Alba Milena", and "ORDOÑEZ MEDINA, Elizabeth".

Appendix B [Removed]

5. Appendix B to 31 CFR chapter V is removed.

Appendix C [Redesignated]

6. Appendix C to 31 CFR chapter V is redesignated as appendix B.

Dated: June 16, 1999.

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

Approved: June 21, 1999.

Elisabeth A. Bresee,

Assistant Secretary (Enforcement), Department of the Treasury.

[FR Doc. 99-16586 Filed 6-25-99; 9:38 am]

BILLING CODE 4810-25-F

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Chapter V

Blocked Persons, Specially Designated Nationals, Specially Designated Terrorists, Foreign Terrorist Organizations, and Specially Designated Narcotics Traffickers: Designations of Senior UNITA Officials

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Amendment of final rule.

SUMMARY: The Treasury Department is amending the appendix A to 31 CFR chapter V by adding the names of 10 individuals who have been determined to be senior officials of the National Union for the Total Independence of Angola ("UNITA").

EFFECTIVE DATE: June 25, 1999.

FOR FURTHER INFORMATION CONTACT: Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220, tel.: 202/622-2520.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

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Background

Appendix A to 31 CFR chapter V contains the names of blocked persons, specially designated nationals, specially designated terrorists, foreign terrorist organizations, and specially designated narcotics traffickers designated pursuant to the various economic sanctions programs administered by the Office of Foreign Assets Control. Pursuant to Executive Order 13098 of August 18, 1998, "Blocking Property of UNITA and Prohibiting Certain Transactions with respect to UNITA" (E.O. 13098, 63 FR 44771, 3 CFR, 1998 Comp., p. 206—the "Order"), and the UNITA (Angola) Sanctions Regulations (31 CFR part 590—the "Regulations"), the following 10 individuals are added to appendix A as persons who have been determined to be senior officials of UNITA (hereinafter "blocked persons"). All real and personal property in which the blocked persons have any interest, including but not limited to all accounts that are or come within the United States or that are or come within the possession or control of U.S. persons, including their overseas branches, are blocked. All transactions by U.S. persons or within the United States in property or interests in property of blocked persons are prohibited unless licensed by the Office of Foreign Assets Control.

Designations of foreign persons blocked pursuant to the Order are effective upon the date of determination by the Director of the Office of Foreign Assets Control, acting under authority delegated by the Secretary of the Treasury. Public notice of blocking is effective upon the date of filing with the **Federal Register**, or upon prior actual notice.

Because the Order and Regulations involve a foreign affairs function, Executive Order 12866 and the provisions of the Administrative Procedure Act (5 U.S.C. 553), requiring

notice of proposed rulemaking, opportunity for public participation, and delay in effective date, are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act (5 U.S.C. 601–612) does not apply.

For the reasons set forth in the preamble, and under the authority of 3 U.S.C. 301; 22 U.S.C. 287c; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note); E.O. 12865, 58 FR 51005, 3 CFR, 1993 Comp., p.636; E.O. 13069, 62 FR 65989, 3 CFR, 1997 Comp., p. 232; E.O. 13098, 63 FR 44771, 3 CFR, 1998 Comp., p. 206, appendix A to chapter V of 31 CFR is amended as set forth below:

Appendix A [Amended]

1. Appendix A to chapter V of 31 CFR is amended by adding the following names inserted in alphabetical order in appendix A, section I:

CAMALATA, Abilio (see KAMALATA, Abilio Jose Augusto "Numa") (individual) [UNITA]

CANDEIA, Anibal Jose Mateus "Kile" (a.k.a. KANDEYA, Amilcar Jose Mateus; a.k.a. KANDEYA, Anibal), UNITA Representative to the United Kingdom; DOB 21 August 1954; POB Dondi, Huambo Province, Angola; Passport No. PSAE/505893 (Ivory Coast) (individual) [UNITA]

CHILALA, Odeth Ludovina Baca Joaquim (a.k.a. LUDEVINA, Odeth), President of UNITA's League of Angolan Women (Secretary of Women's Organization for UNITA); DOB 5 August 1959; POB Bela Vista, Huambo Province, Angola (individual) [UNITA]

DACHALA, Marcial Adriano, UNITA Information Secretary; DOB 11 August 1956; POB Bela Vista, Huambo Province, Angola (individual) [UNITA]

DEMBO, Antonio Sebastiao, Vice-President of UNITA; DOB 25 August 1944; POB Nambuangongo, Luanda Province, Angola (individual) [UNITA]

GATO, Armindo Lukamba "Gato" (see PAULO, Armindo Lucas "Gato") (individual) [UNITA]

GATO, Paulo Lukamba (see PAULO, Armindo Lucas "Gato") (individual) [UNITA]

KAMALATA, Abilio Jose Augusto "Numa" (a.k.a. CAMALATA, Abilio), General of UNITA; DOB 31 August 1955; POB Cubal, Benguela Province, Angola (individual) [UNITA]

KANDEYA, Amilcar Jose Mateus (see CANDEIA, Anibal Jose Mateus "Kile") (individual) [UNITA]

KANDEYA, Anibal (see CANDEIA, Anibal Jose Mateus "Kile") (individual) [UNITA]

LUDEVINA, Odeth (see CHILALA, Odeth Ludovina Baca Joaquim) (individual) [UNITA]

MULATO, Ernesto Joaquim, UNITA Representative to Germany; DOB 12 August 1940; POB Bembe, Uige Province, Angola (individual) [UNITA]

PAULO, Armindo Lucas "Gato" (a.k.a. GATO, Armindo Lukamba "Gato"; a.k.a. GATO, Paulo Lukamba), UNITA Secretary-General; DOB 13 May 1954; POB Bailundo, Huambo Province, Angola (individual) [UNITA]

SAPALALO, Altino Bango "Bock," General of UNITA; DOB 5 November 1954; POB Andulo, Bie Province, Angola (individual) [UNITA]

SAVIMBI, Jonas Malheiro, President and Founder of UNITA; DOB 3 August 1934; POB Munhango, Bie Province, Angola (individual) [UNITA]

SAKALA, Alcides (see SIMOES, Alcides Sakala) (individual) [UNITA]

SIMOES, Alcides Sakala (a.k.a. SAKALA, Alcides; a.k.a. TCHACALA, Alcides), UNITA Foreign Affairs Secretary; DOB 23 December 1953; POB Bailundo, Huambo Province, Angola (individual) [UNITA]

TCHACALA, Alcides (see SIMOES, Alcides Sakala) (individual) [UNITA]

Dated: June 16, 1999.

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

Approved: June 21, 1999.

Elisabeth A. Bresee,

Assistant Secretary (Enforcement), Department of the Treasury.

[FR Doc. 99–16587 Filed 6–25–99; 9:50 am]

BILLING CODE 4810–25–F

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 13–99–019]

Drawbridge Operation Regulations; Steamboat Slugh, WA

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation.

SUMMARY: Notice is hereby given that the Coast Guard has issued a temporary deviation to the regulations governing the opening of the Burlington Northern Santa Fe Railroad Drawbridge over Steamboat Slough, mile 1.0, at Everett, Washington, from a 6 a.m. July 12 to 6 a.m. July 17, 1999. During this period the draw span need not open for the passage of vessels.

DATES: The period of deviation begins at 6 a.m. July 12 and ends at 6 a.m. July 17, 1999.

FOR FURTHER INFORMATION CONTACT: Mr. John E. Mikesell, Chief, Plans and Programs Section, Thirteen Coast Guard District. Telephone number (206) 220–7270.

SUPPLEMENTARY INFORMATION: The only economic consequences involve some rescheduling of infrequent log towing during the temporary deviation. This deviation is for the purpose of accommodating major repair to the draw machinery.

This deviation from normal operating regulations (33 CFR 117.869) is authorized in accordance with the provisions of Title 33 of the Code of Federal Regulations, § 117.35(d).

Dated: 17 June 1999.

Paul M. Blayney,

Rear Admiral, U.S. Coast Guard Commander, 13th Coast Guard District.

[FR Doc. 99–16668 Filed 6–29–99; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01–99–083]

RIN 2115–AA97

Safety Zone: Staten Island Fireworks, Raritan Bay and Lower New York Bay

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing two temporary safety zones for Staten Island fireworks displays located on Raritan Bay and Lower New York Bay. This action is necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in a portion of Raritan Bay and Lower New York Bay.

DATES: This rule is effective from 8:30 p.m. on July 3, 1999, until 10 p.m. on July 11, 1999.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at Coast Guard Activities New York, 212 Coast Guard Drive, room 205, Staten Island, New York 10305, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (718) 354–4193.

FOR FURTHER INFORMATION CONTACT: Lieutenant J. Lopez, Waterways Oversight Branch, Coast Guard Activities New York (718) 354–4193.

SUPPLEMENTARY INFORMATION:

Regulatory History

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation. Due to the date the Application for Approval of

Original amendment submission date	Date of final publication	Citation/description
* * *	* * *	* * *
May 13, 1999	August 12, 1999	Procedures and Standards for Determining Revegetation Success on Surface-Mined Lands in Texas; Normal Husbandry Practices for Surface-Mined Lands in Texas.

[FR Doc. 99-20840 Filed 8-11-99; 8:45 am]
BILLING CODE 4310-05-P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 590

UNITA (Angola) Sanctions Regulations: Implementation of Executive Orders 13069 and 13098

AGENCY: Office of Foreign Assets Control, Department of the Treasury.

ACTION: Final rule; amendments.

SUMMARY: The Office of Foreign Assets Control of the U.S. Department of the Treasury is amending the UNITA (Angola) Sanctions Regulations to implement Executive Order 13069 of December 12, 1997, and Executive Order 13098 of August 18, 1998, prohibiting certain transactions with respect to the National Union for the Total Independence of Angola ("UNITA") and to make other technical and conforming changes.

EFFECTIVE DATE: AUGUST 12, 1999.

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SUPPLEMENTARY INFORMATION:

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Background

On September 26, 1993, in view of United Nations Security Council Resolution No. 864 of September 15, 1993, President Clinton issued E.O. 12865, 58 FR 51005, 3 CFR, 1993 Comp., p.636, declaring a national emergency with respect to UNITA's actions in Angola and placing sanctions on UNITA. Executive Order 12865 prohibits the sale or supply by United States persons, or from the United States or using U.S.-registered vessels or aircraft, of arms, arms-related materiel of all types, petroleum, and petroleum products, regardless of their origin, to the territory of Angola, other than through designated points of entry, or to UNITA. Executive Order 12865 also prohibits any activity by U.S. persons or in the United States that promotes or is calculated to promote such prohibited sale or supply. On December 10, 1993, the Office of Foreign Assets Control of the Department of the Treasury ("OFAC") implemented Executive Order 12865 by promulgating the UNITA (Angola) Sanctions Regulations, 31 CFR Part 590 (the "Regulations").

On December 12, 1997, President Clinton issued Executive Order 13069, 62 FR 65989, 3 CFR, 1997 Comp., p.232, placing additional sanctions on UNITA, taking into account the provisions of United Nations Security Council Resolutions 1127 of August 28, 1997, and 1130 of September 29, 1997. Effective 12:01 a.m. EST on December 15, 1997, Executive Order 13069 closes all UNITA offices in the United States and prohibits various aircraft-related transactions. Specifically, section 2(a) of Executive Order 13069 prohibits the sale, supply, or making available in any form by United States persons, or from the United States or using U.S.-registered vessels or aircraft, of aircraft or aircraft components, regardless of their origin, to the territory of Angola, other than through designated points of entry, or to UNITA. Section 2(b) prohibits the insurance, engineering, or servicing of UNITA aircraft by United States persons or from the United States. Section 2(c) prohibits the granting of takeoff, landing, or overflight permission to any aircraft on flights or continuations of flights to or from the territory of Angola other than to or from designated places in Angola. Section 2(d) prohibits the provision of engineering and maintenance servicing, the certification of airworthiness, the payment of new insurance claims against existing insurance contracts, and the provision, renewal, or making available of direct insurance by a United States person or from the United States with respect to any aircraft registered in Angola, except designated aircraft, and with respect to any aircraft that have entered the territory of Angola other than through designated points of entry.

On August 18, 1998, President Clinton issued Executive Order 13098, 63 FR 44771, 3 CFR, 1998 Comp., p.206, placing further sanctions on UNITA, taking into account the provisions of United Nations Security Council Resolutions 1173 of June 12, 1998, and 1176 of June 24, 1998. These additional sanctions went into effect at 12:01 a.m. EDT on August 19, 1998. Section 1 of Executive Order 13098 blocks all property and interests in property of UNITA, designated senior UNITA officials, and designated adult members of their immediate families if the property or property interests are in the United States, hereafter come within the United States, or are or hereafter come within the possession or control of United States persons. Section 2 prohibits the importation into the United States of all diamonds exported from Angola that are not controlled through the Certificate of Origin regime of the Angolan Government of Unity and National Reconciliation (the "GURN"). Section 2 also prohibits the

sale or supply by United States persons, or from the United States or using U.S.-registered vessels or aircraft, of equipment used in mining and of motorized vehicles, watercraft, or spare parts for motorized vehicles or watercraft, regardless of their origin, to the territory of Angola other than through designated points of entry. Finally, section 2 prohibits the sale or supply by U.S. persons, or from the United States or using U.S.-registered vessels or aircraft, of mining services or ground or waterborne transportation services, regardless of their origin, to persons in designated areas of Angola to which the GURN's State administration has not been extended.

Accordingly, to implement Executive Orders 13069 and 13098, and to make technical and conforming changes, OFAC is amending the Regulations. Since the amendments are extensive, part 590 is being reissued in its entirety.

New prohibitions are added to the Regulations to reflect the new sanctions imposed in Executive Orders 13069 and 13098, and certain existing prohibitions are renumbered. The text of existing § 590.202 has been replaced by new language implementing section 1 of Executive Order 13069, requiring the closure of all UNITA offices located in the United States. The text of existing § 590.203 has been moved to new § 590.211 and replaced by new language implementing the aircraft-related prohibitions contained in section 2 of Executive Order 13069 that are within the Treasury Department's jurisdiction. Thus, § 590.203 now prohibits the sale, supply, or making available in any form by United States persons, or from the United States or using U.S.-registered vessels or aircraft, of aircraft or aircraft components, regardless of origin, to the territory of Angola, other than through a point of entry designated in new appendix B to part 590, or to UNITA. Section 590.203 also prohibits the insuring, engineering, or servicing by United States persons or from the United States of any aircraft owned or controlled by UNITA. Finally, § 590.203 prohibits the provision or making available of engineering and maintenance servicing, the payment of new claims against insurance contracts in existence as of December 15, 1997, and the provision, renewal, or making available of direct insurance by United States persons or from the United States after December 14, 1997, with respect to aircraft registered in Angola, other than aircraft designated in new appendix C to part 590, or with respect to any aircraft that have entered the territory of Angola other than through a point of entry designated in new appendix B to part 590. (Provisions in section 2 of Executive Order 13069 relating to the granting of takeoff, landing, and overflight permission to certain aircraft and the certification of airworthiness for certain aircraft are not addressed by this final rule, but instead are implemented by the Department of Transportation.)

Section 590.204 of the Regulations, implementing section 2(b) of Executive Order 13098, prohibits the sale or supply by United States persons, or from the United States or using U.S.-registered vessels or aircraft, of equipment used in mining, regardless of origin, to the territory of Angola other than through a point of entry designated in new appendix B to part 590. Section 590.205 of the Regulations, implementing section 2(c) of Executive Order 13098, imposes the same prohibition with respect to motorized vehicles, watercraft, and spare parts for motorized vehicles or watercraft. Section 590.206 of the Regulations, implementing section 2(d) of Executive Order 13098, prohibits the sale or supply by United States persons, or from the United States or using U.S.-registered vessels or aircraft, of mining services or ground or waterborne transportation services, regardless of origin, to persons in areas of Angola to which the GURN's State administration has not been extended, as designated in new appendix D to part 590.

Section 590.207 of the Regulations, implementing section 1 of Executive Order 13098, blocks all property and interests in property that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of U.S. persons, including their overseas branches, of UNITA and those senior UNITA officials or adult members of their immediate families designated by the Secretary of the Treasury or the Secretary's delegate. As defined in § 590.314 of the Regulations, UNITA includes all persons owned or controlled by or acting for or on behalf of UNITA. Section 590.209 and 590.210 of the Regulations detail the effect of transfers of blocked property in violation of the Regulations and the required holding of blocked property in interest-bearing accounts.

Section 590.208 of the Regulations, implementing section 2(a) of Executive Order 13098, prohibits the direct or indirect importation into the United States of all diamonds exported from Angola after August 18, 1998, unless those diamonds are controlled through the Certificate of Origin regime of the GURN.

Various new definitions are added to the Regulations, several existing definitions are revised, and all of the definitions are placed in alphabetical order and renumbered accordingly. Due to the substantial increase in regulated commodities that are not normally controlled for export as dual-use items, OFAC has decided to discontinue use of the Commerce Control List as the primary reference for defining the broad categories of commodities now regulated by the Regulations and to reference instead the relevant chapters, headings, and subheadings of Harmonized Tariff Schedule of the United States ("HTS"). Thus, the term "aircraft or aircraft components" is defined in § 590.301 of the Regulations by reference to the relevant chapter of the HTS. Similarly, the terms "diamonds," "equipment used in mining," and "motorized vehicles, watercraft, or spare parts for motorized vehicles or watercraft" are defined in §§ 590.305, 590.308, and 590.313 respectively by reference to the relevant HTS subheadings. For consistency, the existing definitions for "arms and related materiel" and "petroleum and petroleum products," now located at §§ 590.302 and 590.316 respectively, have been modified by replacing the references to the Commerce Control List with references to the relevant chapters of the HTS. (However, in appendix A to part 590, which lists various arms and related materiel, references to Commerce Control List categories have been retained and updated as an additional guide for exporters.) The terms "controlled through the Certificate of Origin regime of the Angolan Government of Unity and National Reconciliation" and "mining services or ground or waterborne transportation services" are defined in §§ 590.304 and 590.312 respectively, and numerous definitions are added to clarify the scope of the blocking ordered in § 590.207 of the Regulations. To implement the definition of "UNITA" in Executive Orders 13069 and 13098, the definition of the term "National Union for the Total Independence of Angola," or "UNITA," located at § 590.314, is expanded to include "the Center for Democracy in Angola (CEDA)," the successor to the Free Angola Information Services, Inc. Finally, the definition of "effective date" in § 590.306 is amended to include the effective dates of all new prohibitions contained in the Regulations.

Subpart D of the Regulations is amended to include interpretive sections relating to blocked property and interests in property and the new import and export restrictions. The existing interpretive sections concerning

transshipments through the United States and transshipments through third countries are revised to include the commodities and services covered by the new prohibitions.

Subpart E of the Regulations is amended to include several general licenses and to indicate that OFAC will consider granting specific licenses for transactions for medical and humanitarian purposes otherwise prohibited under §§ 590.203 through 590.208 of the Regulations. Subpart F of the Regulations is amended to reflect the relocation of sections relating to OFAC records and reports to subpart C of 31 CFR part 501. Technical and conforming changes are made to subpart G of the Regulations, relating to penalties. Subpart H of the Regulations is amended to reflect the relocation of sections containing license application procedures and procedures relating to amendments, modifications, or revocations of licenses; administrative decisions; rulemaking; and requests for documents pursuant to the Freedom of Information and Privacy Acts (5 U.S.C. 552 and 552a) to subpart D of 31 CFR part 501. Subpart I of the Regulations is amended to include a Paperwork Reduction Act notice.

Five new appendices are added to the Regulations. Appendix B to part 590 contains the list of points of entry in the territory of Angola designated for the purposes of the exceptions to certain prohibitions in §§ 590.201, 590.203, 590.204, and 590.205. The list of these points of entry currently contained in § 590.201(b) is removed and transferred to new appendix B to part 590. This amendment will allow both the existing and new sections to refer to the same list of designated points of entry without unneeded repetition. Appendix C to part 590 contains the list of designated aircraft to which certain prohibitions contained in § 590.203 do not apply. Appendix D to part 590 lists those areas to which the GURN's State administration has not been extended for purposes of the prohibition in § 590.206. Appendices E and F to part 590 are non-exhaustive lists of the items considered to be equipment used in mining, motorized vehicles, watercraft, and spare parts for motorized vehicles and watercraft, which are subject to the prohibitions in §§ 590.204 and 590.205.

Other technical amendments are also made.

Since the Regulations involve a foreign affairs function, the provisions of Executive Order 12866 and the Administrative Procedure Act (5 U.S.C. 553) (the "APA") requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act (5 U.S.C. 601–612) does not apply.

Paperwork Reduction Act

As authorized in the APA, the Regulations are being issued without prior notice and public comment. The collections of information related to the Regulations are contained in 31 CFR part 501 (the "Reporting and Procedures Regulations"). Pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), those collections of information have been approved by the Office of Management and Budget ("OMB") under control number 1505–0164. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number.

List of Subjects in 31 CFR Part 590

Administrative practice and procedure, Aircraft, Aircraft services, Angola, Arms and munitions, Blocking of assets, Diamonds, Exports, Foreign trade, Imports, Insurance, Mining equipment, Mining services, Motorized vehicles, National Union for the Total Independence of Angola, Penalties, Petroleum, Reporting and recordkeeping requirements, Shipping, Transportation services, UNITA, Vessels.

For the reasons set forth in the preamble, 31 CFR part 590 is revised to read as follows:

PART 590—ANGOLA (UNITA) SANCTIONS REGULATIONS

Subpart A—Relation of This Part to Other Laws and Regulations

Sec.
590.101 Relation of this part to other laws and regulations.

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590.207 Prohibited transactions involving blocked property.
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590.314 National Union for the Total Independence of Angola; UNITA.
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590.316 Petroleum and petroleum products.
590.317 Property; property interest.
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590.320 United States.
590.321 United States person; U.S. person.
590.322 U.S. financial institution.

ubpart D—Interpretations

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Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

590.501 General and specific licensing procedures.
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590.504 Exemptions for medical and humanitarian purposes.
590.505 Payments and transfers to blocked accounts in U.S. financial institutions.
590.506 Entries in certain accounts for normal service charges authorized.
590.507 Provision of certain legal services authorized.
590.508 Investment and reinvestment of certain funds.

Subpart F—Reports

590.601 Records and reports.

Subpart G—Penalties

590.701 Penalties.
590.702 Prepenalty notice.
590.703 Response to prepenalty notice; informal settlement.
590.704 Penalty imposition or withdrawal.
590.705 Administrative collection; referral to United States Department of Justice.

Subpart H—Procedures

590.801 Procedures.
590.802 Delegation by the Secretary of the Treasury.

Subpart I—Paperwork Reduction Act

590.901 Paperwork Reduction Act notice.

Appendix A to Part 590—Arms and Related Materiel

Appendix B to Part 590—Designated Points of Entry in the Territory of Angola

Appendix C to Part 590—Designated Aircraft of Angolan Registry [Reserved]

Appendix D to Part 590—Designated Areas of Angola to Which State Administration Has Not Been Extended

Appendix E to Part 590—Equipment Used in Mining (Harmonized Tariff Schedule Subheadings)

Appendix F to Part 590—Motorized Vehicles, Watercraft, or Spare Parts for Motorized Vehicles or Watercraft (Harmonized Tariff Schedule Subheadings)

Authority: 3 U.S.C. 301; 22 U.S.C. 287c; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note); E.O. 12865, 58 FR 51005, 3 CFR, 1993 Comp., p.636; E.O. 13069, 62 FR 65989, 3 CFR, 1997 Comp., p.232; E.O. 13098, 63 FR 44771, 3 CFR, 1998 Comp., p.206

Subpart A—Relation of This Part to Other Laws andRegulations

§ 590.101 Relation of this part to other laws and regulations.

(a) This part is separate from, and independent of, the other parts of this chapter, with the exception of part 501 of this chapter, the provisions of which apply to this part. Actions taken pursuant to part 501 of this chapter with respect to the prohibitions contained in this part are considered actions taken pursuant to this part. Differing foreign policy and national security contexts may result in differing interpretations of similar language among the parts of this chapter. No license or authorization contained in or issued pursuant to those other parts authorizes any transaction prohibited by this part. No license or authorization contained in or issued pursuant to any other provision of law or regulation authorizes any transaction prohibited by this part.

(b) No license contained in or issued pursuant to this part relieves the involved parties from complying with any other applicable laws or regulations.

Subpart B—Prohibitions

§ 590.201 Prohibited sale or supply of arms, arms materiel, petroleum, or petroleum products.

Except as otherwise authorized, the sale or supply by United States persons, or from the United States or using U.S.-registered vessels or aircraft, or any activity by United States persons or in the United States that promotes or is calculated to promote the sale or supply, of arms and related materiel of all types (as defined in § 590.302) or petroleum and petroleum products (as defined in § 590.316), regardless of origin, is prohibited if such sale or supply is to:

(a) UNITA; or

(b) The territory of Angola other than through a point of entry designated in appendix B to this part.

Note to § 590.201: The exportation of arms-related items to Angola may require separate authorization from the Bureau of Export Administration, U.S. Department of Commerce, under the Export Administration Regulations, 15 CFR subchapter C.

§ 590.202 Required closure of UNITA offices in the United States.

Except as otherwise authorized, all UNITA offices operating in the United States shall immediately and completely close.

§ 590.203 Prohibited aircraft-related transactions.

Except as otherwise authorized, the following are prohibited:

(a) The sale, supply, or making available in any form by United States persons, or from the United States or using U.S.-registered vessels or aircraft, of any aircraft or aircraft components (as defined in § 590.301), regardless of origin, to:

(1) UNITA; or

(2) The territory of Angola other than through a point of entry designated in appendix B to this part;

Note to paragraph (a): The exportation of aircraft-related items to Angola may require separate authorization from the Bureau of Export Administration, U.S. Department of Commerce, under the Export Administration Regulations, 15 CFR subchapter C.

(b) The insurance, engineering, or servicing by United States persons or from the United States of any aircraft owned or controlled by UNITA;

(c) The provision or making available of engineering and maintenance servicing, the payment of new claims against existing insurance contracts, or the provision, renewal, or making available of direct insurance by United States persons or from the United States with respect to any aircraft that:

(1) Is registered in Angola other than aircraft designated in appendix C to this part; or

(2) Has entered the territory of Angola other than through a point of entry designated in appendix B to this part.

Note to § 590.203: Additional prohibitions exist on (1) the granting of takeoff, landing, and overflight permission for aircraft that are en route to or from a point in the territory of Angola other than a point of entry designated in appendix B to this part, and (2) the certification of airworthiness with respect to any aircraft registered in Angola, other than aircraft designated in appendix C to this part, or with respect to any aircraft that has entered Angola other than through a point of entry designated in appendix B to this part. These prohibitions are not included in this part because they fall within the jurisdiction of the U.S. Department of Transportation and the Federal Aviation Administration. Persons involved in these transactions are directed to review the rules of the Department of Transportation and the Federal Aviation Administration or to contact those agencies for assistance.

§ 590.204 Prohibited sale or supply of equipment used in mining.

Except as otherwise authorized, the sale or supply by United States persons, or from the United States or using U.S.-registered vessels or aircraft, of equipment used in mining (as defined in § 590.308), regardless of origin, to the territory of Angola other than through a point of entry designated in appendix B to this part is prohibited.

Note to § 515.204: The export to Angola of equipment used in mining is also subject to the Export Administration Regulations, 15 CFR subchapter C, and may require separate authorization from the Bureau of Export Administration, U.S. Department of Commerce.

§ 590.205 Prohibited sale or supply of motorized vehicles, watercraft, or spare parts for motorized vehicles or watercraft.

Except as otherwise authorized, the sale or supply by United States persons, or from the United States or using U.S.-registered vessels or aircraft, of motorized vehicles, watercraft, or spare parts for motorized vehicles or watercraft (as defined in § 590.313), regardless of origin, to the territory of Angola other than through a point of entry designated in appendix B to this part is prohibited.

Note to § 515.204: The export to Angola of motorized vehicles, watercraft, or spare parts for motorized vehicles or watercraft is also subject to the Export Administration Regulations, 15 CFR subchapter C, and may require separate authorization from the Bureau of Export Administration, U.S. Department of Commerce.

§ 590.206 Prohibited sale or supply of mining services or ground or waterborne transportation services.

Except as otherwise authorized, the sale or supply by United States persons, or from the United States or using U.S.-registered vessels or aircraft, of mining services or ground or waterborne transportation services (as defined in § 590.312), regardless of origin, to persons in areas of Angola to which State administration has not been extended, as designated in appendix D to this part, is prohibited.

§ 590.207 Prohibited transactions involving blocked property.

(a) Except as otherwise authorized, no property or interests in property that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of United States persons, including their overseas branches, of UNITA or of those senior officials of UNITA or adult members of their immediate families who are designated by the Secretary of the Treasury or the Secretary's delegate may be transferred, paid, exported, withdrawn, or otherwise dealt in.

Note to paragraph (a) of § 590.207: Please refer to the appendices at the end of this chapter V for listings of senior officials of UNITA and adult members of their immediate families designated pursuant to this section. Section 501.807 of this chapter V sets forth the procedures to be followed by persons seeking administrative reconsideration of their designation or who wish to assert that the circumstances resulting in designation no longer apply.

(b) Unless otherwise authorized by this part or by a specific license expressly referring to this section, any dealing in any security (or evidence thereof) held within the possession or control of a U.S. person and either registered or inscribed in the name of or known to be held for the benefit of any person whose property is blocked pursuant to this section is prohibited. This prohibition includes but is not limited to the transfer (including the transfer on the books of any issuer or agent thereof), disposition, transportation, importation, exportation, or withdrawal of any such security or the endorsement or guaranty of signatures on any such security. This prohibition applies irrespective of the fact that at any time (either prior to, on, or subsequent to the effective date) the registered or inscribed owner of any such security may have or appears to have assigned, transferred, or otherwise disposed of the security.

(c) When a transaction results in the blocking of funds at a financial institution pursuant to this section and a party to the transaction believes the funds have been blocked due to mistaken identity, that party may seek to have such funds unblocked pursuant to the administrative procedures set forth in § 501.806 of this chapter.

§ 590.208 Prohibited importation of diamonds.

Except as otherwise authorized, the direct or indirect importation into the United States on or after 12:01 a.m. EDT on August, 19, 1998, of all diamonds (as defined in § 590.305) exported from Angola that are not controlled through the Certificate of Origin regime of the Angolan Government of Unity and National Reconciliation (as defined in § 590.304) is prohibited.

§ 590.209 Effect of transfers violating the provisions of this part.

(a) Any transfer after the effective date that is in violation of any provision of this part or of any regulation, order, directive, ruling, instruction, or license issued pursuant to this part, and that involves any property or interest in property blocked pursuant to § 590.207(a) is null and void and shall not be the basis for the assertion or recognition of any interest in or right, remedy, power, or privilege with respect to such property or property interest.

(b) No transfer before the effective date shall be the basis for the assertion or recognition of any right, remedy, power, or privilege with respect to, or any interest in, any property or interest in property blocked pursuant to § 590.207(a), unless the person with whom such property is held or maintained, prior to that date, had written notice of the transfer or by any written evidence had recognized such transfer.

(c) Unless otherwise provided, an appropriate license or other authorization issued by or pursuant to the direction or authorization of the Director of the Office of Foreign Assets Control before, during, or after a transfer shall validate such transfer or make it enforceable to the same extent that it would be valid or enforceable but for the provisions of the International Emergency Economic Powers Act, the United Nations Participation Act, this part, and any regulation, order, directive, ruling, instruction, or license issued pursuant to this part.

(d) Property transfers that otherwise would be null and void or unenforceable by virtue of the provisions of this section shall not be deemed to be null and void or unenforceable as to any person with whom such property was held or maintained (and as to such person only) in cases in which such person is able to establish to the satisfaction of the Director of the Office of Foreign Assets Control each of the following:

(1) Such transfer did not represent a willful violation of the provisions of this part by the person with whom such property was held or maintained;

(2) The person with whom such property was held or maintained did not have reasonable cause to know or suspect, in view of all the facts and circumstances known or available to such person, that such transfer required a license issued pursuant to this part and was not so licensed, or if a license did purport to cover the transfer, that such license had been obtained by misrepresentation of a third party or withholding of material facts or was otherwise fraudulently obtained; and

(3) The person with whom such property was held or maintained filed with the Office of Foreign Assets Control a report setting forth in full the circumstances relating to such transfer promptly upon discovery that:

(i) Such transfer was in violation of the provisions of this part or any regulation, ruling, instruction, direction, or license issued pursuant to this part;

(ii) Such transfer was not licensed or authorized by the Director of the Office of Foreign Assets Control; or

(iii) If a license did purport to cover the transfer, such license had been obtained by misrepresentation of a third party or withholding of material facts or was otherwise fraudulently obtained.

Note to paragraph (d) of § 590.209: The filing of a report in accordance with the provisions of paragraph (d)(3) of this section shall not be deemed evidence that the terms of paragraphs (d)(1) and (d)(2) of this section have been satisfied.

(e) Unless licensed pursuant to this part, any attachment, judgment, decree, lien, execution, garnishment, or other judicial process is null and void with respect to any property in which on or since the effective date of § 590.207 there existed an interest of a person whose property is blocked pursuant to § 590.207(a).

590.210 Holding of funds in interest-bearing accounts; investment and reinvestment.

(a) Except as provided in paragraph (c) or (d) of this section, or as otherwise directed by the Office of Foreign Assets Control, any U.S. person holding funds, such as currency, bank deposits, or liquidated financial obligations, subject to § 590.207(a) shall hold or place such funds in a blocked interest-bearing account located in the United States.

(b)(1) For purposes of this section, the term *blocked interest-bearing account* means a blocked account:

(i) In a federally-insured U.S. bank, thrift institution, or credit union, provided the funds are earning interest at rates that are commercially reasonable; or

(ii) With a broker or dealer registered with the Securities and Exchange Commission under the Securities Exchange Act of 1934, provided the funds are invested in a money market fund or in U.S. Treasury bills.

(2) For purposes of this section, a rate is commercially reasonable if it is the rate currently offered to other depositors on deposits or instruments of comparable size and maturity.

(3) Funds held or placed in a blocked account pursuant to this paragraph (b) may not be invested in instruments the maturity of which exceeds 180 days. If interest is credited to a separate blocked account or sub-account, the name of the account party on each account must be the same.

(c) Blocked funds held in instruments the maturity of which exceeds 180 days at the time the funds become subject to § 590.207(a) may continue to be held until maturity in the original instrument, provided any interest, earnings, or other proceeds derived therefrom are paid into a blocked interest-bearing account in accordance with paragraph (b) or (d) of this section.

(d) Blocked funds held in accounts or instruments outside the United States at the time the funds become subject to § 590.207(a) may continue to be held in the same type of accounts or instruments, provided the funds earn interest at rates that are commercially reasonable.

(e) This section does not create an affirmative obligation for the holder of blocked tangible property, such as chattels or real estate, or of other blocked property, such as debt or equity securities, to sell or liquidate such property at the time the property becomes subject to § 590.207(a). However, the Office of Foreign Assets Control may issue licenses permitting or directing such sales in appropriate cases.

(f) Funds subject to this section may not be held, invested, or reinvested in a manner that provides immediate financial or economic benefit or access to persons whose property is blocked pursuant to § 590.207(a), nor may their holder cooperate in or facilitate the pledging or other attempted use as collateral of blocked funds or other assets.

§ 590.211 Evasions; attempts; conspiracies.

Any transaction by any United States person or within the United States on or after the effective date that evades or avoids, has the purpose of evading or avoiding, or attempts to violate any of the prohibitions set forth in this part is prohibited. Any conspiracy formed for the purpose of engaging in a transaction prohibited by this part is prohibited.

Subpart C—General Definitions

§ 590.301 Aircraft or aircraft components.

The term *aircraft or aircraft components* means all aircraft, spacecraft, and parts thereof described in chapter 88 of the Harmonized Tariff Schedule of the United States and any other items that the supplier knows or has reason to know are intended to be used as a part or spare part of an aircraft or spacecraft.

§ 590.302 Arms and related materiel.

The term *arms and related materiel* means all items listed in appendix A to this part; all items described in chapter 93 of the Harmonized Tariff Schedule of the United States; any other items designed as or for use with a weapon; all items controlled under the International Traffic in Arms Regulations, 22 CFR parts 120 through 130; and any other items controlled for export as arms or related materiel by any office or agency of the United States.

§ 590.303 Blocked account; blocked property.

The terms *blocked account* and *blocked property* mean any account or property subject to the prohibition in § 590.207, held in the name of a person whose property is blocked pursuant to § 590.207(a) or in which such person has an interest, and with respect to which payments, transfers, exportations, withdrawals, or other dealings may not be made or effected except pursuant to a license from the Office of Foreign Assets Control authorizing such action.

§ 590.304 Controlled through the Certificate of Origin regime of the Angolan Government of Unity and National Reconciliation.

The term *controlled through the Certificate of Origin regime of the Angolan Government of Unity and National Reconciliation* means accompanied by any documentation that demonstrates to the satisfaction of the United States Customs Service (or analogous officials of a United States territory or possession with its own customs administration) that the diamonds were legally exported from Angola with the approval of the Angolan Government of Unity and National Reconciliation.

§ 590.305 Diamonds.

The term *diamonds* means all diamonds described in heading 7102 of the Harmonized Tariff Schedule of the United States; all diamond dust described in subheading 7105.10 of the Harmonized Tariff Schedule of the United States; all diamond jewelry described in subheadings 7116.20.05-.15 of the Harmonized Tariff Schedule of the United States; and any items described elsewhere in the Harmonized Tariff Schedule of the United States containing diamonds or diamond dust.

§ 590.306 Effective date.

The term *effective date* refers to each of the effective dates of the applicable prohibitions and directives of this part as follows:

(a) With respect to § 590.201 and any prohibitions under § 590.211 related to § 590.201, 4:35 p.m. EDT on September 26, 1993.

(b) With respect to §§ 590.202 and 590.203 and any prohibitions under § 590.211 related to §§ 590.202 or 590.203, 12:01 a.m. EST on December 15, 1997.

(c) With respect to §§ 590.204, 590.205, 590.206, 590.207, 590.208, 590.209, and 590.210 and any prohibitions under § 590.211 related to §§ 590.204, 590.205, 590.206, 590.207, 590.208, 590.209, or 590.210, 12:01 a.m. EDT on August, 19, 1998, or in the case of senior officials of UNITA or adult members of their immediate families who are designated after that date, the earlier of the date on which a person receives actual or constructive notice of such designation.

590.307 Entity.

The term *entity* means a partnership, association, trust, joint venture, corporation, or other organization.

§ 590.308 Equipment used in mining.

The term *equipment used in mining* means all items described in any of the Harmonized Tariff Schedule subheadings listed in appendix E to this part and any other equipment that the supplier knows or has reason to know is intended for use in the activities of prospecting or mining.

§ 590.309 General license.

The term *general license* means any license the terms of which are set forth in this part.

§ 590.310 Interest.

Except as otherwise provided in this part, the term *interest* when used with respect to property (e.g., *an interest in property*) means an interest of any nature whatsoever, direct or indirect.

§ 590.311 License.

Except as otherwise specified, the term *license* means any license or authorization contained in or issued pursuant to this part.

§ 590.312 Mining services or ground or waterborne transportation services.

The term *mining services or ground or waterborne transportation services* means any services that are part of prospecting, mining, or carrying persons or cargo by land or water.

§ 590.313 Motorized vehicles, watercraft, or spare parts for motorized vehicles or watercraft.

The term *motorized vehicles, watercraft, or spare parts for motorized vehicles or watercraft* means all items described in any of the Harmonized Tariff Schedule subheadings listed in Appendix F to this part and any other items that the supplier knows or has reason to know are intended for use as motorized vehicles, watercraft, or spare parts for motorized vehicles or watercraft.

§ 590.314 National Union for the Total Independence of Angola; UNITA.

The term *National Union for the Total Independence of Angola*, or *UNITA*, includes:

(a) Any entity, political subdivision, agency, or instrumentality of UNITA, including without limitation:

(1) The União Nacional para a Independencia Total de Angola (UNITA), known in English as the "National Union for the Total Independence of Angola";

(2) The Forcas Armadas para a Liberação de Angola (FALA), known in English as the "Armed Forces for the Liberation of Angola";

(3) The Free Angola Information Service, Inc.; and

(4) The Center for Democracy in Angola (CEDA);

(b) Any person or entity substantially owned or controlled by any of the foregoing;

(c) Any person to the extent that such person is or has been, or to the extent that there is reasonable cause to believe that such person is or has been, since the effective date, acting or purporting to act directly or indirectly for or on behalf of any of the foregoing; and

(d) Any other person determined by the Director of the Office of Foreign Assets Control to be included within paragraphs (a) through (c) of this section.

§ 590.315 Person.

The term *person* means an individual or entity.

§ 590.316 Petroleum and petroleum products.

The term *petroleum and petroleum products* means all items described in chapter 27 of the Harmonized Tariff Schedule of the United States and any synthetic or part-synthetic replacement therefore.

§ 590.317 Property; property interest.

The terms *property* and *property interest* include but are not limited to money, checks, drafts, bullion, bank deposits, savings accounts, debts, indebtedness, obligations, notes, guarantees, debentures, stocks, bonds, coupons, any other financial instruments, bankers acceptances, mortgages, pledges, liens or other rights in the nature of security, warehouse receipts, bills of lading, trust receipts, bills of sale, any other evidences of title, ownership, or indebtedness, letters of credit and any documents relating to any rights or obligations thereunder, powers of attorney, goods, wares, merchandise, chattels, stocks on hand, ships, goods on ships, real estate mortgages, deeds of trust, vendors' sales agreements, land contracts, leaseholds, ground rents, real estate and any other interest therein, options, negotiable instruments, trade acceptances, royalties, book accounts, accounts payable, judgments, patents, trademarks or copyrights, insurance policies, safe deposit boxes and their contents, annuities, pooling agreements, services of any nature whatsoever, contracts of any nature whatsoever, and any other property, real, personal, or mixed, tangible or intangible, or interest or interests therein, whether present, future, or contingent.

§ 590.318 Specific license.

The term *specific license* means any license not set forth in this part but issued pursuant to this part.

§ 590.319 Transfer.

The term *transfer* means any actual or purported act or transaction, whether or not evidenced by writing, and whether or not done or performed within the United States, the purpose, intent, or effect of which is to create, surrender, release, convey, transfer, or alter, directly or indirectly, any right, remedy, power, privilege, or interest with respect to any property. Without limitation upon the foregoing, the term *transfer* includes the making, execution, or delivery of any assignment, power, conveyance, check, declaration, deed, deed of trust, power of attorney, power of appointment, bill of sale, mortgage, receipt, agreement, contract, certificate, gift, sale, affidavit, or statement; the making of any payment; the setting off of any obligation or credit; the appointment of any agent, trustee, or fiduciary; the creation or transfer of any lien; the issuance, docketing, filing, or levy of or under any judgment, decree, attachment, injunction, execution, or other judicial or administrative process or order; the service of any garnishment; the acquisition of any interest of any nature whatsoever by reason of a judgment or decree of any foreign country; the fulfillment of any condition; the exercise of any power of appointment, power of attorney, or other power; or the acquisition, disposition, transportation, importation, exportation, or withdrawal of any security.

§ 590.320 United States.

The term *United States* means the United States, its territories and possessions, and all areas under the jurisdiction or authority thereof.

§ 590.321 United States person; U.S. person.

The term *United States person* or *U.S. person* means any United States citizen, permanent resident alien, entity organized under the laws of the United States (including foreign branches), or any person in the United States.

§ 590.322 U.S. financial institution.

The term *U.S. financial institution* means any U.S. entity (including foreign branches) that is engaged in the business of accepting deposits, making, granting, transferring, holding, or brokering loans or credits, or purchasing or selling foreign exchange, securities, commodity futures or options, as principal or agent. This terms includes but is not limited to depository institutions, banks, savings banks, trust companies, securities brokers and dealers, commodity futures and options brokers and dealers, forward contract and foreign exchange merchants, securities and commodities exchanges, clearing corporations, investment companies, employee benefit plans, and U.S. holding companies, U.S. affiliates, or U.S. subsidiaries of any of the foregoing. This term includes those branches, offices, and agencies of foreign financial institutions which are located in the United States, but not such institutions' headquarters, branches, offices, or agencies.

ubpart D—Interpretations

§ 590.401 Reference to amended sections.

Except as otherwise specified, reference to any provision in or appendix to this part or chapter or to any regulation, ruling, order,

instruction, direction, or license issued pursuant to this part refers to the same as currently amended.

§ 590.402 Effect of amendment.

Unless otherwise specifically provided, any amendment, modification, or revocation of any provision in or appendix to this part or chapter or of any order, regulation, ruling, instruction, or license issued by or under the direction of the Director of the Office of Foreign Assets Control does not affect any act done or omitted, or any civil or criminal suit or proceeding commenced or pending prior to such amendment, modification, or revocation. All penalties, forfeitures, and liabilities under any such order, regulation, ruling, instruction, or license continue and may be enforced as if such amendment, modification, or revocation had not been made.

§ 590.403 Termination and acquisition of an interest in blocked property.

(a) Whenever a transaction licensed pursuant to this part results in the transfer of property (including any property interest) away from a person whose property is blocked pursuant to § 590.207(a), the transferred property will no longer be considered property in which that person has or has had an interest. Provided no other person whose property is blocked pursuant to § 590.207(a) has any interest in the transferred property following the transfer, the transferred property will no longer be considered property blocked pursuant to § 590.207(a).

(b) Unless otherwise specifically provided in a license issued pursuant to this part, if property (including any property interest) is transferred or attempted to be transferred to a person whose property is blocked pursuant to § 590.207(a), such property shall be deemed to be property in which that person has an interest, and such property is therefore blocked pursuant to § 590.207(a).

§ 590.404 Setoffs prohibited.

A setoff against blocked property (including a blocked account), whether by a U.S. bank or other U.S. person, is a prohibited transfer under § 590.207(a) if effected after the effective date.

§ 590.405 Transactions incidental to a licensed transaction.

Any transaction ordinarily incident to a licensed transaction and necessary to give effect to the licensed transaction is also authorized by the license. Except as specifically authorized by the terms of a license, prohibited transactions by persons whose property is blocked pursuant to § 590.207(a) and debits to accounts blocked pursuant to § 590.207(a) are not considered incidental to a licensed transaction and therefore remain prohibited.

§ 590.406 Offshore transactions.

(a) The prohibitions contained in § 590.207 apply to transactions by any U.S. person in a location outside the United States with respect to property in which the U.S. person knows, or has reason to know, that a person whose property is blocked pursuant to § 590.207(a) has or has had an interest since the effective date of § 590.207.

(b) Transactions by a U.S. person prohibited by § 590.207 include but are not limited to:

(1) Importation into or exportation from locations outside the United States of goods, technology, or services in which the U.S. person knows, or has reason to know, that a person whose property is blocked pursuant to § 590.207(a) has or has had an interest since the effective date of § 590.207.

(2) Purchasing, selling, financing, swapping, insuring, transporting, lifting, storing, incorporating, transforming, brokering, or otherwise dealing in, within locations outside the United States, goods, technology, or services in which the U.S. person knows, or has reason to know, that a person whose property is blocked pursuant to § 590.207(a) has or has had an interest since the effective date of § 590.207.

(c) *Examples.* (1) A U.S. person may not, within the United States or abroad, purchase, sell, finance, insure, transport, act as a broker for the sale or transport of, or otherwise deal in the personal possessions of any person whose property is blocked pursuant to § 590.207(a).

(2) A U.S. person may not, within the United States or abroad, enter into any contract for any goods or services with UNITA or with any other person whose property is blocked pursuant to § 590.207(a).

§ 590.407 Transshipments through the United States prohibited.

(a) The prohibitions in §§ 590.201, 590.203, 590.204, 590.205, and 590.206 apply to the importation into the United States, for transshipment or transit, of goods or services intended or destined to be sold, supplied, or provided in violation of §§ 590.201, 590.203, 590.204, 590.205, or 590.206.

(b) The prohibition in § 590.208 applies to the importation into the United States, for transshipment or transit, of diamonds intended or destined for third countries if the diamonds were exported from Angola on or after 12:01 a.m. EDT on August 19, 1998 and are not controlled through the Certificate of Origin regime of the Angolan Government of Unity and National Reconciliation. In the case of diamonds transported by vessel, the prohibition in § 590.208 applies to the unlading in the United States and the intent to unlade in the United States of diamonds intended or destined for third countries if the diamonds were exported from Angola on or after 12:01 a.m. EDT on August 19, 1998 and are not controlled through the Certificate of Origin regime of the Angolan Government of Unity and National Reconciliation.

(c) Goods imported into or transshipped through the United States are blocked pursuant to § 590.207(a) if those goods constitute property in which a person whose property is blocked pursuant to § 590.207(a) has or has had an interest since the effective date of § 590.207.

590.408 Exports to third countries; transshipments.

(a) The prohibitions in §§ 590.201 and 590.203 include the exportation of arms and related materiel, petroleum and petroleum products, and aircraft or aircraft components to third countries if the exporter knows or has reason to know that the goods are intended for reexportation or transshipment to the territory of Angola, other than through a point of entry designated in appendix B to this part, or to UNITA, including passage through or storage in intermediate destinations.

(b) The prohibitions in §§ 590.204 and 590.205 include the exportation of equipment used in mining, motorized vehicles, watercraft, or spare parts for motorized vehicles or watercraft to third countries if the exporter knows or has reason to know that the goods are intended for reexportation or transshipment to the territory of Angola other than through a point of entry designated in appendix B to this part, including passage through or storage in intermediate destinations.

(c) The prohibitions in § 590.206 include the exportation of mining services or ground or waterborne transportation services to third countries if the exporter knows or has reason to know that the services are intended for persons in areas of Angola to which State administration has not been extended, as designated in appendix D to this part.

§ 590.409 Payments from blocked accounts to U.S. exporters and for other obligations prohibited.

No debits may be made to a blocked account to pay obligations to U.S.

persons or other persons, including payment for goods or services exported prior to the effective date of the blocking, except as authorized pursuant to this part.

§ 590.410 Provision of services.

(a) The prohibitions contained in § 590.207 apply to services performed by U.S. persons, wherever located:

(1) On behalf of or for the benefit of a person whose property is blocked pursuant to § 590.207(a); or

(2) With respect to property interests of a person whose property is blocked pursuant to § 590.207(a).

(b) *Example.* U.S. persons may not, without specific authorization from the Office of Foreign Assets Control, represent an individual or entity with respect to contract negotiations, contract performance, commercial arbitration, or other business dealings with persons whose property is blocked pursuant to § 590.207(a). See § 590.507 on licensing policy with regard to the provision of certain legal services.

§ 590.411 Importation of diamonds mined outside of Angola.

The importation prohibition in § 590.208 applies to diamonds exported from Angola whether or not those diamonds were mined in Angola.

§ 590.412 Importation into and release from a bonded warehouse or foreign trade zone.

The prohibition in § 590.208 applies to importation into and release from a bonded warehouse or a foreign trade zone of the United States. However, § 590.208 does not prohibit the release from a bonded warehouse or a foreign trade zone of diamonds exported from Angola and imported into that bonded warehouse or foreign trade zone prior to the effective date of § 590.208.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

§ 590.501 General and specific licensing procedures.

For provisions relating to licensing procedures, see part 501, subpart D of this chapter. Licensing actions taken pursuant to part 501 of this chapter with respect to the prohibitions contained in this part are considered actions taken pursuant to this part.

§ 590.502 Effect of license.

(a) No license contained in this part, or otherwise issued by or under the direction of the Director of the Office of Foreign Assets Control pursuant to this part, authorizes or validates any transaction effected prior to the issuance of the license, unless the prior transaction is specifically authorized in such license.

(b) No regulation, ruling, instruction, or license authorizes any transaction prohibited by this part unless the regulation, ruling, instruction, or license is issued by the Office of Foreign Assets Control and specifically refers to this part. No regulation, ruling, instruction, or license referring to this part authorizes any transaction prohibited by any provision of this chapter unless the regulation, ruling, instruction, or license specifically refers to such provision.

(c) Any regulation, ruling, instruction, or license authorizing any transaction otherwise prohibited by this part has the effect of removing from the transaction a prohibition or prohibitions contained in this part, but only to the extent specifically stated by its terms. Unless the regulation, ruling, instruction, or license otherwise specifies, such an authorization does not create any right, duty, obligation, claim, or interest that would not otherwise exist under ordinary principles of law in or with respect to any property.

§ 590.503 Exclusion from licenses.

The Director of the Office of Foreign Assets Control reserves the right to exclude any person, property, or transaction from the operation of any license or from the privileges conferred by any license. The Director of the Office of Foreign Assets Control also reserves the right to restrict the applicability of any license to particular persons, property, transactions, or classes thereof. Such actions are binding upon all persons receiving actual or constructive notice of the exclusions or restrictions.

§ 590.504 Exemptions for medical and humanitarian purposes.

Specific licenses may be issued in appropriate cases for transactions otherwise prohibited by §§ 590.203, 590.204, 590.205, 590.206, 590.207, or 590.208, including aircraft-related transactions and ground and waterborne transportation transactions, for medical and humanitarian purposes.

§ 590.505 Payments and transfers to blocked accounts in U.S. financial institutions.

Any payment of funds or transfer of credit in which a person whose property is blocked pursuant to § 590.207(a) has any interest and that comes within the possession or control of a U.S. financial institution must be blocked in an account on the books of that financial institution. A transfer of funds or credit by a U.S. financial institution between blocked accounts in its branches or offices is authorized, provided that no transfer is made from an account within the United States to an account held outside the United States, and further provided that a transfer from a blocked account may only be made to another blocked account held in the same name.

Note to § 590.505: Please refer to part 501, subpart C of this chapter for mandatory reporting requirements regarding financial transfers. See also § 590.210 concerning the obligation to hold blocked funds in interest-bearing accounts.

§ 590.506 Entries in certain accounts for normal service charges authorized.

(a) U.S. financial institutions are hereby authorized to debit any blocked account with such U.S. financial institution in payment or reimbursement for normal service charges owed to such U.S. financial institution by the owner of such blocked account.

(b) As used in this section, the term *normal service charges* includes but is not limited to charges in payment or reimbursement for interest due; cable, telegraph, or telephone charges; postage costs; custody fees; small adjustment charges to correct bookkeeping errors; minimum balance charges; notary and protest fees; and charges for reference books, photocopies, credit reports, transcripts of statements, registered mail, insurance, stationery and supplies, and other similar items.

590.507 Provision of certain legal services authorized.

(a) The provision to or on behalf of a person whose property is blocked pursuant to § 590.207(a) of the legal services set forth in paragraph (b) of this section is authorized, provided that all receipt of payment for such services must be specifically licensed.

(b) Specific licenses may be issued on a case-by-case basis authorizing receipt from unblocked sources of payment of professional fees and reimbursement of incurred expenses for the following legal services by U.S. persons to a person whose property is blocked pursuant to § 590.207(a):

(1) Provision of legal advice and counseling on the requirements of and compliance with the laws of any jurisdiction within the United States, provided that such advice and counseling is not provided to facilitate transactions that would violate any prohibition contained in this chapter;

(2) Representation of a person whose property is blocked pursuant to § 590.207(a) when named as a defendant in or otherwise made a party to domestic U.S. legal, arbitration, or administrative proceedings;

(3) Initiation and conduct of domestic U.S. legal, arbitration, or administrative

proceedings in defense of property interests subject to U.S. jurisdiction of a person whose property is blocked pursuant to § 590.207(a);

(4) Representation of a person whose property is blocked pursuant to § 590.207(a) before any federal or state agency with respect to the imposition, administration, or enforcement of U.S. sanctions against such person; and

(5) Provision of legal services in any other context in which prevailing U.S. law requires access to legal counsel at public expense.

(c) The provision of any other legal services to a person whose property is blocked pursuant to § 590.207(a), not otherwise authorized in this part, requires the issuance of a specific license.

(d) Entry into a settlement agreement affecting property or interests in property of a person whose property is blocked pursuant to § 590.207(a) or the enforcement of any lien, judgment, arbitral award, decree, or other order through execution, garnishment, or other judicial process purporting to transfer or otherwise alter or affect property or interests in property of a person whose property is blocked pursuant to § 590.207(a) is prohibited unless specifically licensed in accordance with § 590.209(e).

§ 590.508 Investment and reinvestment of certain funds.

U.S. financial institutions are authorized to invest and reinvest assets blocked pursuant to § 590.207(a), subject to the following conditions:

(a) The assets representing such investments and reinvestments are credited to a blocked account or subaccount that is held in the same name at the same U.S. financial institution, or within the possession or control of a U.S. person, but in no case may funds be transferred outside the United States for this purpose;

(b) The proceeds of such investments and reinvestments are not credited to a blocked account or subaccount under any name or designation that differs from the name or designation of the specific blocked account or subaccount in which such funds or securities were held; and

(c) No immediate financial or economic benefit accrues (e.g., through pledging or other use) to any person whose property is blocked pursuant to § 590.207(a).Subpart F—Reports

§ 590.601 Records and reports.

For provisions relating to required records and reports, see part 501, subpart C of this chapter. Recordkeeping and reporting requirements imposed by part 501 of this chapter with respect to the prohibitions contained in this part are considered requirements arising pursuant to this part.

Subpart G—Penalties

§ 590.701 Penalties.

(a) Attention is directed to section 206 of the International Emergency Economic Powers Act (the "Act") (50 U.S.C. 1705), which is applicable to violations of the provisions of any license, ruling, regulation, order, direction, or instruction issued by or pursuant to the direction or authorization of the Secretary of the Treasury pursuant to this part or otherwise under the Act. Section 206 of the Act, as adjusted by the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101–410, as amended, 28 U.S.C. 2461 note), provides that:

(1) A civil penalty not to exceed $11,000 per violation may be imposed on any person who violates or attempts to violate any license, order, or regulation issued under the Act;

(2) Whoever willfully violates or willfully attempts to violate any license, order, or regulation issued under the Act, upon conviction, shall be fined not more than $50,000, and if a natural person, may also be imprisoned for not more than 10 years; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both.

(b) The criminal penalties provided in the Act are subject to increase pursuant to 18 U.S.C. 3571.

(c) Attention is directed to section 5 of the United Nations Participation Act (22 U.S.C. 287c(b)), which provides that any person who willfully violates or evades or attempts to violate or evade any order, rule, or regulation issued by the President pursuant to the authority granted in that section, upon conviction, shall be fined not more than $10,000, or if a natural person, may also be imprisoned for not more than 10 years; and any officer, director, or agent of any corporation who knowingly participates in such a violation or evasion shall be punished by a similar fine, imprisonment, or both; and any property, funds, securities, papers, other articles or documents, vessels together with their tackle, apparel, furniture, equipment, vehicle, or aircraft concerned in such violation shall be forfeited to the United States. The penalties provided in the United Nations Participation Act are subject to increase pursuant to 18 U.S.C. 3571.

(d) Attention is also directed to 18 U.S.C. 1001, which provides that whoever, in any matter within the jurisdiction of any department or agency of the United States, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious, or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry shall be fined under title 18, United States Code, or imprisoned not more than five years, or both.

(e) Violations of this part may also be subject to relevant provisions of other applicable laws.

§ 590.702 Prepenalty notice.

(a) *When required.* If the Director of the Office of Foreign Assets Control has reasonable cause to believe that there has occurred a violation of any provision of this part or a violation of the provisions of any license, ruling, regulation, order, direction, or instruction issued by or pursuant to the direction or authorization of the Secretary of the Treasury pursuant to this part or otherwise under the International Emergency Economic Powers Act, and the Director determines that further proceedings are warranted, the Director shall issue to the person concerned a notice of intent to impose a monetary penalty. This prepenalty notice shall be issued whether or not another agency has taken any action with respect to this matter.

(b) *Contents*—(1) *Facts of violation.* The prepenalty notice shall describe the violation, specify the laws and regulations allegedly violated, and state the amount of the proposed monetary penalty.

(2) *Right to respond.* The prepenalty notice also shall inform the respondent of respondent's right to make a written presentation within 30 days of the date of mailing of the notice as to why a monetary penalty should not be imposed or why, if imposed, the monetary penalty should be in a lesser amount than proposed.

§ 537.703 Response to prepenalty notice; informal settlement.

(a) *Deadline for response.* The respondent shall have 30 days from the date of mailing of the prepenalty notice to make a written response to the Director of the Office of Foreign Assets Control.

(b) *Form and contents of response.* The written response need not be in any particular form, but must contain information sufficient to indicate that it is in response to the prepenalty notice. It should contain responses to the

allegations in the prepenalty notice and set forth the reasons why the respondent believes the penalty should not be imposed or why, if imposed, it should be in a lesser amount than proposed.

(c) *Informal settlement.* In addition or as an alternative to a written response to a prepenalty notice issued pursuant to this section, the respondent or respondent's representative may contact the Office of Foreign Assets Control as advised in the prepenalty notice to propose the settlement of allegations contained in the prepenalty notice and related matters. In the event of settlement at the prepenalty stage, the claim proposed in the prepenalty notice will be withdrawn, the respondent will not be required to take a written position on allegations contained in the prepenalty notice, and the Office of Foreign Assets Control will make no final determination as to whether a violation occurred. The amount accepted in settlement of allegations in a prepenalty notice may vary from the civil penalty that might finally be imposed in the event of a formal determination of violation. In the event no settlement is reached, the 30-day period specified in paragraph (a) of this section for written response to the prepenalty notice remains in effect unless additional time is granted by the Office of Foreign Assets Control.

§ 537.704 Penalty imposition or withdrawal.

(a) *No violation.* If, after considering any response to a prepenalty notice and any relevant facts, the Director of the Office of Foreign Assets Control determines that there was no violation by the respondent named in the prepenalty notice, the Director promptly shall notify the respondent in writing of that determination and that no monetary penalty will be imposed.

(b) *Violation.* If, after considering any response to a prepenalty notice and any relevant facts, the Director of the Office of Foreign Assets Control determines that there was a violation by the respondent named in the prepenalty notice, the Director promptly shall issue a written notice of the imposition of the monetary penalty to the respondent.

(1) The penalty notice shall inform the respondent that payment of the assessed penalty must be made within 30 days of the date of mailing of the penalty notice.

(2) The penalty notice shall inform the respondent of the requirement to furnish the respondent's taxpayer identification number pursuant to 31 U.S.C. 7701 and that such number will be used for purposes of collecting and reporting on any delinquent penalty amount.

§ 537.705 Administrative collection; referral to United States Department of Justice.

In the event that the respondent does not pay a penalty imposed pursuant to this part or make payment arrangements acceptable to the Director of the Office of Foreign Assets Control within 30 days of the date of mailing of a penalty notice, the matter may be referred for administrative collection measures by the Department of the Treasury or to the United States Department of Justice for appropriate action to recover the penalty in a civil suit in a Federal district court.

Subpart H—Procedures

§ 590.801 Procedures.

For license application procedures and procedures relating to amendments, modifications, or revocations of licenses; administrative decisions; rulemaking; and requests for documents pursuant to the Freedom of Information and Privacy Acts (5 U.S.C. 552 and 552a), see part 501, subpart D of this chapter.

§ 590.802 Delegation by the Secretary of the Treasury.

Any action that the Secretary of the Treasury is authorized to take pursuant to Executive Orders 12865 (3 CFR, 1993 Comp., p. 636), 13069 (3 CFR, 1997 Comp., p. 232), and 13098 (63 FR 44771, Aug. 20, 1998), and any further Executive orders relating to the national emergency declared with respect to UNITA in Executive Order 12865 may be taken by the Director of the Office of Foreign Assets Control or by any other person to whom the Secretary of the Treasury has delegated authority so to act.

Subpart I—Paperwork Reduction Act

§ 590.901 Paperwork Reduction Act notice.

For approval by the Office of Management and Budget ("OMB") under the Paperwork Reduction Act of 1995 (44 U.S.C. 3507) of information collections relating to recordkeeping and reporting requirements, licensing procedures (including those pursuant to statements of licensing policy), and other procedures, see § 501.901 of this chapter. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

Appendix A to Part 590—Arms and Related Materiel

Note to Appendix A: Commerce Control List Export Control Commodity Numbers are provided in parenthesis at the end of each item as a convenience.

(a) Spindle assemblies, consisting of spindles and bearings as a minimal assembly, except those assemblies with axial and radial axis motion measured along the spindle axis in one revolution of the spindle equal to or greater (coarser) than the following:

(1) 0.0008 mm TIR (peak-to-peak) for lathes and turning machines; or

(2) D x 2 x 10(-5) mm TIR (peak-to-peak) where D is the spindle diameter in millimeters for milling machines, boring mills, jig grinders, and machining centers (ECCNs 2B001 and 2B290);

(b) Equipment for the production of military explosives and solid propellants, as follows:

(1) Complete installations; and

(2) Specialized components (for example, dehydration presses; extrusion presses for the extrusion of small arms, cannon and rocket propellants; cutting machines for the sizing of extruded propellants; sweetie barrels (tumblers) 6 feet and over in diameter and having over 500 pounds product capacity; and continuous mixers for solid propellants) (ECCN 1B018);

(c) Specialized machinery, equipment, gear, and specially designed parts and accessories therefor, specially designed for the examination, manufacture, testing, and checking of the arms, appliances, machines, and implements of war (ECCN 2B018), ammunition hand-loading equipment for both cartridges and shotgun shells, and equipment specially designed for manufacturing shotgun shells (ECCN 0B986);

(d) Construction equipment built to military specifications, specially signed for airborne transport (ECCN 0A018);

(e) Vehicles specially designed for military purposes, as follows:

(1) Specially designed military vehicles, excluding vehicles listed in the United States Munitions List, 22 CFR Part 121 (ECCN 9A018);

(2) Pneumatic tire casings (excluding tractor and farm implement types), of a kind specially constructed to be bulletproof or to run when deflated (ECCN 9A018);

(3) Engines for the propulsion of the vehicles enumerated above, specially designed or essentially modified for military use (ECCN 9A018); and

(4) Specially designed components and parts to the foregoing (ECCN 9A018);

(f) Pressure refuellers, pressure refueling equipment, and equipment specially designed to facilitate operations in confined areas and ground equipment, not elsewhere specified, developed specially for aircraft and helicopters, and specially designed parts and accessories, n.e.s. (ECCN 9A018);

(g) Specifically designed components and parts for ammunition, except cartridge cases, powder bags, bullets, jackets, cores, shells, projectiles, boosters, fuses and components, primers, and other detonating devices and ammunition belting and linking machines (ECCN 0A018);
(h) Nonmilitary shotguns, barrel length 18 inches or over; and nonmilitary arms, discharge type (for example, stun-guns, shock batons, etc.), except arms designed solely for signal, flare, or saluting use; and parts, n.e.s. (ECCNs 0A984 and 0A985);
(i) Shotgun shells, and parts (ECCN 0A986);
(j) Military parachutes (ECCN 9A018);
(k) Submarine and torpedo nets (ECCN 8A518);
(l) Bayonets and muzzle-loading (black powder) firearms (ECCN 0A018).

Appendix B to Part 590—Designated Points of Entry in the Territory of Angola

(a) Airports:
(1) Luanda
(2) Katumbela, Benguela Province
(b) Ports:
(1) Luanda
(2) Lobito, Benguela Province
(3) Namibe, Namibe Province
(c) Entry Points:
(1) Malongo, Cabinda Province
(2) [Reserved].

Appendix C to Part 590—Designated Aircraft of Angolan Registry

[Reserved]

Appendix D to Part 590—Designated Areas of Angola to Which State Administration Has Not Been Extended

(a) Bie Province:
(1) Municipalities:
(A) Andulo
(B) Cuemba
(C) Nharea
(2) Communities:
(A) Cassumbe
(B) Chivualo
(C) Umpulo
(D) Ringoma
(E) Luando
(F) Sachinemuna
(G) Gamba
(H) Dando
(I) Calussinga
(J) Munhango
(K) Lubia
(L) Caleie
(M) Balo Horizonte
(b) Cunene Province:
(1) Municipalities:
[Reserved]
(2) Communities:
(A) Cubati-Cachueca
(B) [Reserved]
(c) Huambo Province:
(1) Municipalities:
(A) Bailundo
(B) Mungo
(2) Communities:
(A) Bimbe
(B) Hungue-Calulo
(C) Lungue
(D) Luvemba
(E) Cambuengo
(F) Mundundo
(G) Cacoma
(d) K. Kubango Province:
(1) Municipalities:
[Reserved]
(2) Communities:
(A) Longa
(B) Lulana
(C) Luengue
(e) Malange Province:
(1) Municipalities:
(A) Luquembo
(B) Quirima
(C) Cambudi Catembo
(D) Massango
(2) Communities:
(A) Dumba-Kabango
(B) Quitapa
(C) Tala-Mungongo
(D) Bembo
(E) Caribo
(F) Culamagia
(G) Bange-Angola
(H) Milando
(I) Capunga
(J) Cunga-Palanga
(K) Dombo
(L) Quibango
(M) Rimba
(N) Bangala
(O) Moma
(P) Sautar
(Q) Cuale
(R) Caxinga
(S) Cateco-Cangola
(T) Quihuhu
(U) Quinguengue
(f) Moxico Province:
(1) Municipalities:
(A) Cangamba
(B) Luau
(C) Luacano
(D) Cazombo
(2) Communities:
(A) Lovua
(B) Mussuma
(C) Sessa
(D) Cachipoque
(E) Cangombe
(F) Cassamba
(G) Muie
(H) Caianda
(I) Ninda
(J) Chiuma
(K) Lutembo
(L) Giambe
(M) Tempue
(N) Luvuei
(O) Candundo
(P) Macondo
(Q) Sandando
(R) Muangai
(S) Lago-Dilolo
(g) Uige Province:
(1) Municipalities:
(A) Bembe
(B) [Reserved]
(2) Communities:
(A) Massau
(B) Macola
(C) Cuile-Camboso
(D) Alto-Zaza
(E) Cuango
(F) Icoca
(G) Lucunga
(H) Mabaia
(I) Beu
(J) Cuilo Futa
(K) Sacandica
(h) Benguela Province:
(1) Municipalities:
[Reserved]
(2) Communities:
(A) Chicuma
(B) Casseque
(i) Lunda-Norte Province:
(1) Municipalities:
(A) Cuilo
(B) [Reserved]
(2) Communities:
(A) Lovua
(B) Bote "Cassange-Calucala"
(C) Capala
(D) Caluango
(j) Kuanza-Norte Province:
(1) Municipalities:
(A) Banga
(B) [Reserved]
(2) Communities:
(A) Samba-Lucala
(B) Caculo-Cabaca
(C) Carlamba
(D) Aldeia-Nova
(k) Lunda-Sul Province:
(1) Municipalities:
(A) Mucondo
(B) [Reserved]
(2) Communities:
(A) Xassengue
(B) Alto-Chicapa
(C) Chiluage
(D) Cazage
(E) Luma-Cassai
(F) Muriege
(G) Cassai-Sul
(l) Bengo Province:
(1) Municipalities:
[Reserved]
(2) Communities:
(A) Quiaje
(B) [Reserved]

Appendix E to Part 590—Equipment Used in Mining (Harmonized Tariff Schedule Subheadings)

8429.11.00, 8429.19.00, 8429.20.00, 8429.30.00, 8429.40.00, 8429.51.10, 8429.51.50, 8429.52.10, 8429.52.50, 8429.59.10, 8429.59.50
8430.10.00, 8430.31.00, 8430.39.00, 8430.41.00, 8430.49.80, 8430.61.00, 8430.62.00, 8430.69.00
8431.41.00, 8431.42.00, 8431.43.80, 8431.49.90

Appendix F to Part 590—Motorized Vehicles, Watercraft, or Spare Parts for Motorized Vehicles or Watercraft (Harmonized Tariff Schedule Subheadings)

8407.10.00, 8407.21.00, 8427.29.00, 8407.31.00, 8407.32.10, 8407.32.20, 8407.32.90, 8407.33.10, 8407.33.30, 8407.33.60, 8407.33.90, 8407.34.05,

8407.34.14, 8407.34.18, 8407.34.25, 8407.34.35, 8407.34.44, 8407.34.48, 8407.34.55, 8407.90.10, 8407.90.90

8408.10.00, 8408.20.10, 8408.20.20, 8408.20.90, 8408.90.10, 8408.90.90

8409.10.00, 8409.91.10, 8409.90.30, 8409.91.50, 8409.91.92, 8409.91.99, 8409.99.10, 8409.99.91, 8409.99.92, 8409.99.99

8483.10.10, 8483.10.30, 8483.10.50

8601.10.00, 84601.20.00

8602.10.00, 8602.90.00

8603.10.00, 8603.90.00

8604.00.00

8605.00.00

8606.10.00, 8606.20.00, 8606.30.00, 8606.91.00, 8606.92.00, 8606.99.00

8607.11.00, 8607.12.00, 8607.19.03, 8607.19.06, 8607.19.12, 8607.19.15, 8607.19.30, 8607.19.90, 8607.21.10, 8607.21.50, 8607.29.10, 8607.29.50, 8607.30.10, 8607.30.50, 8607.91.00, 8607.99.10, 8607.99.50

8701.10.00, 8701.20.00, 8701.30.10, 8701.30.50, 8701.90.10, 8701.90.50

8702.10.30, 8702.10.60, 8702.90.30, 8702.90.60

8703.10.50, 8703.21.00, 8703.22.00, 8703.23.00, 8703.24.00, 8703.31.00, 8703.32.00, 8703.33.00, 8703.90.00

8704.10.10, 8704.10.50, 8704.21.00, 8704.22.10, 8704.22.50, 8704.23.00, 8704.31.00, 8704.32.00, 8704.90.00

8705.10.00, 8705.20.00, 8705.30.00, 8705.40.00, 8705.90.00

8706.00.03, 8706.00.05, 8706.00.15, 8706.00.25, 8706.00.30, 8706.00.50

8707.10.00, 8707.90.10, 8707.90.50

8708.10.30, 8708.10.60, 8708.21.00, 8708.29.10, 8708.29.15, 8708.29.20, 8708.29.50, 8708.31.10, 8708.31.50, 8708.39.10, 8708.39.50, 8708.40.10, 8708.40.20, 8708.40.30, 8708.40.50, 8708.50.10, 8708.50.30, 8708.50.50, 8708.50.80, 8708.60.10, 8708.60.30, 8708.60.50, 8708.60.80, 8708.70.05, 8708.70.15, 8708.70.25, 8708.70.35, 8708.70.45, 8708.70.60, 8708.80.15, 8708.80.25, 8708.80.30, 8708.80.45, 8708.91.10, 8708.91.50, 8708.92.10, 8708.92.50, 8708.93.15, 8708.93.30, 8708.93.60, 8708.93.75, 8708.94.10, 8708.94.50, 8708.99.03, 8708.99.06, 8708.99.09, 8708.99.12, 8708.99.15, 8708.99.18, 8708.99.21, 8708.99.24, 8708.99.27, 8708.99.31, 8708.99.34, 8708.99.37, 8708.99.40, 8708.99.43, 8708.99.46, 8708.99.49, 8708.99.52, 8708.99.55, 8708.99.58, 8708.99.61, 8708.99.64, 8708.99.67, 8708.99.70, 8708.99.73, 8708.99.80

8709.11.00, 8709.19.00

8710.00.00

8711.10.00, 8711.20.00, 8711.30.00, 8711.40.30, 8711.40.60, 8711.50.00, 8711.90.00

8714.11.00, 8714.19.00

8716.10.00, 8716.20.00, 8716.31.00, 8716.39.00, 8716.40.00, 8716.80.10, 8716.80.50, 8716.90.10, 8716.90.30, 8716.90.50

8901.10.00, 8901.20.00, 8901.30.00, 8901.90.00

8902.00.00

8903.10.00, 8903.91.00, 8903.92.00, 8903.99.20, 8903.99.90

8904.00.00

8905.10.00, 8905.90.50

8906.00.10, 8906.00.90

Dated: July 20, 1999.

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

Approved: July 28, 1999.

Elisabeth A. Bresee,

Assistant Secretary (Enforcement), Department of the Treasury.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 9 and 86

[FRL–6409–2]

OMB Approvals Under the Paperwork Reduction Act Relating to the Federal Test Procedure for Emissions From Motor Vehicles; Technical Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA), this technical amendment amends the table that lists the Office of Management and Budget (OMB) control numbers issued under the PRA for Final Regulations for Revisions to the Federal Test Procedure for Emissions From Motor Vehicles. This document also announces the effective dates of certain sections in the Code of Federal Regulations which contained information collection requirements and which were originally published in the **Federal Register** on October 22, 1996.

EFFECTIVE DATES: The amendment to 40 CFR 9.1 is effective August 12, 1999. 40 CFR 86.000–7, 86.000–8, 86.000–9, 86.000–21, 86.000–23, 86.000–24, 86.000–25, 86.000–26, 86.000–28, 86.001–9, 86.001–21, 86.001–23, 86.001–24, 86.001–25, 86.001–26, 86.001–28, 86.004–9, 86.004–28, 86.108–00, 86.129–00, 86.159–00, 86.160–00, 86.161–00, 86.162–00 and 86.162–03 became effective on August 27, 1997 when the Office of Management and Budget (OMB) approved their information collection requirements.

FOR FURTHER INFORMATION CONTACT: Richard W. Nash, Vehicle Programs and Compliance Division, U. S. Environmental Protection Agency, 2565 Plymouth Rd, Ann Arbor MI 48105; (734) 214–4412; nash.dick@epa.gov.

SUPPLEMENTARY INFORMATION: EPA is amending the table of currently approved information collection request (ICR) control numbers issued by OMB for various regulations. The amendment updates the table to list those information collection requirements promulgated under the Final Regulations for Revisions to the Federal Test Procedure for Emissions From Motor Vehicles, which appeared in the **Federal Register** on October 22, 1996, 61 FR 54852; OMB approved the information collection requirements on August 27,1997 (ICR 0783.36, OMB 2060–0104). The affected regulations are codified at 40 CFR part 86. EPA will continue to present OMB control numbers in a consolidated table format to be codified in 40 CFR part 9 of the Agency's regulations, and in each CFR volume containing EPA regulations. The table lists CFR citations with reporting, recordkeeping, or other information collection requirements, and the current OMB control numbers. This listing of the OMB control numbers and their subsequent codification in the CFR satisfies the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and OMB's implementing regulations at 5 CFR part 1320. By this action, EPA is also announcing that these sections, which contain information collection requirements, became effective when approved by OMB on August 27, 1997.

This ICR was previously subject to public notice and comment prior to OMB approval. Due to the technical nature of the table, EPA finds that further notice and comment is unnecessary. As a result, EPA finds that there is "good cause" under section 553(b)(B) of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), to amend this table without prior notice and comment.

I. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and is therefore not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty, contain any unfunded mandate, or impose any significant or unique impact on small governments as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). This rule also does not require prior consultation with State, local, and tribal government officials as specified by Executive Order 12875 (58